UNINTENDED CONSEQUENCES OF EU EXTERNAL ACTION

Edited by Olga Burlyuk and Gergana Noutcheva

Unintended Consequences of EU External Action

This book offers a conceptualisation of unintended consequences and addresses a set of common research questions, highlighting the nature (what), the causes (why), and the modes of management (how) of unintended consequences of the European Union's (EU) external action.

The chapters in the book engage with conceptual and empirical dimensions of the topic, as well as scholarly and policy implications thereof. They do so by looking at EU external action across various policy domains (including trade, migration, development, state-building, democracy promotion, and rule of law reform) and geographic areas (including the USA, Russia, the Western Balkans, the southern and eastern European neighbourhood, and Africa). The book contributes to the study of the EU as an international actor by broadening the notion of its impact abroad to include the unintended consequences of its (in)actions and by shedding new light on the conceptual paradigms that explain EU external action.

This book fills the gap in IR and EU scholarship concerning unintended consequences in an international context and will be of interest to anyone studying this important phenomenon. It was originally published as a special issue of *The International Spectator (Italian Journal of International Affairs)*. Chapters 1, 3, 7, 8 and 9 are available Open Access at www.routledge.com/products/9780367346492.

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Ferdi De Ville and Niels Gheyle

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Chapter 3

Horizontal and Vertical Diversity: Unintended Consequences of EU External Migration Policy

Natasja Reslow

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Unintended Consequences of State-building Projects in Contested States: The EU in Palestine

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Unintended Consequences of EU Democracy Support in the European Neighbourhood

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EU External Action, Intention and Explanation

Frank de Zwart and Karolina Pomorska

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1 Unintended Consequences of EU External Action

Olga Burlyuk and Gergana Noutcheva

ABSTRACT

There is a gap in IR and EU scholarship concerning unintended consequences in an international context, leaving this important phenomenon understudied. To fill this gap, a conceptualisation of unintended consequences is offered, and a set of common research questions are presented, highlighting the nature (what), the causes (why) and the modes of management (how) of unintended consequences of EU external action. The Special Issue contributes to the study of the EU as an international actor by broadening the notion of the EU's impact abroad to include the unintended consequences of EU (in)actions and by shedding new light on the conceptual paradigms that explain EU external action.

In international relations (IR), unintended consequences are abundant, but mostly go unstudied. Although various IR theories allow for unintended consequences in one way or another, systematic explorations of unintended consequences as such in IR and international studies more generally are rare. Edited publications on unintended consequences of peacekeeping operations (Aoi *et al.* 2007), international security governance (Daase and Friesendorf 2010), migration law and policy (Dickie *et al.* 2016) and international development cooperation (Koch and Schulpen 2018) are only exceptions.

Meanwhile, the European Union (EU) has emerged as an ambitious and active global force. The studies of EU external action, however, are still mostly focused on its *sui generis* character (and so somewhat detached from broader IR scholarship) and much less on the consequences of its actions. The mainstream literature frames EU external performance in terms of success or failure to achieve the intended effects (usually defined on the basis of the EU's own declared objectives). Resting on a deeply embedded and uncritical liberal assumption that EU engagement abroad is a good thing, these analyses are framed as 'positive impact or no impact', reducing the study of EU *impact* to what is essentially a study of EU *effectiveness* and neglecting frequent, multiple and varied unintended effects of EU policies (Burlyuk 2017, 1009-1010). The empirical reality, however, suggests that EU external action often changes matters in unintended ways, pushing the notion of unintended consequences to the forefront and begging for a revision of our models for analysing and assessing EU impact.

The lack of research on unintended consequences is striking. While unintended effects have been addressed occasionally in the context of the EU's internal policies (e.g. Allwood *et al.* 2013; Dimitrakopoulos 2001; Murphy 2013; Pierson 1996; Reichert 2010) and

external policies (Boerzel and Pamuk 2012; Martens and Wolf 2009; Stevens 2006), no comprehensive studies have been conducted so far. Moreover, when not omitted altogether, the concept of unintended consequences is used by IR and EU scholars casually, without much methodological or conceptual rigour. While the term ‘unintended consequences’ is self-explanatory and refers to outcomes of purposive action(s) that are not directly intended by an actor, its standard meaning today has been reduced to unwelcome unanticipated policy outcomes – an extremely partial understanding of the concept reflecting but one of its possible variations. In an earlier publication, Olga Burlyuk (co-editor of this issue) makes a plea for (re)introducing the notion of unintended consequences into our understanding of impact abroad and putting it firmly, and indeed urgently, on the scholarly research agenda (Burlyuk 2017).

This Special Issue seeks to help close these three clear analytical gaps. The objective is thus to offer a systematic analysis of the concept of unintended consequences in international relations using the case of EU external action. Owing to its hybrid nature, combining features of an international organisation and a state, the EU offers a particularly interesting and fruitful setting for examining the multiple manifestations of unintended consequences in an international context, making the findings of this issue relevant to scholars and policymakers of international organisations, states and the EU itself.

To address the gaps in knowledge identified above, we have formulated three guiding questions for this Special Issue:

- *What* are the diverse manifestations of unintended consequences in various functional domains of EU external policies?
- *Why* do these unintended consequences occur?
- *How* are these unintended consequences managed by the actor concerned in the international context?

The remainder of this Introduction is organised as follows: after a discussion of the baseline conceptualisation of unintended consequences from which this collective investigation departed, and the ‘sampling for diversity’ of the contributions, we elaborate on the findings and the contribution the issue makes to the study of unintended consequences (in international relations) and the EU as an international actor.

What’s in a name: a baseline conceptualisation of unintended consequences

To approach the ‘what’ question formulated above, this project departed from a shared baseline conceptualisation of unintended consequences as found in the literature on unintended consequences in sociology and beyond, and as synthesized for the purposes of IR and EU studies by Burlyuk (2017). Fundamentally, this conceptualisation challenges the standard understanding of unintended consequences as unwelcome unanticipated effects which, we argue, reflects only one of the concept’s possible variations.

At the most general level, the concept-and-term unintended consequences refers to outcomes of purposive action(s) that are not directly intended by an actor. As argued elsewhere, when unpacked, unintended consequences may vary with respect to (at least)

nine parameters, including: mode of knowledgeability, relationship to the initial intention, value attached, type of action, strength of causal links, type of outcome, who is impacted by it, mode of acknowledgement and, finally, the temporal dimension (for a detailed discussion see Burlyuk 2017, 1011-1017). Several of these analytical categories fall victim to their seemingly self-evident nature, and their casual use breeds conceptual conflation. It is the aim of this Special Issue to advance conceptual clarity with regard to unintended consequences. Below we focus on the dimensions that appear to be most challenging analytically or methodologically.

First of all, ***establishing intention*** so as to label something *unintended* is admittedly a challenging task, because an action's purpose is not always clear-cut or explicit and may be continuously reassessed (Baert 1991, 202; Merton 1936, 896). Moreover, it is often more appropriate to speak of multiple or composite intentions guiding one's action. Intention, or the actual purpose of a given action, "is, in practice, almost impossible to ascribe" (Buckland 2010, 138). A number of proxies for intention can be used, actor's stated objectives being the most obvious and readily available one. Needless to say, however, when studying a political actor in an international context, one has to be wary not to take political declarations and policy documents at face value. They have to be problematized, for example, by clarifying stated intentions, probing hidden intentions in interviews, or unpacking 'collective intention' into constitutive (and possibly conflicting) intents of the respective sub-actors (a particularly pertinent exercise in the case of a complex actor like the EU). Interviewing and process-tracing may thus be instrumental in studying unintended consequences. Importantly, taking stated objectives as a reference for *intention* so as to delineate which of the consequences of one's action were intended and which were not is principally different from taking stated objectives as a reference for *effects* so as to delineate one's impact. The latter approach ignores all effects of one's action that do not fulfil stated objectives and thus reduces the study of impact to the study of effectiveness, neglecting large parts of empirical reality.

The most important dimension – and the one for which there is clearly the most misunderstanding and conflation with regard to unintended consequences – is the ***mode of knowledgeability***. 'Unintended' in unintended consequences stands for not intended, that is: not within the purpose for which an action was undertaken. Unintended should thus not be confused with unanticipated or unforeseen. While an unintended consequence can be unanticipated in instances when an actor did not foresee it at all (which is the standard understanding and most frequent usage), it can also be anticipated in instances when an actor foresees the possibility of this outcome but follows through with the initial action and intention nonetheless (which is arguably the variation of unintended consequences most frequently observed in politics and international relations, and prominent in the contributions to this issue). The key message here is that unintended consequences are *not* by definition *unknown* to the actor undertaking the action (Baert 1991, 201; Burlyuk 2017, 1013). Consequences that are both unintended and anticipated are a real category of the phenomenon, and arguably the most interesting and least studied in IR and EU studies.

Similarly, when it comes to the ***value attached to an unintended consequence*** by the actor undertaking the action, the target of the action or a third party, it is important to remember that unintended consequences are not axiologically negative: "undesired

effects are not always undesirable effects” (Merton 1936, 895). An unintended outcome may be *desirable* (beneficial), *undesirable* (detrimental) or *neutral*, depending on the value attached to it by the actor and others (Baert 1991, 204; Burlyuk 2017, 1013; Kohstall 2010, 10). Although negative unintended consequences are more in the public eye and may rightfully be the more intriguing analytical variation to study, it is important to remember that positive unintended consequences may seem less interesting but often prove to be no less significant.

The value attached to an unintended consequence (positive/negative) together with the mode of knowledgeability about it (anticipated/unanticipated), when combined, produce four variations of unintended consequences: positive anticipated, positive unanticipated, negative anticipated and negative unanticipated.¹ As noted earlier, the term unintended consequences is almost exclusively associated with this last type: negative unanticipated. Yet it is just one of the four possible variations of the concept. In fact, it is unintended consequences which are both negative and anticipated that are particularly interesting to study, because they make one engage with the ethical dimension of policymaking and address the dilemmas an actor faces in this regard. As problematized by de Zwart (2015, 294), since anticipated unintended consequences often concern politically sensitive and otherwise controversial issues, “the connotation ‘unanticipated’ that sticks to ‘unintended’ makes it possible to expose, discuss, or correct such issues without imputing blame or getting into painful discussions about responsibility”. De Zwart concludes that “the distinction between intention and anticipation is clearly a question in ethics”: why, given the foreseen risks, do policymakers choose to go ahead anyway (295)? Likewise, positive unintended consequences, both anticipated and unanticipated, are mostly ignored in policy discussions, yet policies can sometimes bring bonuses and windfalls that were not factored into the initial policy designs.

Another analytical clarification in order here relates to the *relationship of an unintended consequence to the initial intention*. While the term unintended consequences is associated commonly with outcomes that *frustrate* one’s intention, an unintended consequence may just as well *fulfil* the intention behind an action or have altogether *no effect* thereon (Baert 1991, 24; Burlyuk 2017, 1014; Kohstall 2010, 10). For example, one can have an unintended consequence that is deemed negative by the actor and yet fulfils the actor’s initial intention. An important implication of this consideration is that having unintended consequences is analytically distinct from failing to achieve intended consequences, and thus the two must not be conflated. Failure to reach intended consequences may well entail some unintended ones, just as unintended consequences may frustrate the initial intention and so lead to failure to achieve intended effects, but not inevitably so. Unintended consequences may reinforce the action and so facilitate the achievement of intended consequences, or they may backfire or lead to consequences that are altogether unrelated to the initial intention. Similarly, the study of unintended consequences must not be conflated with the study of policy failure or the usual policy critique.

Just as unintended consequences are not necessarily *unanticipated* or *undesirable*, they are not necessarily consequences for the actor undertaking the action (as is generally implied).

¹We are thankful to the anonymous reviewer for suggesting this taxonomy.

With regard to *who is impacted*, one can distinguish between unintended consequences that affect the *actor* itself, those who are *targeted* by the action and *third parties* (Burlyuk 2017, 1015; Merton 1936, 895). One can thus speak of *internal* unintended consequences (with impact on the actor undertaking the action) and *external* unintended consequences (with impact on those targeted by the action or third parties). This internal/external consideration is relevant for identifying unintended consequences in the first place, as well as for analysing how policymakers prepare themselves for consequences they anticipate, and react to those they do not. In addition to such ‘individual effects’, unintended consequences can also produce systemic or aggregate effects at the level of the social (in our case, political, international) system (Baert 1991, 203–204).

Finally, unintended consequences may have *stronger* or *weaker causal links* to the action and the actor (Jervis 1997/1998; Schneekener 2010). This is not to suggest that causal links are unimportant: on the contrary, it is crucial to maintain a clear distinction between consequences (as effects that are causally connected to the policy action under study) and external shocks (as events that may have significant impact on the outcome under study but are not a consequence of the policy action under consideration). To put it simply, consequences are to be distinguished from comets.² Causal mechanisms may be vague, ambiguous and subject to narration, so it is the responsibility of the scholar to present a compelling story of the causal link between the action and what is claimed to be and is studied as its consequence.

The fact that analysing unintended consequences comes with a set of methodological challenges and is often regarded as “a troublesome undertaking” (Zingerle 1998, 184) does not justify abandoning the task altogether. On the contrary, it means that scholars have to be extra rigorous. In fact, the difficulties in ascribing intent, attributing intent to action, linking action to actor and outcome to action, which are all too often mentioned as reasons to dismiss the idea of analysing unintended consequences, are just as pertinent to the study of *intended* consequences as they are to the study of the *unintended*. Just as some 80 years ago, when Robert Merton wrote these words, the puzzle “must be solved for every empirical case which is studied” (Merton 1936, 897).

As for the *causes behind unintended consequences*, or the ‘why’ question asked in this Special Issue, the unintended consequences literature rests on assumptions about the world’s inherent complexity and inevitable cognitive and emotional biases and, accordingly, attributes unintended consequences to *ignorance*, *error*, imperious immediacy of *interests*, basic *values*, *self-defeating predictions* (Merton 1936; 1948), as well as willingness to *risk*, *indifference* (to possible future harm) and *contextual change* (Almondo 1998; Burlyuk 2017, 1015–1017; de Zwart 2015, 295; Vernon 1979, 68). Authors in this issue use these basic explanatory factors as a starting point and further explore literature in the broader field of IR to give a more solid conceptual grounding to the explanation of their specific cases.

As for the *modes of managing unintended consequences*, or the ‘how’ dimension of this study, the unintended consequences literature has done little so far to systematise the ways in which actors respond to the unintended consequences of their actions or act in anticipation of them. By engaging with the how question throughout the issue, and by asking the how question alongside the what and the why questions, this Special Issue

²We owe this analogy to the anonymous reviewer.

makes an original contribution to the study of unintended consequences (as such, and IR/EU studies in particular) and devises a classification of the modes of managing unintended consequences that can be used in further research on the subject (more on this below).

What's in the Special Issue: sampling for diversity

In soliciting contributions for this issue, we sampled for diversity with regard to analytical variations of unintended consequences under study, functional domains of EU external action and targeted geographic areas (partner states, groups of states or regions).

With respect to the variation in the *types of unintended consequences*, contributions in this Special Issue explore positive and negative unintended consequences, anticipated and unanticipated unintended consequences, unintended consequences stemming from the EU's action and inaction (recognising failure to act as a form of action), and unintended consequences that affect the EU, the targets of its policies and third parties. Some articles identify and analyse unintended consequences of an EU policy in a specific domain at a more general level (De Ville and Gheyle; Reslow; Kourtelis; and Dandashly and Noutcheva³), while others unpack unintended consequences in concrete cases (Carbone; Casier; Bouris). Some examine unintended consequences that have happened (De Ville and Gheyle; Reslow; Bouris; Dandashly and Noutcheva). Some study the unintended consequences of the policies (Reslow; Kourtelis; Bouris; Dandashly and Noutcheva) while others study policies as unintended consequences (Carbone; Casier).

In terms of *policy areas*, articles examine instances of unintended consequences of EU neighbourhood and enlargement policies, specifically with regard to democratisation (Dandashly and Noutcheva) and state-building (Bouris), EU external (rural) development (Carbone; Kourtelis), trade (De Ville and Gheyle), migration (Reslow), EU diplomacy and negotiations with (groups of) third states (De Ville and Gheyle; Carbone), CSDP missions (Bouris) and foreign policy as such (Casier).

The *geography* of contributions stretches from EU-US (De Ville and Gheyle) and EU-Russia (Casier) relations, through EU relations with the eastern and southern neighbourhoods (Dandashly and Noutcheva), and specifically the Arab Mediterranean (Kourtelis) and Israel-Palestine (Bouris) to Africa (Reslow), in particular the African, Caribbean and Pacific Group of States (Carbone).

Such analytical and empirical breadth and depth of the topics guarantees a wide appeal for IR and EU scholars and policymakers and strengthens the study's comparative dimension, even though it was not designed for the purpose of comparison as such. While authors were free to choose the theoretical and methodological lenses best suited to their studies, all contributions are united by the empirical phenomenon in focus (unintended consequences of EU external action) and the three guiding research questions (the what, why and how). Furthermore, they all departed from the shared baseline understanding of unintended consequences discussed above. The findings of this Special Issue thus make important contributions to the literature on unintended consequences in general and unintended consequences in IR/EU external action in

³When the reference is without a date, it is to an article contained in this Special Issue.

particular and to the literature on the EU as an international actor (summarised below), as well as to (sub)literature on the policy areas and/or cases examined (discussed in individual articles).

Contribution to the study of unintended consequences

First, the contributions in this Special Issue reveal that unintended consequences can result not only from purposive action, as the baseline conceptualisation of unintended consequences discussed above put it (*what*), but also from ***purposive inaction*** (Casier; Bouris; Dandashly and Noutcheva). Purposiveness, intentionality, awareness of one's act (be it action or inaction), the fact that it "involves motives and consequently a choice between various alternatives" (Merton 1936, 895), "the want" at the moment of carrying out the act (Baert 1991, 201), are the decisive criteria. The study of (international actors'/the EU's) inaction, indecision, non-policy thus emerges as a field for further investigation, adding an entirely new dimension of empirical reality to the research agenda. At the very least, it pushes scholars to engage in policy analysis that goes beyond policy decisions as recorded in policy documents.

Second, in their own way all contributions to this Special Issue advance an understanding of ***unintended consequences as a process***: not only can policies generate unintended consequences (Casier; Bouris; Dandashly and Noutcheva), but existing or anticipated unintended consequences can also drive or generate policies (Reslow; Carbone; Kourtelis). Unintended consequences can even trigger further unintended consequences (De Ville and Gheyle; Casier). A notion of first-order and second-order unintended consequences is proposed in this regard to capture and reflect the causal and temporal distance between one's (in)action and the unintended effects it triggers (De Ville and Gheyle). This begs for non-linear scholarly accounts of (EU) policies and their effects that view the two as parts of one dynamic process rather than strictly sequential steps. It also invites analyses that consider interactions at all levels: across (sub)actors, for example, between the EU, its partners and third states (Casier; Dandashly and Noutcheva) or within the EU itself (Reslow; Carbone); across policy areas, acknowledging and exploring linkages between different functional domains (Reslow; Carbone) and between internal and external policy levels (Reslow); across time, with learning from the past (Kourtelis); and, finally, across space, with learning from others and others learning from you.

Third, contributions in this Special Issue suggest that the ***unintended consequences*** of policies (and specifically international policies) ***are often or, at least, can often be anticipated*** (De Ville and Gheyle; Reslow; Kourtelis). This entails that unintended consequences are not only and not so much about knowing or not knowing the possible effects of one's (in)action as they are about one's political and ethical choices. In some instances, policy decisions are clearly a result of weighing off against each other the different sets of consequences an actor anticipates (Reslow). With regard to unintended consequences that are both *anticipated* and *desirable* (positive), the question then becomes: at what point do these cease being unintended and become intended (Reslow)? In turn, the question with regard to unintended consequences that are *undesirable* (negative) is whether and why these have been "foreseeable but not foreseen, or foreseen but neglected or discounted or risked" (Vernon 1979, 61). The matters

of the *politics* and *ethics* of policies – and their intended as well as unintended consequences – are in urgent need of further exploration in EU studies and international studies more generally.

Fourth, with respect to the causes of unintended consequences (*why*), contributions in this issue trace ***the drivers of unintended consequence to a plurality of factors***. This Special Issue departs from the explanatory variables suggested by sociological scholarship (such as error, ignorance, interests, values, self-fulfilling prophecy, risk, indifference and contextual change), ‘domesticates’ these insights in the discipline of political science and anchors them more firmly in conceptual paradigms established in the IR/EU fields (more on this in the following section). While some analyses engage with the above categories comprehensively, entertaining all of them as possible explanations (De Ville and Gheyle; Kourtellis; Bouris), others do so in a more selective or adapted manner as required by their research objectives (Reslow; Carbone; Casier; Dandashly and Noutcheva). Notably, in one way or another all contributions support the assertion of unintended consequences literature that a plurality of causes are at work in each given case and consider this (highly) applicable to an international relations context. In this way, we acknowledge the complexity of social phenomena and join the chorus of voices that have embraced analytical eclecticism as a method of inquiry in world politics (Cornut 2014; Sil and Katzenstein 2010).

Finally, this Special Issue is among the first scholarly efforts to engage systematically with the question of *how* actors manage the unintended consequences their policies have caused or may cause. The contributions reveal that the ***mode of managing unintended consequences*** may vary depending on the policy context. It is fair to say that the management of unintended consequences requires a degree of acknowledgement that such effects occur or may occur in the future. We have identified two important markers of the variety of management strategies that actors resort to. When faced with unintended consequences or the prospect of unintended consequences of policies, policymakers have to decide, first, *what value they attach* to them. In other words, the policy response is conditioned by the judgement made with respect to whether the unintended consequences are seen as *positive*, *negative* or *neutral*. This is a dynamic process in which policymakers assess the magnitude of the unintended effects, the party experiencing the unintended effects and the possibility of shifting perceptions of policy effects in time. This decision, in turn, conditions whether policymakers wish to see these unintended effects mitigated or reinforced.

A second important aspect of decision-making involves choosing whether to change policy so as to address its unintended effects or continue with the existing policy and thus embrace those unintended effects. The decision *to act* or *not to act* is also complex in nature and depends on the desirability of the unintended policy outcomes, the costs of action or inaction, and the ethics of prioritising one course of action over another, among other situational factors. The judgement about these parameters will inevitably evolve over time alongside policymakers’ willingness and ability to change the policy or not.

Contribution to the study of the EU as an international actor

Multiple manifestations

Unintended consequences in IR and EU external action are ubiquitous. Our Special Issue supports the initial hunch behind this collective investigation with evidence from

a variety of EU policy areas and bilateral and multilateral relationships. The fact that the authors have (rather easily) found examples of unintended consequences in their respective fields of expertise once again confirms that unintended consequences are there, are many and diverse, and are waiting to be examined. The need to integrate unintended consequences in our scholarly and policy notions of 'impact' and respective research/policy agendas is thus truly pressing.

Not only are unintended consequences of EU external action abundant but they are also diverse in nature. An important finding of this issue is that most of the unintended consequences of EU external (in)action uncovered by the contributors were anticipated. The fact that unintended consequences occur despite their predictability raises further questions about the reasons for allowing them to manifest themselves. While the majority of unintended consequences addressed in this Special Issue were negative, quite a few have a positive value attached to them from the point of view of the EU as a whole (De Ville and Gheyle), different institutional actors within the EU (Reslow) or third parties outside the EU (Reslow; Carbone).

Another significant finding is that the EU is likely to recognise the unintended consequences of its policies and this, in theory, lays the ground for active management of them. Furthermore, unintended consequences that affect actors other than the EU or the system as such – described as 'external effects' in some contributions (Reslow; Casier; Dandashly and Noutcheva) – are encountered far more frequently than 'internal effects', which raises the importance of the ethical dimension of EU external (in)action. In any case, the contributions consider not only the external effects of EU external policies (Kourtellis; Bouris; Dandashly and Noutcheva), but also the internal effects of EU external policies (Reslow; Carbone; Casier) as well as the external effects of EU internal policies (De Ville and Gheyle; Reslow).

Multiple causes

Unintended consequences have not only multiple manifestations but also multiple causes. We contribute to the literature on the EU's international role by opening up the conceptual debate about the sources of EU external action and by going beyond the unproductive dichotomy of interests versus values which has dominated explanatory accounts of the EU's external actorness till now. Some have insisted on the traditional state-like features of the EU and attributed its external actions to a conventional conception of interests, portraying it in either realist (Hyde-Price 2006) or liberal (Smith 2011) terms. Others have gone beyond the rationalist paradigm and highlighted the normative fundamentals of the EU's external posture, conceptualising the EU as a normative power and debating the extent to which the EU can make a normative difference in world affairs (Diez 2013; Mannes 2002; Sjursen 2006; Whitman 2013). Inherent in this debate is the discussion about whether the EU is an actor like any other or a *sui generis* entity that is bound to have a unique imprint on the global scene.

While we recognise the importance of these fundamental motivations of external policy, we focus on less studied drivers of external action reaching out to literature outside the EU mainstream. Although authors were free to engage with theories of their choice, the contributions in this Special Issue fall within *one (or more) of three perspectives* that have proven fruitful in providing alternative accounts of unintended

effects of external action: *risk*, *bureaucracy* and *policy learning*. As these come from broader non-EU specific literature, they can be applied to the external actions of various players in an international context.

Firstly, the literature on *risk* has informed our understanding of how risk judgements interfere in establishing hierarchies of anticipated unintended consequences and how ethics form an integral part of the decisions to tolerate anticipated undesired effects or not (De Ville and Gheyle; Kourtelis; Bouris). This is a fundamental insight that moves the scholarly debate beyond rational choice paradigms and into the realm of scholarship emphasizing risk and how risk shapes decisions, policies and society more broadly (Beck 1992). While mainstream rational approaches conceptualise decision-making as a cost-benefit calculation with preconceived notions of what constitutes a gain or a loss, risk-based accounts capture the complexity of decision-making when trade-offs between various courses of actions exist and when those policy alternatives carry different risks of undesired effects (Webb 2018). Decisions are not simply reasoned in terms of gains and losses, but involve an interaction between the risk assessments of policy outcomes, the ethical positions of policymakers and the anticipation of undesirable unintended consequences (De Ville and Gheyle; Kourtelis; Bouris).

The EU is in this sense presented as an entity making conscious choices about the unintended consequences of policies it will tolerate, which, in turn, have serious ethical implications for its international reputation (De Zwart 2015). This sheds new light on debates about the EU's ethical power which have focused exclusively on the extent to which the EU's actions are self-regarding or take the interests and values of the parties receiving EU policy into account (Aggestam 2008). A risk perspective suggests that the ethics of EU power may have to do with the weight the EU places on different foreign policy goals and how it judges the desirability of those goals in time and their potential to trigger different types of unintended consequences for different actors.

Secondly, the literature on the 'pathologies of international organisations' provides another alternative prism through which unintended consequences are viewed as the outcome of dysfunctional *bureaucratic* behaviour (Barnett and Finnemore 2004). As a dense institutional environment, the EU may be particularly prone to errors and misjudgements linked to the very nature of its bureaucracy. The obsession with internal rules and procedures, as well as the compartmentalisation of expertise across various institutional units, increases the danger of misreading and responding inadequately to the global and local contexts in which external action is taken (Reslow; Casier; Dandashly and Noutcheva). In spite of its highly professional bureaucracy, the EU is not unaccustomed to artificially copy-pasting templates, policy tools and solutions from one context to another, counting on previous successes while neglecting the specificity of new environments (Kourtelis).

Importantly, the administrative governance of overtly politicised dossiers with geostrategic implications may carry particular risks of unintended consequences in an international context (Dandashly and Noutcheva). Technocratic approaches are well known to rely on an internal logic of policymaking that may ignore the intensity of preferences of third actors and fail to anticipate their reactions. The dysfunctional bureaucratic logic thus brings in a new perspective on the EU foreign policy bureaucracy which has mostly been examined through the positive input of its unelected officials and their subtle yet influential role in setting the EU's foreign policy agenda (Vanhoonacker and Pomorska 2013). The bureaucratic

propensity for self-defeating behaviour suggests that unintended consequences are inherent in the way in which the Brussels bureaucracy functions and produces policy output with external implications.

A particular variant of this perspective looks at *the role of politics in decisions related to external action* and conceives of unintended consequences as the outcome of internal dynamics that juxtapose different foreign policy objectives within and across institutions and within and across different layers of governance. This is especially relevant for the EU which is a complex decision-making system in which intergovernmental and supranational elements of policy-making intersect at different moments of the policy cycle, in addition to the usual challenges of cross-sectoral policy coordination of every state administration. EU scholars have discussed at length the problem of coherence in EU foreign policymaking and how it often leads to the EU's suboptimal external performance (Carbone 2013; Gebhard 2017).

We go a step further by showing how the competing objectives of different policy sectors, as well as the propensity of EU internal policies to have external effects, can produce unintended consequences for different stakeholders in this complex policy-making system (Reslow; Carbone; Dandashly and Noutcheva). We find that this cacophony of relationships between member states and the EU, between supranational and intergovernmental modes of governance, between inter- and intra-institutional interactions within each domain of external action is a powerful source of unintended consequences of EU external action. Various contributions provide detailed evidence of how they play out in different policy domains.

Thirdly, the literature on *policy learning* offers another analytical angle through which unintended consequences can be studied (Bennett and Howlett 1992). In principle, the EU can learn from its past mistakes by adapting its own policy script, but the process of acknowledging the unintended effects of one's policies is fundamentally challenging (Kourtelis; Casier; Bouris). The main insight of the scholarship on *policy learning* relevant for the discussion here is that institutional actors are able to acknowledge and anticipate the unintended consequences of policy initiatives and can use this knowledge strategically to sway future policies in a preferred direction (De Ville and Gheyle; Carbone; Biedenkopf 2018; Koch 2018). *Politics* is at the core of this process, where advocacy coalitions within or outside the EU institutional environment can instrumentalise a narrative on unintended consequences in order to justify a policy change or initiate a new policy on the grounds that it reduces the likelihood of future unintended consequences. Unintended consequences can thus be politicised and used strategically by actors in their internal institutional and policy battles (De Ville and Gheyle; Carbone). A policy learning perspective thus offers new insights into how the occurrence of unintended consequences can in itself become the cause of policy change, bringing in a transgovernmental aspect of policymaking and emphasising the importance of agency in constructing a narrative on unintended consequences that can be harnessed for the purposes of policy entrepreneurship.

These three perspectives are not exhaustive in terms of conceptual accounts of unintended consequences. For example, none of the contributions to this Special Issue borrow insights from the various approaches to foreign policymaking grounded in political psychology, such as groupthink or cybernetic decision-making, which could potentially provide points of departure for further conceptual exploration. Nevertheless,

the three perspectives emphasized by the contributions, combined with a sensitivity to the plurality of causes at work discussed in the previous section, make it possible to overcome the unproductive dichotomies of norms versus interests, values versus security, etc. that have characterised much of the mainstream EU scholarship. The Special Issue thereby contributes to a growing body of research that engages pragmatically with conceptual paradigms to construct complex causal narratives while remaining closer to the problems policymakers face on a daily basis.

Multiple strategies

There are various ways in which actors can manage the unintended consequences of their policies, and this Special Issue makes a particular contribution to this subject not addressed systematically in previous scholarship. Our study uncovers considerable variations in how the EU manages unintended consequences, allowing us to draw parallels across policy sectors and partners; although a rigorous comparison and explanation of the variations observed is beyond the scope of this issue. What determines the exact choice of management strategy is an interesting question but one that needs to be addressed in future research. Our study, a first attempt at classifying EU responses to the unintended consequences of its policies, generates far more interesting questions that it can answer. It does, however, suggest a few avenues for further exploration.

The contributions to the Special Issue find that ***the EU is at times a reactive and at times a pro-active manager of unintended consequences***. In some cases where the EU was able to anticipate undesirable effects of default policies, it adopted a pro-active approach, such as in the negotiations of a new legally binding EU-ACP partnership (Carbone). In other cases where undesirable unintended consequences could have been anticipated but the EU failed to connect the dots, it chose to be inactive and stick to its 'business as usual' approach, such as in its policies *vis-à-vis* the neighbouring countries (Kourtellis; Dandashly and Noutcheva). There have also been instances in which the EU has produced unintended consequences for third parties (Casier). In such cases, management of the unintended effects of EU policies has also been influenced by the agency of the third actors concerned and their reactions to the EU's policies (Casier).

A specific marker of the EU's approach to management of unintended consequences is the strength of its legal competences and institutional mandate in specific domains of external action. In the area of trade policy, for example, in which the EU has exclusive competence and enjoys a very strong institutional mandate, it has shown itself to be a daring actor, initiating substantive policy change in the aftermath of the failure of the TTIP negotiations (De Ville and Gheyle). This has not been the case in the migration policy field, where the fragmented nature of decision-making and the constrained mandate of the EU institutional layer make it impossible for the EU to show strong leadership in tackling unintended consequences (Reslow). A similar conclusion emerges in the area of democracy promotion, where the EU institutional establishment is not in a position to drive substantive policy change without the consensual backing of EU member states (Dandashly and Noutcheva). Furthermore, in the area of state-building, where sensitivities are very high and EU member states are in the driver's seat, the EU is

in a very weak position and reluctant to admit that its interventions can have unintended consequences, let alone actively manage them (Bouris).

In choosing what management strategy to adopt, at times the EU also faces ethical dilemmas that involve weighing off the different unintended consequences and the effects they have on the EU and the other parties (Reslow). Aware that it is impossible to eliminate unintended consequences as a category and that it is a political actor's job to anticipate (so that, in reality, most unintended consequences are anticipated or at least anticipatable), this Special Issue builds up to a question for further research, namely, the politics and ethics of choosing the unintended consequences that merit more (urgent) attention and active management. The concluding article by Frank de Zwart and Karolina Pomorska develops this point further and offers additional reflections on the implications of these ethical dilemmas for policymaking.

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2 The Unintended Consequences of the Transatlantic Trade and Investment Partnership Negotiations

Ferdi De Ville and Niels Gheyle

ABSTRACT

Although stalled since 2016, the negotiations on a Transatlantic Trade and Investment Partnership (TTIP) have had major unintended consequences. The TTIP led to demands from third countries to upgrade their trade relationship with the EU and to unprecedented politicisation. As second-order effects of the latter, it endangered the EU-Canada trade agreement and brought about reform of EU trade governance and amendments to EU trade policy positions. These unintended consequences occurred because of inflated expectations about and insufficient awareness of the different nature of TTIP with regard to scope and partner compared to other trade negotiations. In the meantime, EU trade policy has adapted to the new politics of trade, making unintended consequences less likely.

The negotiations on a Transatlantic Trade and Investment Partnership (TTIP) between the European Union (EU) and the United States (US) provide an excellent example of the importance of (studying) unintended consequences in EU external action. If we were interested only in the intended consequences or ‘effectiveness’ of this particular EU policy initiative, we could turn our attention away from it quickly: the negotiations are currently paused or ‘frozen’. Until the relationship between the EU and the US improves, it can be assumed that the TTIP (conceived as a comprehensive agreement covering a broad range of trade and investment issues) will not come into fruition any time soon.

However, it would be wrong to stop studying the TTIP or limit our analysis to explaining its demise. As argued by Young (2017, 3), “[w]hatever the fate of the TTIP negotiations, they have had enduring implications”. Without pretending to provide an exhaustive list, in this article we identify five significant unintended consequences of these negotiations: demands from third countries to upgrade their trade relationship with the EU; unprecedented politicisation; putting the EU-Canada Comprehensive Economic and Trade Agreement (CETA) at risk; reforms to EU trade governance; and changes to EU trade policy positions.

To make sense of these unintended consequences, we use the analytical framework first proposed by Burlyuk (2017) and further developed by Burlyuk and Noutcheva in the Introduction to this Special Issue. This means that we will discuss *what* (types of) unintended consequences we are talking about, *why* these have occurred and *how* the

EU has managed them. In line with the analytical framework, the responses to these three questions will be split into nine parameters. In doing this, our article is primarily based on a review of existing scholarship on the TTIP negotiations, including our own. We will identify different theoretical perspectives that help account for the various unintended consequences individually. In the end, we will offer a more general explanation for why the EU in this case has been so vulnerable to such significant unintended consequences.¹

Our article contributes to this Special Issue and the knowledge on unintended consequences of EU external action in at least four ways. First, we show that a policy *initiative* can have important unintended consequences without even having been concluded. Second, we argue that unintended consequences of a policy initiative can be conceived as a *process*, involving effects of different orders and feedback loops. Third, our case contradicts the conventional wisdom that exclusive supranational competency reduces the likelihood of unintended consequences, although this may facilitate their management. And fourth, we demonstrate how this management of unintended consequences of a specific policy initiative can lead to fundamental changes in the wider policy domain. These insights are also valuable for EU trade policy scholars. While all of them will agree that it is impossible to understand the policy domain today without taking into consideration the aftermath of the TTIP negotiations, our article provides a systematic account of these after-effects through the lens of unintended consequences.

The remainder of this article is structured as follows. The next section briefly introduces the TTIP negotiations. Then we discuss each of the five significant unintended consequences in turn and identify their nature (what), causes (why) and management (how). The following section explains why the EU has been so prone to unintended consequences in TTIP and what this tells us about the EU and its trade policies. In the conclusions, we expand on the significance of our findings for the literature on unintended consequences of EU external action and EU trade policy.

Before proceeding, we would like to make clear that the central actor in our case is the European Commission, which is the sole negotiator for the EU in trade negotiations and key in the policy domain in general. Hence, when mentioning ‘the policy initiator’ or ‘the EU’ we primarily refer to the Commission.

A brief introduction to the TTIP

The launch of the TTIP negotiations was announced by then US President Barack Obama in his State of the Union speech in February 2013. On the following day, Obama and then European Council President Herman Van Rompuy and European Commission President José Manuel Barroso said in a joint statement,

Through this negotiation, the United States and the European Union will have the opportunity not only to expand trade and investment across the Atlantic, but also to contribute to the development of global rules that can strengthen the multilateral trading system (European Commission 2013c).

¹The implicit theoretical perspective behind our overall analysis is historical institutionalism, however, there is not enough space to develop an elaborate theoretical interpretation of the empirical phenomena we describe, classify and explain. For an application of historical institutionalism to EU trade policy, see De Ville (2012).

In the following years, ‘growth and jobs’ and ‘setting global standards’ would be stressed time and again as the benefits of the TTIP. Advocates of the deal boasted that an ambitious agreement would increase the size of the EU’s economy by 0.5 percent (European Commission 2013b; CEPR 2013). However, as time went by these economic projections became increasingly contested as uncertain or based upon unrealistic assumptions (cfr. Raza *et al.* 2014; De Ville and Siles-Brügge 2015). In response, the European Commission increasingly emphasized the geo-economic benefits of the deal. Working towards convergence of regulatory measures would allow the EU and the US to establish global rules, given that the attractiveness of the transatlantic market (which covers about 40 percent of the global economy) would nudge third countries’ firms and governments to adopt these rules. We consider these two objectives as the main intended consequences of the successful conclusion of the TTIP.

The negotiations were organised in more than twenty chapters belonging to three pillars: market access, regulatory cooperation and rules. The talks progressed much slower than its supporters had hoped for. After three years of negotiations, a consensus had been reached in only a small minority of the chapters, while in others real negotiations had not even started (European Commission 2016). This limited progress was the result of both severe disagreement between the EU and the US in some sensitive domains (such as investment protection, geographical indications or public procurement), and domestic protest against the negotiations. Especially on the European side, debate on and contestation of the negotiations spread rapidly across (mostly Western European) member states, driven by the concern that negotiations would lead to a hollowing out of democracy, and a lowering of environmental, labour and consumer standards. Negotiators had to dedicate much time and energy to explaining and defending their positions towards sceptical civil society organisations. As of the fifteenth round of negotiations in October 2016, the talks have been stalled. After the election of Donald Trump as the 45th US President, EU Trade Commissioner Cecilia Malmström said, “For quite some time TTIP will probably be in the freezer [...] I think we should be realistic. I don’t see the resumption of any TTIP negotiation for quite a long time” (Blenkinsop 2016).

In the next section, we discuss five unintended consequences that resulted from the initiation of the TTIP negotiations. We begin with two that can be considered direct unintended consequences of the talks while the other three are ‘second-order effects’ that resulted from the unprecedented politicisation of the negotiations.

Unintended consequences of TTIP

First-order effects

Demands to upgrade other trade relationships

A first, direct unintended consequence of the TTIP negotiations was that they led several third countries to demand an upgrade of their trade relationship with the EU. They did so because they wanted to avoid being competitively disadvantaged on the EU’s market *vis-à-vis* American firms profiting from preferential treatment.

A first noteworthy example is Turkey. Because it has a customs union agreement with the EU, it is affected in a particular way by EU free trade agreements (FTAs).

When the EU concludes a trade agreement, Turkey has to provide preferential treatment to the EU's FTA partner, without however gaining improved market access to the partner country in return. This had been a minor cause for concern for Turkey when the EU was negotiating with smaller partners. But in the case of the US in the TTIP, potential consequences could be significant (see Sinan 2014). As a result, Turkey asked for a seat at the TTIP negotiating table but this request was denied (Gardner 2014). Turkey then demanded an upgrade of its trade relationship with the EU, from a goods-only customs union agreement to a more comprehensive deal including agriculture and services. This would guarantee the same market access to the EU as American firms after the entry into force of the TTIP (Reuters 2014).

Mexico provides another instance. When the EU and Mexico announced in the spring of 2015 that they would start negotiations to upgrade their existing, old-style FTA that had been concluded in 2000, the Mexican Secretary of the Economy, Ildefonso Guajardo Villareal, declared that "Mexico would like to finish these negotiations before [the EU] concludes those with the US ... We have to be ready for when this deal [TTIP] reaches its conclusion, in order to be aligned ... without negative effects for Mexico" (ICTSD 2015). The EU and Mexico effectively reached an agreement in principle in April 2018.

These responses could be expected from an academic perspective. The theory of competitive liberalisation (Bergsten 1996) or protection for exporters (Dür 2010) foresees that, in response to a trade agreement involving at least one significant export market, firms in third countries are inclined to lobby their government to pursue a trade agreement as well to avoid competitive disadvantages. While not the direct intention of the TTIP, this effect can be considered as anticipated and even expected by the initiators. The EU was aware of Turkish frustration about (the trade consequences of) the customs union and Mexico's desire to upgrade its shallow FTA. International spill-over effects from TTIP were explicitly foreseen. Moreover, it can be assumed that the EU welcomed this unintended consequence. The EU is in favour of progressive liberalisation, so when others ask for reciprocal trade liberalisation because they want to maintain equal access compared to the US, this aligns with its preferences. Moreover, because others are the '*demandeurs*', the EU is in a strong bargaining position. This is a clear example of how an unintended consequence (as the opening of other trade negotiations was not the main objective of the TTIP) can be anticipated and welcomed.

In terms of the other parameters in the framework of unintended consequences, we can state the following. The effect of this unintended consequence on the original intention can be seen as positive. EU FTAs with other countries will in turn lead to increased demands by American exporters to conclude the TTIP because they now fear to be competitively disadvantaged on the EU market. The unintended impact is on the EU, on third parties, as well as on the target of the action (the US). It can be considered a cumulative outcome, generated by similar actions by multiple actors, who all pursue competitive liberalisation. The strength of the causal link between these demands for upgrading the trade relationship and the TTIP can be considered medium, as they were present before; the TTIP merely reinforced them. EU actors have recognised this unintended consequence. Time-wise, the effect occurred during the negotiations of the TTIP. The reason for this unintended consequence can be defined as '*contextual change*': the prospect of a trade agreement between two leading economies in the world

changed the calculation of third countries, which wanted to ensure at least the same preferential trade relations with the EU as it would have with the US.

Unprecedented politicisation

As has been recognised by both friends and foes of the TTIP, the negotiations led to unprecedented politicisation, defined as an increase in the salience of trade policy, an expansion of the number of actors involved in the debate about trade, and the polarisation of positions assumed vis-à-vis trade policy (Gheyle 2016). There are several empirical manifestations of this unprecedented politicisation: a public consultation on investment-state dispute settlement (ISDS) in the TTIP led to a record number of replies; a self-organised European Citizens Initiative to stop the negotiations on the TTIP easily gathered more than 3 million signatures; demonstrations against the TTIP attracted tens and even hundreds of thousands of protesters; and the TTIP was regularly covered in broadsheet as well as tabloid newspapers. Particularly remarkable is that civil society organisations (CSOs) that were previously hardly active on trade policy were drawn into the debate, bringing fresh arguments (De Ville and Siles-Brügge 2017). Notable examples include consumer organisations, health insurers and coalitions of local governments.

The main reason why these new actors became active on the TTIP was the agreement's wide scope. The TTIP stood out from previous EU trade agreements because of the inclusion of ISDS and an ambitious regulatory cooperation chapter (De Ville and Siles-Brügge 2016). ISDS is a mechanism by which foreign investors can seek redress before an international tribunal for claims of unfair treatment by a government decision.

Regulatory cooperation seeks to eliminate regulatory differences between partners. In both investor protection and regulatory cooperation, the targets are domestic regulations that disturb foreign investors or exporters. The domestic politics surrounding negotiations on these so-called 'behind-the-border issues' are different from traditional talks about tariffs. By potentially affecting domestic regulations, trade negotiations become relevant for a large spectrum of CSOs, whether they are active in consumer, health or environmental protection.

CSOs saw the TTIP as a direct threat to levels of protection they had often fiercely promoted at the domestic level. Moreover, they feared that the TTIP might lead to the establishment of institutions at the transatlantic level where future regulations would be discussed. As CSOs see themselves as having fewer resources than business organisations, they feared that they would be structurally disadvantaged in influencing discussions at this distant level. In their eyes, this would result in a more hostile environment for getting ambitious regulations adopted that protect the public interest. As investor protection and regulatory cooperation in the TTIP were not confined to the central level, municipalities and cities became equally concerned. CSOs consequently framed the TTIP as a threat to high protection levels and a threat to democracy (De Ville and Siles-Brügge 2016). The latter criticism targeted not only the potential outcome of the talks but the negotiating process itself, which was seen as lacking transparency (Gheyle and De Ville 2017).

The level of politicisation should not have come as completely unanticipated to the European Commission, given that earlier attempts at transatlantic trade and investment liberalisation in bilateral and multilateral settings had led to some contestation.

Theoretically, it has been explained by the literature on ‘new trade politics’ (Young and Peterson 2006) and on politicisation of the EU in general (De Wilde and Zürn 2012). But arguably, the Commission did not expect it. It seems to have hoped that after a couple of years with low levels of politicisation of trade policy (after the failure of the Doha Development Round and the adoption of Economic Partnership Agreements), the TTIP would not attract much attention and mobilisation.

Only a couple of months after the start of the negotiations, however, the Commission came to realise that the level of politicisation was unprecedented and that it would have to adapt to this. In November 2013, the Commission wrote an internal paper on “Communicating on TTIP” (subsequently leaked) in which it said that

[t]he approach will need to further localise our communication effort at Member State level *in a radically different way* to what has been done for past trade initiatives [...] providing clear, factual and convincing arguments on all aspects of the negotiations” (Corporate Europe Observatory 2013, emphasis added).

Officially, the Commission welcomed increased debate about trade policy, while warning against positions that were not ‘fact-based’. But politicisation frustrated the realisation of the TTIP by forcing negotiators to dedicate time and energy to domestic discussions, and by imposing defensive positions on them that could make finding compromises at the negotiating table more difficult (see below).

The type of outcome was cumulative: politicisation of the TTIP increased through a snowball effect, whereby initial contestation by a small core of anti-trade civil society organisations expanded to an increasing range of other actors. The causal link between the TTIP and the politicisation of EU trade policy is strong. Only since the launch of the TTIP negotiations have civil society organisations and national and European members of parliament increased their resources, time and energy dedicated to monitoring EU trade policy. The impact of this unintended consequence has been on the EU itself, and has been recognised. The effect is synchronic, and could be explained as a ‘willingness to risk’: although politicisation could have been anticipated (but was not expected), the Commission was willing to take the gamble, as the reward of an agreement with the US was considered very high. Once the decision to open negotiations had been taken, politicisation was also the consequence of strategic failures in terms of communication. Exaggerating the positive consequences of the TTIP, as mentioned above, caused a boomerang effect as it allowed critical voices to inflate the risks of the negotiations as well. In turn, the politicisation of the TTIP led to three second-order effects.

Second-order effects

Putting CETA at risk

When the launch of the TTIP negotiations was announced in February 2013, the EU was in the process of concluding another transatlantic trade agreement. Negotiations on CETA had started in May 2009. In October 2013, the EU and Canada reached a ‘political agreement’, and the final technical details were agreed by August 2014.

Apart from some contentious agricultural aspects, the CETA negotiations received very little attention, especially on the EU side.

After the negotiations were concluded, a long period of ‘legal scrubbing’ followed. By that time, the TTIP had become politicised, and this spilled over onto the CETA negotiations. CSOs that were critical towards the TTIP deliberately linked the EU-Canada deal to the EU-US trade agreement. CETA was framed as the “TTIP’s little brother” (Global Justice Now 2015) and as a “Trojan horse”² for American multinationals (Crisp 2014). CSOs began to refer to the TTIP and CETA jointly as “twin transatlantic trade agreements” (for example, Fritz 2016). This linkage was facilitated by the – at that time – most controversial element of the TTIP negotiations: ISDS. As CETA also included ISDS, it was easy for CSOs to copy-paste their anti-ISDS campaign in the TTIP to CETA. Moreover, as a high share of US multinational corporations have an affiliate in Canada, CSOs argued that CETA would make the TTIP unnecessary for US multinationals as they would be able to sue EU governments ‘through the backdoor’ via ISDS provisions in CETA. Although the deals differed in some other elements – especially the provisions on regulatory cooperation, which were less binding in CETA – this did not matter in the public’s view.

The TTIP-CETA coupling was not without effect. For politicians who had come out critically against (ISDS in) TTIP, it was difficult to discard criticisms towards CETA. This mattered especially for social democratic parties in Western Europe. The European Commission was forced to respond to protect CETA. First, it used the legal scrubbing period to replace ISDS with a new Investment Court System (ICS), which partly responded to some of the main criticisms of the old system. However, this essentially implied reopening the agreement, which is rather uncommon in international trade negotiations. Second, the Commission judged it politically necessary to classify CETA as a ‘mixed agreement’, requiring ratification by each member state. Third, to secure sufficient support for CETA in the signing and, later, ratification phase, a number of ‘interpretative declarations’ were agreed that aimed to remove some concerns without re-opening the negotiations.

Still, these manoeuvres were considered insufficient for the Walloon government. For two weeks, this Belgian Region, and its Minister-President Paul Magnette in particular, were in the international spotlight. They refused to give the Belgian federal government the authority to sign the CETA agreement, thereby essentially blocking the agreement. Only after further elaboration of interpretative declarations (including an intra-Belgian agreement) did the Walloon government abandon its obstructionism. As Magnette explains in his memoirs on this “CETA saga” (2017), the Walloon Parliament and government only became interested in CETA “after civil society had awakened [them]” (the title of the first chapter of the book).

The TTIP negotiations almost put the successful adoption of the CETA agreement at risk and at the time of writing it is not guaranteed that all member states (and, where constitutionally required, their subnational entities) will ratify CETA. This effect does not seem to have been anticipated by the Commission. Otherwise, the Commission could have waited a couple more months until CETA was approved within the EU before launching

²The CSOs even fabricated an inflatable Trojan horse that was showcased on several campaign events in various countries.

the TTIP negotiations. The effect was undesirable from the perspective of the European Commission. While CETA eventually did survive, it seems that the TTIP (which was already in serious trouble at that time) was sacrificed to attain this. Several politicians (like Magnette and then German Foreign Affairs Minister Sigmar Gabriel) declared that the TTIP was dead, ostensibly to (try to) mitigate opposition to CETA.

The causal link between the TTIP and the difficulties in concluding CETA is strong. As CSOs recognised, it is very likely that their opposition to CETA would have rung hollow without the preceding contestation of the TTIP. It was the result of a cascade of dissimilar actions by multiple actors: politicisation of the TTIP, linkage of the TTIP to CETA, and the lobbying of politicians at different levels. The impact has been on the EU and Canada, and has been recognised by the European Commission. The consequences became manifest during the TTIP negotiations. The immediacy of the interest in the TTIP seems to have led EU politicians to ignore the potential effects on CETA.

Trade governance reforms

After being confronted with unprecedented politicisation endangering other ongoing trade talks, the Commission responded by changing its approach to trade negotiations. While some of these, like setting up an active Twitter account, can be classified as ‘communication’ or ‘public relations’ efforts, other changes affected trade negotiation procedures. Therefore, we have characterized these changes as ‘trade governance reforms’.

Some of these changes gave voice to groups that were less involved in EU trade policy before the TTIP. One of the first novelties the European Commission introduced was the establishment of a ‘TTIP advisory group’. The group had equal representation of business and civil society representatives and was supposed to provide EU trade negotiators with high quality advice. Another innovative measure in EU trade negotiations was that during every negotiating round a ‘stakeholder event’ was organised to provide updates on the negotiations, presentations and answers to questions by stakeholders.

However, most of the responses of the Commission to the debate about the TTIP had to do with increasing transparency (see Gheyle and De Ville 2017). Through several so-called ‘transparency initiatives’, the EC tried directly to address the criticism that negotiations were held in secret. It also hoped that providing information to the public would eliminate substantial fears about lowering EU standards or bypassing democratic procedures. In October 2014, the negotiating mandate for the TTIP was declassified. Most of the moves on transparency were made after the new Juncker Commission took office, which made it a clear priority to increase transparency. Since then, the Commission has published a significant number of TTIP documents on a dedicated website, including textual proposals. While this is quite an improvement in transparency when compared to previous EU trade negotiations, CSOs complained that it did not go far enough (Gheyle and De Ville 2017). Besides increasing transparency towards the general public, elected representatives in the European and national parliaments were also given more insight into the progress of trade negotiations (Coremans 2017).

The significance of these trade governance reforms has extended beyond the TTIP negotiations. In October 2015, the Commission presented its latest trade strategy under the title ‘Trade for All’. This strategy was explicitly linked to the TTIP contestations. The Commission wrote in the introduction:

In recent years, we have seen an intense debate about trade across the European Union, which has some important lessons for EU trade policy [...] . In this new strategy, 'Trade for All', the Commission is adapting its approach to trade policy to take all of these lessons on board (European Commission 2015, 5).

The European Commission has clearly taken on a commitment to

make its closer engagement with the European Parliament in the context of TTIP the rule for all negotiations, ... extend TTIP practices of publishing EU texts online for all trade and investment negotiations and make it clear to all new partners that negotiations will have to follow a transparent approach (European Commission 2015, 19).

These reforms can be seen as unintended yet not completely undesired by the European Commission (as well as the European Parliament), which had advocated increased transparency for some time against the opposition of the Council. The impact on the initial intention is difficult to establish. There is no evidence that increased transparency directly frustrates the negotiations, also because not everything is published. The 'Schelling conjecture' in negotiation theory even argues that increased visibility of domestic constraints can increase the power of a negotiator at the bargaining table (see below).

The reforms can be seen as the result of dissimilar actions by multiple actors, as they are the Commission's response to the politicisation initiated by CSOs. The causal link to the TTIP is medium. As said, some reforms had been advocated by EU institutions before the TTIP, and the transatlantic negotiations strengthened them in spite of the more sceptical decision-makers. The impact is thus within the EU, leading to a rebalancing in the public domain in favour of CSOs with respect to business interests and in the institutional sphere in favour of parliaments with respect to governments.

The role of the TTIP in bringing about these changes has been recognised. The effects are synchronic with the TTIP negotiations but will extend beyond these talks. The reason for these changes could be qualified as 'basic values'. As the European Commission was criticised for the closed nature of its trade policymaking practices, out of line with the EU basic values of transparency and good governance, it had to respond by improving its trade negotiating procedures.

Substantial reforms in trade policy

Finally, the TTIP also led to a number of important substantial changes to EU trade policy itself. First and foremost was the replacement of ISDS by a new system of investor protection called the Investment Court System. Of the record number of submissions received when a public consultation on ISDS in the TTIP was held, a large majority asked the Commission to drop investor protection from trade agreements altogether. The Commission did not completely answer this call. Instead, it decided to make a number of changes to the investor protection system in order to restore trust in the system. Requirements to qualify as arbitrator were made stricter, proceedings were rendered more transparent, and the opportunity to appeal cases was introduced (see Diependaele *et al.* 2017 for a critical review).

This Investment Court System was then presented as an EU textual proposal in the TTIP and, with the consent of Canada replaced ISDS in the CETA agreement. The European Commission pledged that it would also propose ICS instead of ISDS in other EU trade and investment agreements. In the medium to long term, the objective is to

set up a permanent Multilateral Investment Court. In the meantime, due to a ruling by the Court of Justice of the European Union that found that investor protection dispute settlement is still a member state competence requiring national ratification, the future of these provisions in EU trade agreements is uncertain.

Besides the replacement of ISDS by ICS, other substantial changes can be identified that resulted from the TTIP negotiations and their contestation. Rather than real innovations, these involve the reinforcement of defensive EU positions. To cite again from 'Trade for All': "The Commission makes a clear pledge that no trade agreement will ever lower levels of protection; that any change to levels of protection can only be upward; and that the right to regulate will always be protected" (European Commission 2015, 5). Thanks to the TTIP, the European Commission is more strongly bound to these commitments.

Yet, in some specific negotiating domains, the EU indeed had to weaken its ambition for the TTIP negotiations over time. With regard to chemicals, for example, the Commission had to recognise that substantial regulatory convergence would not be attainable in a way that is domestically acceptable, and had to lower its ambition by limiting cooperation to exchange of information and the mutual prioritisation of chemicals to be evaluated.

Having to change positions because of domestic societal contestation rather than at the negotiating table can be considered unexpected, although some defensive lobbying will be anticipated by trade negotiators. As with the procedural changes, it is difficult to determine to what extent the European Commission did or did not want these adaptations. Having to reinforce defensive positions ties its hands at the negotiating table. We know from bargaining theory that this reduces the EU's win-set. This makes a compromise more difficult, and achievement of the intended outcome of the negotiations less likely. Especially, if reinforced positions (as on the precautionary principle) go against core US objectives, these could jeopardise a deal.

At the same time, when a negotiator's hands are tied and its win-set is reduced, it can have more leverage at the negotiating table, which might be considered desirable (Meunier 2005). When a partner country wants an agreement more than the EU does (because of asymmetrical interdependence), strict guidelines for the Commission can boost the EU's ability to extract concessions from its negotiating partner. Also, reforms in some areas (such as investment protection) had already been supported by the Commission but were rejected by some member states in the Council. Again, this outcome can be seen as the result of a chain of actions by multiple actors: CSOs criticised the potential negative effects of the TTIP, which led the Commission to reinforce some of its (defensive) positions, which were subsequently institutionalised in more long-term trade strategies.

The causal link of these substantial reforms to the TTIP is medium: some had already been considered, but became almost unavoidable due to the transatlantic negotiations. The impact is primarily on the EU, but indirectly also on negotiating partners. As with procedural reforms, the role of the TTIP in substantial amendments has been recognised with the impact on the negotiations itself but likely to extend beyond the TTIP. As with the previous unintended consequence, the cause could be called 'basic values', whereby the European Commission has been forced to put the logic of appropriateness before the logic of consequences.

Table 1. Summary table classifying the unintended consequences of TTIP.

	Demands to upgrade trade relationship	Unprecedented politicisation	Putting CETA at risk	Governance reforms	Substantial reforms
Mode of knowledgeability	Expected	Unexpected	Unanticipated	Unexpected	Unexpected
Value attached	Desirable	Undesirable	Undesirable	Neutral	Neutral
Relationship to initial intention	Fulfils	Frustrates	Frustrates	No effect	Frustrates
Type of outcome	Cumulative outcome: similar actions by multiple actors	Cumulative outcome: similar actions by multiple actors	Cumulative outcome: dissimilar actions by multiple actors	Cumulative outcome: dissimilar actions by multiple actors	Cumulative outcome: dissimilar actions by multiple actors
Strength of causal links	Medium	Strong	Strong	Medium	Medium
Who is impacted	The actor and third party	The actor and third party	The actor and third party	The actor	The actor
Mode of acknowledgment	Recognised	Recognised	Recognised	Recognised	Recognised
Temporal aspect	Synchronic	Synchronic	Synchronic	Synchronic	Synchronic
Reason/cause	Contextual change	Willingness to risk	Ignorance Imperious immediacy of interest	Basic values	Basic values

What this teaches us about the EU and its trade policies

Why did the TTIP trigger these unintended consequences? Is there anything distinctive about the European Union, or its trade policy specifically, that makes it particularly prone to such effects? While unintended consequences may be inherent to the contingent nature of politics, it can be argued that EU trade policy, especially at the time of the launching of the TTIP, provided particularly fertile ground for unintended consequences, including unwelcome ones. As described in the previous part, policymakers were willing to take risks that could have been anticipated (or underestimated them) when opening trade negotiations with the US. The very high ambitions pursued with the TTIP – giving the economy a significant boost and maintaining global regulatory power – seemed worth it.

Intuitively, it could be expected that EU trade policy is less susceptible to (unwelcome) unintended consequences than other policy areas, as the EU has exclusive supranational competence in this field and more than six decades of experience in negotiating trade deals. We argue that, on the contrary, this actually helps explain the risk-taking in the TTIP. Because negotiating trade deals had gone relatively smoothly in the past, the Commission extrapolated this expectation to the TTIP. It failed to see that the TTIP was qualitatively different, in terms of both the scope of its agenda and the negotiating partner. Moreover, precisely *because* trade policy is still one of the few exclusive supranational competences, it can become overburdened with objectives. The EU lacks strong fiscal and foreign policy competences to pursue economic growth and foreign policy objectives (see Casier in this

Special Issue). In the context of the economic and geopolitical crises, trade policy was expected to help “trade our way out of the crisis” and “remain a global rule-setter” (cfr. De Ville and Siles-Brügge 2016).

This explains why the EU was a daring actor in this case, willing to take risks. But the exclusive supranational competence in trade also allowed the EU to be a responsive actor, adjusting its trade policy procedures and substantial positions rather quickly in reaction to unintended consequences in order to make them less likely in the future. This was sufficient to save CETA and seems to have taken the wind out of the sails of the most critical civil society organisations. After the demise of the TTIP negotiations, however, and in the context of Trump’s ‘protectionist turn’, the EU has opened a number of new trade negotiations, and is proceeding quickly without much contestation. Both in terms of procedure and content, there are now less obviously weak spots for critics of EU trade policy to target. Trade negotiations have become more transparent, a permanent Advisory Group on EU trade agreements has been set up with a balanced representation, investor protection dispute settlement mechanisms have been taken out of current trade negotiations and the EU has unambiguously reconfirmed that trade negotiations cannot lead to a lowering of protection standards.

Our analysis here shows that when studying EU external relations, it is interesting to look beyond goal attainment and the direct relationship between the EU and the target of its external action. EU external action is likely to affect the international context, which can affect EU policies elsewhere. External policies by the EU can also have an impact on internal politics within the EU, which in turn feed back into its external action (see Reslow in this Special Issue). Both happened with the TTIP: it provoked a response by third countries seeking reinforced trade relations with the EU and, by generating internal contestation, affected the procedures and positions of the EU in its external trade policy. Studying unintended consequences opens up our analyses for more dynamic accounts of this kind. As in other contributions to this Special Issue (Bouris; Carbone), we hint at the relevance of ‘policy learning’ in studying EU external action.

As with all analyses of unintended consequences, there is a danger that we have overestimated the ‘TTIP effect’ in the consequences discussed, or have underestimated the extent to which these effects were actually intended. However, not only have we been careful in establishing causality and lack of intent but, where we have made stronger claims, these have been based on primary data (including leaked documents) and sound theoretical insights. Also, our analysis of the unintended consequences of the TTIP should not be considered as representative of every EU trade negotiation. TTIP represents a special case: the scope of the negotiations and the importance of the negotiating partner made significant unintended consequences more likely. As shown, it is a case with critical implications for the policy domain in the foreseeable future.

Conclusions

In this article, we have discussed five unintended consequences of the Transatlantic Trade and Investment Partnership negotiations, in line with the research questions set out in this Special Issue, namely: what were the (types of) unintended consequences that ensued from the TTIP, why did they happen and how were they managed by the EU? We have shown that the TTIP resulted in demands from third countries to

upgrade their trade relationship with the EU and an unprecedented politicisation of trade policy; it almost jeopardised the successful conclusion of the EU-Canada trade agreement, and led, however, to some reform of EU trade policy governance and amendments to EU trade policy positions. While demands by third countries to improve the trade relationship with the EU were a direct response to the opening of the TTIP negotiations, the last three unintended consequences can be considered second-order effects of the unprecedented politicisation of the TTIP. We found variations in the degree to which these unintended consequences were anticipated, the value attached to them by the EU, their effects on the initial intention, and the strength of the causal links and their causes.

Our analysis helps to understand why policy initiators failed to anticipate most of these unintended consequences. The European Commission, eager to use its strong competencies in trade policy to respond to the economic crisis and the changing international geopolitical landscape, did not realise that the novel nature of the TTIP agreement would also result in a different kind of politics. The normative contestation of the negotiations (rather than the economic lobbying that dominated previous trade negotiations) unleashed dynamics that not only complicated the TTIP negotiations but have changed EU trade policy since then.

However, the European Commission has increasingly taken a responsive stance towards these unintended consequences of the TTIP. As the substantial and procedural demands by critics of the TTIP negotiations have now been (partially) fulfilled with the new official positions for future trade negotiations, they have become more difficult to use as mobilisation messages by civil society organisations. The European Commission now seems to be better prepared to confront the politics of future trade negotiations, and is less likely to be taken by surprise by unintended consequences of this kind. In that sense, our analysis revealed the dynamic nature of unintended consequences, which extend into the foreseeable future of EU trade policy. Therefore we hope our article will be useful in explaining current and future EU trade policies as well as opening up research avenues into how unintended consequences occur and are managed.

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3 Horizontal and Vertical Diversity

Unintended Consequences of EU External Migration Policy

Natasja Reslow

ABSTRACT

Unintended consequences arising from EU external migration policy are a result of the multi-actor nature of this policy and of policy interactions. In addition, scholars face serious methodological challenges in establishing what the EU's 'intent' is in external migration policy and, therefore, in determining which consequences are intended and which are unintended. The literature on the implementation and evaluation of EU external migration policy is in its infancy, and future work should take into account all policy outcomes – both those that were intended and those that were not.

In 2015, Europe was stunned by an unprecedented inflow of migrants (see e.g. Council on Foreign Relations 2015; Migration Policy Institute 2015).¹ Largely as a result of the crisis in Syria, over 1.3 million people filed asylum applications in one of the 28 EU member states in the course of 2015. 3,771 migrants died trying to cross the Mediterranean, a measure of the desperation driving these migration flows. Frontline member states struggled to cope with a huge backlog of asylum applications and provide basic services to asylum-seekers. The reintroduction of border controls by EU member states threatened to undo the achievements of the Schengen area. Extraordinary and conflicting scenes emerged across Europe: groups protesting the arrival of migrants, on the one hand, and Europeans welcoming weary migrants at train stations, on the other.

The EU response aimed partly at reducing the burden on frontline member states, for instance by relocating asylum-seekers in clear need of international protection from Greece and Italy to other member states, where their claims would be processed, and by sending support teams from the European Asylum Support Office to frontline member states to help them register, identify and fingerprint asylum-seekers (European Commission 2015). However, the EU response to the 'migration crisis' was also characterised by the externalisation that has driven EU migration policy over the past decades. The European Agenda on Migration already highlighted the need to "[work] in partnership with third countries to tackle migration upstream" (European Commission 2015, 5), and the most well-known outcome was the 2016 deal with Turkey which stipulates that the Turkish government will accept the

¹Asylum policy regulates the admission of persons who fear persecution in their home country, in line with the 1951 UN Refugee Convention. Asylum-seekers are those who have filed an application for asylum in a host country, and refugees are those whose asylum application has been granted. Migration policy regulates the admission of migrants, i.e. those who move for any other reason than asylum – employment, education, family, retirement, etc.

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readmission of all irregular migrants who cross into Greece and who either do not apply for asylum or whose asylum application is rejected. In return, European politicians promised eventual visa-free travel for Turkish citizens to the EU, a reinvigoration of the Turkish accession process, the resettlement of Syrian refugees from Turkey to the EU, and €3 billion in funding to the Refugee Facility for Turkey (European Commission 2016a; European Council 2016).

This policy is the focus of the present article. EU external migration policy refers to the incorporation of migration into the EU's external relations. In other words, the EU tries to influence migration from and the migration policies of non-EU countries. EU policy documents dating back to the 1990s have consistently highlighted the necessity of cooperating with non-EU countries if the EU is to achieve its migration policy objectives (Council of the European Union 1999; European Commission 2001). In concrete terms, this externalisation has led to the creation of a toolbox of EU policy instruments, ranging from non-binding, soft policy instruments such as political dialogue and information tools, to legally binding international agreements on the readmission of irregular migrants and the facilitated issuance of visas to citizens of non-EU countries (see Carrera *et al.* 2015; García Andrade *et al.* 2015).²

Although there has been extensive scholarly attention for EU external migration policy (e.g. Cassarino 2007; Chou 2009; Menz 2015; Papagianni 2013; Wolff 2014), there is very little focus within this literature on policy implementation or evaluation (but see Wunderlich 2013a; Wunderlich 2013b; Wunderlich 2012; Reslow 2017; Reslow 2015). Scholars overwhelmingly direct their analytical attention to the decision-making process underlying this policy area and the interests and preferences of the different actors involved. As a result, it is not well understood what this policy actually means in practice, once it is implemented. This article contributes to the fledgling literature on the implementation and evaluation of EU external migration policy by considering what *unintended* consequences this policy has had.

The analysis in this article is based on secondary literature; in other words, it is not the intention here to carry out in-depth case studies, but rather to sketch out the value of the analytical framework for the policy area as a whole, and thereby set an agenda for future research. Given the varied nature of EU external migration policy instruments – in terms of their legal nature, content, and countries targeted – in-depth case studies will form an essential component of future research. For now, this article does not aim to make generalisations about *all* EU external migration policy, but rather seeks to direct researchers' attention towards the importance of analysing the impact of this policy – both that which was intended and that which was unintended.

Unintended consequences in EU external migration policy

Analysing the intended versus the unintended consequences of EU external migration policy relates to debates on policy impact and policy effectiveness. 'Impact' is a neutral term, and considering which consequences of a policy were desired and intentional and

²This article is not concerned with the external effects of internal policies or the 'reverberation' of the EU outside its borders, but only of those policies which are negotiated together with non-EU countries. The EU's visa list (Council Regulation (EC) No. 539/2001) is an example of an internal policy that undoubtedly has external effects, in that it states which countries' citizens need a visa to enter the EU. But the list itself is determined within the EU, between the Council and the European Parliament, therefore this is not an instance of EU external migration policy.

which were undesirable and unintended can provide nuance to analyses of EU external migration policy in action. Policy ‘effectiveness’ is more normative and concerns the extent to which policy objectives were either achieved or not achieved. Evaluation in terms of the stated policy objectives does not leave room for considering that policies can have unforeseen or unintended consequences, which can be positive, negative, or neutral in relation to the initial and stated objectives.

In analysing the unintended consequences of EU external migration policy, one can draw on the literature specifically on EU external migration policy, but also the related (and broader) literature on migration or EU external action. In the migration literature, there is significant debate as to the consequences of migration policy: scholars disagree on whether or not migration policies actually have an impact on migration flows (Czaika and de Haas 2013). On the one side, there are those who argue that “paradoxically, the ability to control migration has shrunk as the desire to do so has increased. The reality is that borders are beyond control and little can be done to really cut down on immigration” (Bhagwati 2003, 99). Cornelius *et al.* (1994) coined the term “gap hypothesis” to refer to the divergence between increasingly restrictive immigration policies in industrialised countries and the outcomes of those policies. Various theoretical and empirical explanations are advanced for this state of affairs. Joppke (1998) argues that liberal democratic states are bound domestically by the rule of law which protects the rights not only of citizens but of all persons within the territory of the state. Castles (2004) argues that migration is driven by factors completely unrelated to stated migration policies, at the individual, national and transnational levels. At the individual level, migrants have agency and are embedded in communities and networks, so that “migratory movements, once started, become self-sustaining social processes” (Castles 2004, 209–210). At the national level, states try to balance between different interest groups in the policy formulation phase, meaning that migration policy objectives are misrepresented, giving rise to “undisclosed intended effects” (Keijzer and Lundsgaarde 2018, 211). Transnational factors are also relevant: both developing and developed countries are structurally dependent on migration; inequality between the global North and South drives migration; and globalisation spreads the knowledge and means of migration. Czaika and de Haas (2013) argue that migration policies *appear* to be ineffective due to three “gaps”: the discursive gap (the gap between public discourse and actual migration policies on paper); the implementation gap (the gap between migration policies on paper and their actual implementation in practice); and the efficacy gap (the gap between migration policy objectives and their actual impacts on migration flows).

Migration scholars have also recognised that, in addition to not being effective (i.e. not achieving their stated objectives), migration policies can have unintended consequences. One example is the increase in border controls by the United States during the 1990s, which not only did not decrease irregular migration – its stated objective – but actually led to an increased number of migrant deaths at the border (Castles 2004). In other words, this policy was both ineffective and had unintended (and tragic) consequences. Migration policies can be ineffective precisely because of or by virtue of their unintended consequences: restrictive immigration policies aim to reduce migration inflows, but can instead lead to spatial substitution effects (diversion of migration flows to countries with less restrictive immigration policies); categorical substitution effects (diversion of migration flows to other legal or irregular channels as a result of restrictions on one particular migration channel); inter-temporal substitution effects (a surge in migration before a migration restriction is due to take effect); or reverse flow

substitution effects (restrictive immigration policies discourage return migration) (de Haas 2011).

Migration scholars are therefore aware that migration policies may not always have (only) the effects intended. Unfortunately, within the study of EU external action less attention is focused on the potential for unintended consequences to arise (see Burlyuk 2017), and the literature on EU external migration policy barely considers what this policy means in practice, let alone conducts a systematic analysis of consequences. This article contributes to the fledgling literature on the implementation and evaluation of EU external migration policy by analysing the ‘what’, ‘why’ and ‘how’ of unintended consequences in this policy area: what types of unintended consequences does this policy have, why do these unintended consequences arise, and how do they play out? To do so, it relies on the framework developed by Burlyuk (2017) and integrates this with the multi-level governance literature.

This article will particularly pick up on two arguments proposed by Burlyuk, thereby showing that unintended consequences are a result of the multi-level governance of EU external migration policy (see also Reslow forthcoming). This multi-level governance results in: (1) a multi-actor policy system; and (2) policy interactions. Firstly, Burlyuk (2017, 1013) argues that the EU is a “complex political actor” which should be unpacked according to the component actors relevant for the policy area at hand: the member states, EU institutions, departments within member states’ administrations or EU institutions, and EU or member states’ representations in non-EU countries. Unintended consequences may also impact on others, namely those that are targeted by the EU action. The central tenet of multi-level governance is “the existence of overlapping competencies among multiple levels of governments and the interaction of political actors across those levels. Member-state executives, although powerful, are only one set among a variety of actors in the European polity” (Marks *et al.* 1996, 167). This article shows how these linkages and relations between the actors involved in making and delivering EU external migration policy cause unintended consequences to arise. Thus, the question addressed in the first empirical section is: *which actors experience unintended consequences of EU external migration policy?*

Secondly, Burlyuk (2017, 1017) lists “contextual change, or a constantly shifting relationship between instruments, eventual end and mediate end” as a cause of unintended consequences of EU external action. This seems particularly relevant for a policy area which links several other policy areas: first and foremost migration policy with foreign policy, but also with others, notably development policy. Multi-level governance has been applied in various policy fields, including environmental policy, migration policy, economic policy, and most notably cohesion policy (see Stephenson 2013, 822-823 for an overview). In other words, there is no single system of multi-level governance; rather different patterns manifest across different policy areas. In policies which bring together several distinct policy areas, such as EU external migration policy, unintended consequences will arise as a result of competing or even contradictory policy objectives. The question addressed in the second empirical section is: *how do policy interactions cause unintended consequences of EU external migration policy?* The overall aim of the article is thus to plead for vertical and horizontal disaggregation in the study of unintended consequences of EU external action.

Methodological considerations: establishing 'EU intent'

EU external migration policy presents a particular methodological challenge when analysing unintended consequences, namely: how can 'intent' be established? This is significant because without knowing what consequences of a policy were intended, it is impossible to isolate the unintended ones.

This challenge stems partly from the nature of migration policy. Politicians seeking to address voters' concerns about immigration and integration often adopt a 'tough' discourse, while in reality they face various constraints (such as the interests of business leaders and the obligations arising from international and national human rights laws) in trying to adopt corresponding policy measures. The policy, on paper, may therefore not match the policy discourse, and the actual intent of migration policy becomes difficult to ascertain (Czaika and de Haas 2013).³ However, for EU external migration policy the situation is even more complicated due to the number of different actors involved. Czaika and de Haas point out that "ministries of social affairs, justice, foreign affairs, economic affairs, and international development are often involved in a continuous tug-of-war in trying to influence migration policy outcomes" (2013, 491), and for the EU this situation must be multiplied by 28 and added to the EU institutions. Member states essentially have 28 different external migration policies: each member state is engaged in cooperation with non-EU countries on migration, often adopting very different approaches. Many aspects of EU external migration policy are also based on selective participation of member states, leading to a patchwork of intents at the EU level: different member states bring different objectives to the table and, across EU external migration policy, participate in different instruments. These intentions collide with the EU institutions in Brussels and abroad, which are also not uniform actors: different DGs in the Commission may well have very different takes on EU external migration policy (Boswell 2008; Wunderlich 2010). What then is the sum of EU intent? With so many actors and preferences, prioritisation of objectives is a challenge. The empirical examples introduced in the following section disaggregate 'the EU' by considering the roles and preferences of particular member states and EU institutions.

Policy interactions raise additional questions. EU external migration policy sits at the intersection of migration policy and foreign policy, and therefore all the sub-dimensions of those policies: visas, returns, border control, trade, development, aid, etc. The intent of one of these policy areas is not the same, and may even run counter to, the intent of another; the penultimate section of this article shows that the objectives of development policy do not seem to square with the mostly repressive and control-oriented migration policies of the EU and its member states.

Unintended consequences for whom? Unpacking the 'EU' in EU external migration policy

This section will disaggregate the EU to consider the unintended consequences of EU external migration policy for individual actors, including the non-EU countries targeted by this policy. The existing literature on EU external migration policy tends to focus on the influence of policy actors on policy content; for example, member states' interior

³The policy analysis literature acknowledges that ambiguity of policy objectives may be purposeful because it allows a broader range of actors to throw their support behind a policy (Hogwood and Gunn 1984, 222).

and justice officials are considered to have an inflated role in EU external migration policy through bodies such as the High Level Working Group on Asylum and Migration (Chou 2009; Lavenex and Kunz 2008; Boswell 2003). However, the feedback loop – the impact of policy on those actors – is missing, probably as a side-effect of the general lack of attention in the literature for policy implementation and evaluation. This section shows that a neat distinction between actors producing unintended consequences and actors experiencing unintended consequences is not possible. With regard to non-EU countries, for example, the literature is divided: non-EU countries are not simply passive recipients of EU policy proposals, yet the degree to which they can influence policy outcomes – and therefore be co-responsible for producing unintended consequences – is disputed (e.g. Reslow 2012). No clear line can be drawn between policymaking and implementing actors, because the EU institutions and member states are responsible for both making and implementing EU external migration policy (Reslow 2015); they are in a sense both principals and agents (see Menz 2015). Migrants are arguably the only actors experiencing unintended consequences whilst having no role in producing them.

Firstly, EU external migration policy provides an empirical example of the argument made by Burlyuk that unintended consequences may be both anticipated and considered desirable. For the Commission, EU external migration policy can offer a glimpse into a policy field closely guarded by member states, namely labour migration policy. Although the supranational EU institutions play an important role in EU migration policy, some elements of this policy are still very much within the purview of the member states; the EU treaties, for example, state that the article on a common EU immigration policy “shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work”. This was the case with the EU Mobility Partnerships: it was not a stated policy objective, but Commission officials considered it a happy side-effect that these partnerships gave some insight into member states’ activities in the area of legal migration and cooperation with non-EU countries. The Mobility Partnerships are a ‘soft’ tool as they are non-binding frameworks for political cooperation, and yet the information collection and collation involved offer the Commission a very small step forward in the overall supranationalisation of this policy field. As one Commission official put it: “anything on legal migration, even one action, that is really a moment when we can say the EU has placed its foot in the member states’ stronghold” (see Reslow 2013, 139). In terms of managing this unintended consequence, the Commission at least is clearly aiming to reinforce it.

On the opposite end of the spectrum, some unintended consequences are clearly unanticipated and considered undesirable. Hybrid policy tools which are applied to different types of non-EU countries on a rolling basis may make it more difficult for actors to predict the potential consequences flowing from a decision at some point in time. Again, the Mobility Partnerships provide an empirical example of this: although the policy tool as a whole is non-legally binding and based on voluntary participation by member states, these partnerships bring together various other instruments, such as migration profiles, political dialogues, operational cooperation, and – significantly – readmission and visa facilitation agreements. These latter two *are* legally binding international agreements regulating the readmission of irregular migrants to non-EU

countries and the facilitated issuance of visas to non-EU countries' citizens. The Austrian government was extremely opposed to the Mobility Partnerships because of their perceived similarity to the guest-worker schemes of the past (which led to large-scale permanent immigration to Austria). The government decided to let the policy tool go ahead on the basis that it would be voluntary for member states, so it could simply decide not to participate. However, Austrian officials were furious when they later discovered that Austria, as a full member of the Schengen area, would still be legally bound by the readmission and visa facilitation agreements signed within the framework of the Mobility Partnerships. So even though Austria does not participate in any Mobility Partnerships, it must still facilitate the issuance of visas to countries which have signed such a partnership, very much against its will (Reslow 2013, 167).

EU external migration policy may have the unintended consequence of altering the bargaining power of the EU and non-EU countries in their bilateral relations more generally. Cooperation on migration may be used as a bargaining chip in other negotiations, thus altering the outcomes of those negotiations. This is the argument made by Greenhill, who defines "coercive engineered migration" as "those cross-border population movements that are deliberately created or manipulated by state or non-state actors in order to induce political, military and/or economic concessions from a target state or states" (2016, 320). In other words, knowing the importance that the EU attaches to cooperation with non-EU countries on migration issues, those countries may try to turn this into a bargaining advantage. This may reduce the leverage of the EU and make it more difficult for it to respond to international crises pertaining to those countries. Arguably we see exactly this situation currently with regard to Turkey: the Turkish government is using the leverage it gained as a result of the 'refugee deal' to fend off EU criticism of its domestic political and human rights situation, and to push for progress in its accession talks and visa liberalisation process. Since the deal was agreed, there has been widespread concern over the Turkish government's crackdown on academics and journalists, and the 2017 referendum which critics saw as a 'power grab' by Erdogan (Deutsche Welle 2017). In response to international concerns, the Turkish government has repeatedly threatened to rip up the refugee deal and turn its back on the EU accession procedure (The Guardian 2016; EUObserver 2017a). So while the domestic political situation in Turkey was not caused by the refugee deal, the dynamics in the EU-Turkey relationship signalled by that deal have weakened the EU's authority and influence over the Turkish government.

For the non-EU countries that are targeted by EU external migration policy, a strengthened bargaining position is not the only possible unintended consequence. There is anecdotal evidence of positive unintended consequences, for example sharing of experience and best practices between Mobility Partnership countries (e.g. Ministry of Foreign Affairs and European Integration of the Republic of Moldova 2014, 21). However, particularly cooperation on readmission brings with it negative unintended consequences.

Readmission agreements, which are the cornerstone of EU external migration policy, aim to regulate the readmission of irregular migrants back to the non-EU countries they originate from or transited through on their way to the EU. Given that these agreements include non-citizens and that the countries concerned tend not to have their own network of readmission agreements, non-EU countries essentially risk becoming responsible for

a large number of irregular migrants who are not citizens but who cannot be sent back to their country of origin (see e.g. Coleman 2009). Even the readmission of own nationals who have resided in Europe for many years is controversial, as this group may be difficult to reintegrate into the society of a country they are no longer familiar with (Carrera *et al.* 2016, 6). As a result, cooperation with the EU on readmission is coupled with high domestic costs for the governments of non-EU countries. These governments seek to manage these unintended consequences pre-emptively: the prospect of domestic political and public opposition is exactly the reason why countries such as Morocco resisted pressure from the EU to sign a readmission agreement for several years (Wolff 2014).

The EU in turn tries to manage such unintended consequences by linking readmission agreements to positive incentives for non-EU countries, such as a visa facilitation agreement (European Commission 2011a). However, the ability of the EU institutions to manage such unintended consequences is limited due to the division of competence over migration within the EU: non-EU countries seek increased legal migration opportunities for their citizens to travel to the EU as the price for cooperating with the EU's migration control agenda, and so a management tactic would be to create legal migration opportunities for those countries. Yet member states, maintaining control as they do over labour migration policy, are best placed to create legal migration quotas that meet the preferences of non-EU countries. One Commission official phrased it in the following way: "third states need to get something to be interested [but...] most of the things they are interested in are still in the hands of our member states" (Reslow 2013, 140).

EU external migration policy has unintended consequences for migrants, which may in turn affect the EU's international power and role. EU external migration policy undoubtedly does not aim at endangering migrants' lives, and yet NGOs, academics, journalists and international organisations argue that this is exactly what happens: because the EU chooses to cooperate with countries with poor human rights records, it opens migrants up to abuse at the hands of the authorities in these countries. Criticism has been particularly directed towards the deal with Turkey (Amnesty 2016), as well as EU cooperation with Libya (Kuschminder 2017) and Afghanistan (FIDH 2016). Given the importance that the EU attaches to migration cooperation with non-EU countries, this is likely a case of wilfully ignoring unintended consequences because the intended consequences of the policy are so desirable (Burlyuk 2017, 1016). Indeed, the fact that new agreements have been made on the back of long-standing criticism of cooperation with countries like Morocco (IRIN 2015; Carrera *et al.* 2016) implies that the EU has no interest in managing this unintended consequence.

The risk here is that the EU's 'normative power' in the international system will be undermined. The EU is often said to promote 'universal norms and principles' in its external relations, including "the consolidation of democracy, rule of law, and respect for human rights and fundamental freedoms" (Manners 2002, 241). However, these norms and principles are weakened if the EU is willing to put them aside when strategically important topics (such as migration) are at stake. If the EU's international power derives from its normative status, then the EU's external migration policy may end up weakening the EU in the international system as a whole.

Finally, actors are linked through their policy choices. One unintended consequence of member states' external migration policies is that they potentially undermine the

EU's external migration policy. This was the case when the EU proposed a Mobility Partnership to the Senegalese government: because of its existing and long-standing migration cooperation with France, Spain and Italy, the Senegalese government judged that bilateral avenues offered greater benefits than a Mobility Partnership would. The "existence of such bilateral alternatives [therefore] undermined the EU's credibility and negotiating leverage" (Reslow 2012, 411). The question is whether this is an intended or unintended consequence of member states' external migration policies? Given that the French and Spanish governments competed to offer Senegal the most favourable terms for cooperating on migration (413), it is not unthinkable that member states intentionally design policies to make them more attractive than anything the EU can offer. This is also a function of the division of competences over migration, as outlined above.

This section has argued that unintended consequences of EU external migration policy must be considered for all the actors involved in making this policy or targeted by it – the EU institutions, the member states, the non-EU countries, and the migrants themselves. Actors may try to manage these unintended consequences, but face challenges in doing so, due to the hybrid nature of policy tools that make consequences difficult to predict or to their limited legal competences to act. In addition to this disaggregation of the EU, the analysis has shown that actors are linked and that unintended consequences for actor B may flow from the policy choices of actor A. The coherence and complementarity of the preferences of all the actors involved must therefore be central in analysis of the impacts of EU external migration policy.

Unintended consequences of what? Policy interactions in EU external migration policy

This section will conduct a horizontal disaggregation of EU external migration policy, in order to consider the links between the different policy areas. These linkages may cause unintended consequences to spill over from one policy area to another.

First, the EU's internal and external actions are linked. External actions can render internal actions less relevant: for example, the efficacy of the EU-Turkey deal in reducing the numbers of asylum-seekers arriving in Greece caused the ambition of the internal EU scheme for relocating asylum-seekers to be downscaled (EUObserver 2017b). Furthermore, the externalisation of migration policy is a result of increased irregular migration, which is in turn an unintended consequence of the limited options for regular migration to the EU. Migrants' agency and autonomy is central to understanding migration flows, and should not be forgotten in analysing states' migration policies. Restrictive immigration policies in Europe which limit the options for legal migration, particularly for low-skilled workers, are likely to lead to increased irregular migration as migrants seek other ways to enter (e.g. van Liempt and Doornik 2006; Castles 2004). As a result, an unintended consequence of restrictive migration policies is increased irregular migration – although, given the research conducted by migration scholars into the diversification of channels of migration and substitution effects, including irregularity, this should no longer be considered unanticipated (e.g. de Haas 2011).

Policies on legal and irregular migration can be considered 'internal' in the sense that they are agreed between the EU institutions and the member states, according to their

respective competences, and implemented within or at the EU's borders. However, these internal policies are linked to external migration policy because the EU's response to increased irregular migration over the past years has been remarkably consistent: in order to achieve its migration control objectives, the EU needs to cooperate with non-EU countries. This approach was reiterated in the light of the migration crisis (e.g. European Commission 2015). It is therefore not, or not only, the case that externalisation of migration policy causes more migrants to die (Burlyuk 2017, 1019). Rather, irregular migration and the tragic deaths of migrants have driven the externalisation process; events in Ceuta and Melilla in 2005, for example, gave a significant boost to the externalisation of migration policy at EU level (e.g. Lavenex and Kunz 2008).

It is also important to consider the linkages between different external policy areas as another source of unintended consequences. Notable in the case of EU external migration policy is the link between migration policy and development policy, which has been the subject of numerous academic studies. Firstly, migration may have both positive and negative effects on the development levels of the migrants' countries of origin. On the positive side, migrants send remittances which benefit families and communities of origin; migrants act as ambassadors for their countries of origin by facilitating cultural, political and economic exchanges with the country of destination; and return migrants bring with them skills and experience which can benefit the country of origin (e.g. Ghosh 2006; Nyberg-Sørensen *et al.* 2002; Portes 2009). However, developing countries may also permanently lose their more highly-skilled and talented citizens through emigration – the so-called 'brain drain' (e.g. Adams 2003). The effect of development on migration can also go two ways: if one assumes that international migration is motivated by the desire for improved employment opportunities and general quality of life, then intuitively emigration will decrease as levels of development of countries of origin increase. However, scholars argue that higher levels of development will actually lead to more migration, at least initially. Generally, the poorest do not migrate because there are considerable costs associated with migrating, such as paying for visas or for the services of recruitment companies or even traffickers or smugglers; making the poorest richer will therefore create a larger pool of people with the means to migrate (e.g. Massey 1988).

This latter connection is poorly understood and reflected in EU policy documents, which tend to focus on the effects of migration on development without considering the effect that development has on migration flows (e.g. European Commission 2013; 2005). The European Agenda on Migration acknowledges that development cooperation "plays an important role in tackling global issues like poverty, insecurity, inequality and unemployment, which are among the main root causes of irregular and forced migration" (European Commission 2015, 8), in other words that increasing levels of development can be a strategy for reducing migration flows, but neglects that this strategy may also have the exact opposite effect. EU development policy has as its main focus the eradication of poverty (European Commission 2011b), and EU migration policy – certainly in the current context of the migration crisis – focuses on border management, targeting smuggling networks, and facilitating the entry into the EU of skilled and talented migrants (European Commission 2015). These two are on a collision course: if EU development policy is successful in raising levels of development, then more citizens of developing countries will gain the financial means to try to migrate to the EU, coming up against the roadblocks that EU migration policy is trying to put in place to prevent their entry. Unintended consequences are

therefore unavoidable in EU external migration policy, which brings together different policy dimensions with very different or even contradictory objectives.

Conclusion

This article has argued that unintended consequences of EU external migration policy arise from the multi-level governance of this policy area. In particular, two factors are relevant: first, the multi-actor nature of this policy, which brings together EU institutions, member states, and non-EU countries; and second, policy interactions between the EU's internal and external policies and between different external policy areas. Burlyuk (2017) identifies the establishment of intent as a particular challenge of research into unintended consequences, and the analysis in this article supports this with empirical examples from EU external migration policy. It has shown, for example, that actors' activism can blur the lines between intended and unintended consequences: if an actor foresees a consequence and cheers it on (as the Commission did with the chance to get an insight into member states' policies on legal migration through the Mobility Partnerships), is it still an unintended consequence? Drawing the line between intended and unintended consequences is complicated.

Nevertheless, studying the impact of EU external migration policy is crucial due to the central importance assigned to this policy in the wake of the migration crisis and the high stakes involved – many migrants are willing to risk their lives to reach Europe, and NGOs have argued that EU external migration policy may put them at even greater risk of ill-treatment or death. Despite such high stakes, evaluation of EU external migration policy has not been at the top of policymakers' priority lists, and the academic literature on the impact and effect of EU external migration policy is in its infancy. Given that we are at the very start of this research agenda, methodologies, approaches and analytical frameworks are not yet set in stone but are still at an exploratory stage. This presents an opportunity to establish a standard practice within this body of literature to analyse *all* aspects of what EU external migration policy means in practice, both its positive and negative and intended and unintended consequences.

Due to the complexity of the policy field – in terms of actors, instruments, and policy interactions – future research should take a pragmatic approach and draw on a variety of research traditions (Friedrichs and Kratochwil 2009). To untangle all the elements identified in this article would seem to be an almost impossible task for EU external migration policy as a whole, and case studies of individual instruments, building on existing research (e.g. Coleman 2009 on readmission agreements) and adopting specific timeframes of analysis is therefore the most viable and pragmatic approach.

The literature suggests that “the multi-levelness and multi-actorhood of migration policy is first and foremost an everyday reality” in European and North American countries (Caponio and Jones-Correa 2017, 11) due to complex relations of interdependency between the different governmental, administrative and territorial units charged with making and implementing migration policy. The challenges and unintended consequences arising from the multi-level governance of EU external migration policy should therefore not, or not only, be considered peculiar to the EU and its manner of conducting external relations, but rather symptomatic of the dynamics of migration policy in developed countries more generally. It is therefore unsurprising but still unfortunate that the new policy instruments introduced by the EU in

response to the migration crisis, such as the Migration Partnership Framework (European Commission 2016b), display the same propensity for unintended consequences. Collett and Ahad (2017, 35) argue that the “myopic focus [of the Migration Partnership Framework] on a singular goal – migration management – risks deprioritising other critical challenges, such as weak governance and broader security challenges. Doing so could undermine stability in key regions and, in turn, cause more migratory pressures.” Clearly then the lessons of previous experience with regard to unintended consequences of policies have not been learned.

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4 Purposefully Triggering Unintended Consequences

The European Commission and the Uncertain Future of the EU-ACP Partnership

Maurizio Carbone

ABSTRACT

The EU's proposal to renew the EU-ACP Agreement in spite of a number of signals pointing in the opposite direction is, *inter alia*, the unintended consequence of independent decisions taken in three different policy areas (trade, environment, and foreign and security affairs). The common unintended consequence that the three decisions shared would not have materialised if the European Commission had not purposefully triggered it to justify its vision of future EU-ACP relations. These findings challenge the prevailing and superficial usage of the notion of the unintended as a synonym for unanticipated and undesirable, and demonstrate that unintended consequences do not necessarily presuppose lack of anticipation, but may well be the result of calculation by policymakers.

Between February 2014 and June 2016, the European Union (EU) took some important decisions which apparently seem unrelated: it concluded several free trade agreements, which guaranteed various countries in sub-Saharan Africa preferential access to European markets; it built an ambitious alliance between developing and developed states, which was instrumental for the signature of the Paris Agreement on climate change; it published the Global Strategy for the European Union Foreign Affairs and Security Policy (hereafter EUGS), which presented the main lines of its external action. These decisions, in fact, generated a common unintended consequence: they fed into the proposal made by the EC to renew the Cotonou Agreement, which has been governing relations between the EU and the African, Caribbean and Pacific (ACP) Group of states since June 2000 and is set to expire in February 2020. This unintended consequence would not have materialised if the European Commission (EC), most specifically its Directorate General for International Cooperation and Development, had not purposefully triggered it. The EC proposal was contentious, not least because a number of actors and factors pointed in the opposite direction: dismantling the EU-ACP partnership and replacing it with separate arrangements with the three 'regions' (Carbone 2013b).

In making this argument, this article builds on and contributes to two strands of the existing literature. The first relevant strand is concerned with the notion of unintended consequences, which has been widely used in sociology and economics (Merton 1936; Baert

1991; de Zwart 2015; Mica 2018) and increasingly in many other fields such as security (Daase and Friesendorf 2010), migration (Dickie *et al.* 2016), or development studies (Jabeen 2016; Koch and Schulpen 2018). With regard to EU studies, it has traditionally been associated to historical institutionalism (Pierson 1996; Dimitrakopoulos 2001), but more recently to economic governance (Nedergaard and Snaith 2015) and external relations (Burlyuk 2017). Though nuances in the various approaches exist, a consensus has emerged that sees unintended consequences as unanticipated, negative, and as producing effects only on the initiators or targets of the actions.

The second relevant strand of the literature focuses on EU-ACP relations.¹ In particular, existing contributions have largely concentrated on outcomes, concluding that the persistence of asymmetrical relations between the two parties has facilitated the promotion of EU interests (Farrell 2003; Hurt 2003; Montoute and Virk 2017). Less documented are policy processes and, specifically, the role played by the European Commission, the assumption being that it either promotes its bureaucratic interest or is simply an agent of the most powerful states (Forwood 2001; Holland 2002; Babarinde and Faber 2005).

This article investigates preference formation within the European Commission by drawing on primary sources (both published and unpublished documents), different types of secondary sources (including specialised press and reports), and over 20 interviews with senior policymakers closely involved in the policy process from the EU institutions, the permanent representations of the EU member states in Brussels, and the ACP Secretariat, conducted on several occasions between January 2016 and July 2017. In particular, looking at different critical junctures in the preparation of the proposal adopted by the EC on 12 December 2017, the second part of this article traces the impact of the different decisions taken in trade, environmental and foreign and security policies on the EU's position with respect to its future relations with ACP countries.

To be sure, this article does not pretend to establish a straightforward causal link between unintended consequences and the EC proposal: after all, it is “easy to mistake the thrill of discovery for the thrill of explanation” (Elster 1990, 131). However, it does offer an analytical framework that makes it possible to appreciate the rationale used by the EC to launch and defend its proposal, unravelling some of the forces at play within the EU decision-making process that may potentially affect the EU-ACP negotiations that commenced in September 2018. The discussion of the analytical framework takes up the first part of the article, which looks into different streams of the study of the unintended, as well as some concepts, notably manifest and latent functions, that have been overlooked by existing scholarship. The third and concluding part reviews the main findings and highlights how this article adds to existing debates.

Rethinking unintended consequences

The notion of unintended consequences, generally, refers to “a particular effect of purposive action which is different from what was wanted at the moment of carrying out the act” (Baert 1991, 201). It has however suffered from conceptual ambiguity, in

¹For a systematic review of the literature, see Carbone (2013b).

large part owing to the fact that it is linked to three diverse analytical traditions: the first, drawing on functionalist sociology, points to failures to anticipate outcomes which may result in unintended consequences that are different from initial plans or even contrary to them; the second, drawing on the spontaneous order literature, suggests that individual acts of self-interest can generate benign aggregate outcomes that were neither intended nor foreseen; the third, associated to analyses of externalities/side effects, explores the impact of actions on third parties which were not originally accounted for, but which eventually become integral to the situation (de Zwart 2015; Mica 2017). These three different streams often get conflated, yet it is possible to use them without creating conceptual confusion – and this is indeed what this article seeks to do.

The starting point is the conduct of policymakers who engage in purposive social action, which entails making a choice between several alternatives (Daase and Friesendorf 2010). In making choices, policymakers may face limitations that can be due to errors and ignorance, preventing them from fully considering the consequences of their actions, or may result from an excessive focus on short-term interests or values, leading them to ignore possible long-term consequences and the broader effects of their actions (Merton 1936).

Yet, unintended consequences may also be linked to conscious choices. Policymakers may well be aware of the potential side effects of their decisions, but for various reasons opt to pursue a certain course of action: because they think that the negative effect of the unintended consequence is not very probable; because they wish to pursue the lesser of two evils, thinking that not acting would be worse; or because they choose to gamble, hoping that no unwanted effects will actually materialise and that things will not turn out to be that bad (de Zwart, 2015). Importantly then, unintended does not necessarily equate with unanticipated; furthermore, in some cases, actions may result in paradoxical consequences, which are not only different from but even contradict what was originally planned – and again in an attempt not to create conceptual confusion, these distinctions will be retained in this article.

Clearly, not all consequences can be anticipated. Reality is so complex that some effects occur regardless of the decision-makers' efforts to anticipate: unintended consequences are a natural by-product of the complex system in which an action is taken. Actions, thus, are sub-systems of a larger system involving human beings and operating in socially, economically and politically dynamic contexts, where they interact with other sub-systems as well as with the system at large (Jabeen 2016). Interestingly, recent contributions from new economic sociology have combined unintended and unanticipated into unexpected consequences, with complexity and uncertainty given as the main source of failed anticipation or impossibility of prediction: this, simply put, means that some unintended consequences may or may not occur (Portes 2010; Mica 2017).

Another aspect to consider is the value attached to the effect, which undoubtedly is in the eye of the beholder. Unintended consequences can be desirable, undesirable or neutral, though most of the attention tends to concentrate on the undesirable. Furthermore, the effects of an action are felt not only by the initiators or the targets of the action itself, but may have spill-over effects on third parties or on the system as a whole (Baert 1991). Unintended consequences, thus, "tend to be spatially and temporally asymmetric": it is unlikely that policy initiators and other actors feel unintended consequences in the same way and at the same time (Daase and Friesendorf 2010, 9).

The “resurrection of Merton” (Nedergaard and Snaith 2015) would not be complete without reviving the concepts of manifest and latent functions (Merton 1957). Importantly, in spite of the general enthusiasm and outspoken appreciation in the literature for these concepts, they have been applied only sporadically (Mica 2018). Leaving aside the definition and implications of the notion of function, Merton attributes at least four different meanings to the conceptual pair of manifest-latent functions, two of which are relevant for the purpose of this article: 1) manifest functions are objective consequences that contribute to the adjustment or adaptation of the system and are intended and recognised by the participants in the system, whereas latent functions are neither intended nor foreseen; 2) manifest functions are equated with expressed purposes and latent functions with non-expressed ones (Campbell 1982). It seems evident that, since Merton’s vision of the unintended is ambiguous as concerns intended and expressed, this ambiguity has infected the notion of latent function (Helm 1971). An adapted, and simpler, understanding of the latent is used in this article, referring to it as something that is present but needs particular conditions to become active, or be triggered.

Finally, a new path has slowly emerged in the study of the unintended, exploring the opportunities that the unintended may open up rather than the risks that it may generate. From this perspective, “unintended consequences are not to be considered only in relation to lack of foresight, overwhelming uncertainty and complexity, but also as a realm of possibility, a window of opportunity” (Mica 2018, 3). Nevertheless, the focus seems to remain on the actors that initiate the action, though no longer treated as unprepared or naive, but as skilled in reacting to unexpected consequences. It may well be possible, in fact, that third parties purposefully use unintended consequences of actions they have not started to promote their specific goals. This is indeed what is going to be investigated in the empirical section that follows, where the European Commission’s proposal to renew the EU-ACP Agreement will be seen as the result of the purposeful aggregation of decisions and events which were not or were only loosely linked (de Zwart 2015).

Towards a new EU-ACP Agreement after 2020

When it was signed in June 2000, the Cotonou Agreement was seen as the final move towards the normalisation of relations between the EU and the ACP Group. Its adoption, however, largely reflected the preferences of the European Union, which by blending ideas of consent (for example, dialogue, partnership, ownership) and coercion (for example, trade liberalisation and aid conditionality), managed to impose its material and normative interests on its counterparts (Farrell 2003; Hurt 2003). The ACP Group, because of its dependence on European aid and markets and its lack of the kind of strong institutional structures needed to effectively negotiate, had no choice but to accept what was on offer (Forwood 2001). A more general analysis of the evolution of EU-ACP relations reveals that policy outcomes are often the result of the convergence of the preferences of a few EU member states, with either France or the United Kingdom, or both, always playing a leading role. Still, the role of the European Commission should not be overlooked, as on various occasions it has appeared to promote continuity more than change (Holland 2002; Babarinde and Faber 2005; Carbone 2013b).

This asymmetrical context – emerging also from the increased politicisation of aid allocations, the rise of security and migration as new areas of cooperation, and the controversial operationalisation of the new trade regime – matches the patchy progress in human development and economic growth achieved within the ACP Group. Another relevant issue is the fact that the EU-ACP partnership has not generated joint positions influencing global decision-making processes and international fora, with the notable exception of the negotiations of the Paris Agreement on climate change as shown below (Bossuyt *et al.* 2016; Montoute and Virk 2017). The adoption of joint regional strategies (with Africa in 2007 and the Caribbean in 2012), the decision to launch the Economic Partnership Agreements (EPAs) at the sub-regional level, and the establishment of ad hoc cross-country processes, most notably on migration, together with the declining commitment of some ACP champions within the group of ‘old’ EU member states and the scepticism within the group of ‘new’ ones, have further challenged the relevance of the EU-ACP cooperation framework (Carbone 2013a; Carbone 2013b).

Nevertheless, in December 2017 the European Commission issued a proposal for a new, legally binding EU-ACP Agreement, consisting of two interlinked components: a general part applicable to all ACP countries, listing overarching objectives and principles, strategic priorities, institutional provisions, means of implementation, and with a new focus on international cooperation; and three separate regional compacts, with objectives and priorities tailored to countries on the three continents, aimed at replacing the existing regional strategies (EC 2017a). This initiative was preceded by an intense preparatory process. First, a consultation paper launched in October 2015 presented as many as 40 questions with a view to identifying new ways in which the future EU-ACP partnership could promote common interests and address common challenges (EC and HR 2015).² Second, a communication adopted in November 2016, largely based on the findings of an internal impact assessment (EC and HR 2016b), proposed the building blocks for a revised partnership with ACP countries. The view was that the Cotonou Agreement provided a good starting point for future relations, hence the general part of the agreement, but decision-making and implementation of the strategic priorities required a significant shift towards the regions, hence the three regional compacts (EC and HR 2016a).

One of the novelties was the attempt to move away from previous donor-recipient dynamics, and to enable the EU – as well as the ACP Group – to advance its strategic interests best in a number of areas beyond development. Considering the fact that “consistency with existing policy provisions” has become an obligation for any initiative taken by the European Commission (EC and HR 2016a), it can safely be assumed (and empirical evidence has confirmed it) that decisions in policy areas other than development would affect the EU’s vision when planning its future agreement with ACP countries.

The remainder of this section, thus, focuses on three policy areas, which are arguably not only crucial in the EU’s external action, but also served as the basis for the objectives and strategic priorities identified in the EC proposal. It should be noted that the decisions taken in these policy areas do not constitute case studies in the traditional sense but are used for illustrative purposes (Burlyuk 2017). Moreover, this

²In parallel, an internal evaluation of the first 15 years of the Cotonou Agreement was also conducted.

study takes a practical approach in relation to the fuzziness of the notion of intention: it uses stated goals and official sources as yardsticks, realising also that those taking an action may have mixed motives, thus making it difficult to disentangle intended from unintended consequences (Daase and Friesendorf 2010). Nevertheless, by the end of the next three sections, it will have become clear that, in order to understand the rationale behind the EC proposal, particularly the hybrid format, it is necessary to take into consideration the unintended consequence(s) generated by decisions taken in these policy areas.

Trade policy and the Economic Partnership Agreements

The Economic Partnership Agreements are free trade agreements which were supposed to be negotiated and agreed upon from 2002 to 2007 between the EU and six ACP regions: four in Africa, one in the Caribbean and one in the Pacific.³ When the December 2007 deadline was reached, only the EPA with the Caribbean had been completed, while negotiations with other regions continued at a very slow pace, tensions between the parties escalated and five countries in East Africa formed a new region. In late 2011, the EU announced that those ACP countries that had failed to sign an EPA by October 2014 would either fall under one of the EU's less preferential trade arrangements or not benefit from any EU preferential treatment at all. This 'threat' spurred an acceleration in the negotiations and various EPAs were concluded in 2014 (Carbone and Orbie 2014). By December 2017, full EPAs had been signed with two regions (South African Development Community, and the Caribbean) and agreed upon, although not signed, with two other regions (West Africa and East Africa), whereas negotiations with the three remaining regions were stalled (Central Africa, Eastern and Southern Africa, and the Pacific). Note that, owing to delays in concluding the negotiations, some countries (Cameroon, Côte d'Ivoire, Fiji, Ghana, Papua New Guinea) decided to sign EPAs outside of their respective regions.

One of the most contentious issues pertained to the clause indicating that, in line with exactly the same provisions in the Cotonou Agreement, respect for human rights, democratic principles and rule of law constitutes an 'essential element' of the EPAs, whose violation could lead to 'appropriate measures', including the possibility of suspending the agreements (Matarutse and Chipaike 2017; Hulse 2018). Empirical evidence suggests that in the attempt to sign an agreement before the October 2014 deadline, the attention of the parties focused mostly on economic growth and development cooperation clauses (e.g. product coverage, liberalisation schedule). It has also emerged that the EU negotiators were not very eager to include provisions on human rights as key conditions to sign the agreements, "probably being satisfied with references to the Cotonou Agreement, and adding clauses wherever possible" (Bilal and Ramdoo 2017, 30; also Interviews with EU senior officials, January-July 2016).

The result of this conduct, certainly affected by the different degrees of actorness and agency of different ACP regions, is significant variation in the provisions concerning

³In one of the few studies of unintended consequences in the area of EU external relations, Stevens (2006) claims that the European Union's aggressive stance in the EPA negotiations antagonised ACP countries and regions and undermined the promotion of regional integration as well as other crucial political, environmental and social norms.

these political norms: in some cases, references to essential elements and appropriate measures are explicit (Caribbean, Pacific, South African Development Community), whereas in others they are either implicit (East Africa, Eastern and Southern Africa) or ambiguous (Central Africa, Côte d'Ivoire and Ghana).

The link between the EPAs and any future EU-ACP Agreement became part of the preparation of the EU negotiating mandate. Since the EPAs are self-standing agreements, their existence was not at risk. What was at stake, instead, was the fate of those essential elements and appropriate measures in the EPAs that did not make explicit reference to them. Some argued that the reference to the essential elements would cease to have an effect once the Cotonou Agreement expires, hence its renewal was deemed necessary to guarantee the link. Others claimed that since all EPAs refer to all obligations contained in the Cotonou Agreement, the actual will of the parties when the EPAs were agreed upon would prevail and the specific commitments to the essential elements would remain legally valid even in the absence of a post-Cotonou Agreement. Still others maintained that, to avoid any legal uncertainty and risk of possible future legal disputes between the parties, the only solution would be to reopen negotiations and insert a specific clause into the deficient EPAs. Very important, however, is the fact that the European Court of Justice had already established that the EU should ensure that all its agreements with third countries must not under any circumstance overlook any scenarios leading to potential violations of human rights and that procedural mechanisms must be put in place to prevent any risk in this regard (Interviews with EU senior officials, January-July 2016; see also Bartels 2017; Bilal and Ramdoo 2017; Keijzer and Bartels 2017).

These concerns can be traced in the various phases of the post-Cotonou process. A first hint can be found in the 2015 consultation paper, which affirmed that the Cotonou Agreement, including its general objectives and essential elements, constituted the framework agreement for all EPAs (EC and HR 2015, 7). This approach was reiterated in the 2016 communication, which indicated that one of the advantages of the EC proposal was that, by placing the references to the EPAs in the general part of the agreement, it assured a link between the essential elements and the various EPAs (EC and HR 2016a, 26).

Interestingly, the impact assessment attached to the communication concluded that not renewing or not agreeing on a successor to the Cotonou Agreement would likely result in a revision of the EPAs (EC and HR 2016b). The idea of reopening negotiations, particularly within EU trade circles, was to be avoided for various reasons: first of all, after the Brexit referendum many ACP countries no longer found the terms of trade with the EU acceptable and, secondly, rediscussing human rights and democratic principles with various African countries would likely lead to a new impasse in the negotiations (Interviews with EU senior officials, January-July 2016). The negotiating mandate adopted in December 2017 reassured many within the EU, especially within DG Trade, that the general part of the proposed EU-ACP Agreement would include a clause stating that respect for human rights, democratic principles and the rule of law constitutes an essential element of all EPAs (EC 2017b).

In sum, the renewal of the EU-ACP Agreement was not only an anticipated but also a desirable outcome for EU trade policymakers, with the proviso that any EPA-related

issues would be dealt with in the general part of the proposed agreement and not in the regional compacts (Interviews with EU senior officials, January-July 2016).⁴

Environmental policy and the Paris Agreement on climate change

The Paris Agreement on climate change, signed by 196 countries in December 2015, is a milestone in global environmental politics and policy. The final compromise contains some ambitious goals and various obligations for all countries, regardless of their economic status: keep global warming well below 2.0° C above pre-industrial levels and pursue efforts to limit temperature increases to 1.5° C; limit the amount of greenhouse gases emitted by human activity to the same levels that trees, soil and oceans can absorb naturally; review each country's contribution to cutting emissions every five years; transfer resources from industrialised countries to developing countries to adapt to climate change; and promote renewable energy (Oberthür and Groen 2017; Parker *et al.* 2017).

The European Union played a crucial role in the preparatory stages. An important reason for the EU's diplomatic success was coalition building, with the Commissioner for Climate Action, Miguel Arias Cañete, conducting numerous outreach activities in order to build an alliance of developed and developing countries. A fundamental role throughout the process was played by the group of Small Island Developing States (SIDS) and its leader Tony De Brum, then Foreign Minister of the Marshall Islands, an ACP country. It was however the formalisation of a "high ambition coalition",⁵ initially with the ACP Group and then extended to the United States and other big players such as Brazil, Canada, and Mexico that modified the balance of power and represented a "game-changer", to use Cañete's own words (Sohn 2015; Oberthür and Groen 2018; Interviews with EU, MS and ACP senior officials, January-July 2016). In fact, it put significant pressure on "major emitting countries for a far-reaching deal – with concrete goals and a robust and dynamic review process", particularly China and India, weakening their role within the G-77 and their attempt to water down the transparency and reporting elements of the Paris Agreement (Parker *et al.* 2017, 249).

The success of the EU-ACP alliance in Paris had a remarkable impact on the EU's vision for its future relations with the ACP Group, as clearly emerges from the process leading up to the adoption of the EU negotiating mandate. The consultation paper released in October 2015, two months before the final stages of the negotiation in Paris, contained only a vague reference to the fact that the EU and the ACP Group had a similar approach in the area of climate change (EC and HR 2015, 4). It did not mention any need to intensify cooperation in international settings, partly reflecting the fact that the EU-ACP partnership had not been designed to address global challenges.

A change of direction was registered with the 2016 communication, which used the success of the high ambition coalition in Paris to recommend that "Cooperation in the international arena should be an area where a new partnership can provide a substantial

⁴Along similar lines, Keijzer and Bartels (2017, 3) argue that the "provisions in EPAs that feature cross-references to the Cotonou Agreement have had the unintended effect of contributing to a felt need to continue the existing EU and all-ACP partnership".

⁵The first to use this expression was the chief negotiator of the United States, Todd Stern, at a press briefing on 7 December 2015: "There is a large coalition for high ambition. I referred to it as a high-ambition coalition."

added value” (EC and HRa 2016, 13). Interestingly, the SIDS group was singled out for potential outreach beyond ACP countries only in relation to its crucial role in climate change negotiations (EC and HRa 2016, 26). The negotiating mandate adopted in December 2017 elevated international cooperation to one of the three overall objectives of the proposed EU-ACP Agreement and created a separate part on international cooperation to mark the importance of this new aspect in EU-ACP relations. Specifically, it stated that one of the objectives would be to identify concrete themes and set up mechanisms aimed at building effective alliances in the international arena in order to drive global action forward, reform the system of global governance, and coordinate voting in international fora (EC 2017b, 13).

The renewal of the EU-ACP Agreement was not necessarily intended or expected by EU environmental policymakers: it was a possibility, which depended on a number of other factors. It became a desirable outcome, as it was seen as institutionalising and facilitating coordination to address various other global environmental issues beyond climate change, for instance ocean governance or biodiversity conservation (Interviews with EU officials, January-July 2017). It was also a desirable outcome for the ACP Group, which had on various occasions manifested the ambition of becoming a global player (Interviews with ACP senior officials, January-July 2016; see also Carbone 2018).

Foreign and security policy and the EU Global Strategy

The Global Strategy for the European Union Foreign Affairs and Security Policy, drafted under the leadership of the EU High Representative Federica Mogherini, was presented to and endorsed by the European Council in June 2016. It replaced the 2003 European Security Strategy, in some respects marking a significant departure from it (Smith 2017). It was the first strategic document to list a series of concrete interests for the EU and its member states, with a view to upholding, above all, the security and prosperity of Europeans. While being presented as global both geographically and functionally, the overwhelming emphasis was on “surrounding regions” with “engagement further afield” being only “targeted” (Biscop 2016).

The EUGS certainly affected the post-Cotonou process.⁶ In particular, the EU negotiating mandate was much bolder about the promotion of EU interests than any other previous document on EU-ACP relations: it introduced the notion of an integrated approach to conflicts and crises and that of resilient states and societies; and it drew on the emphasis on a rules-based global order set down in formal agreements to propose a legally binding agreement instead of a political declaration supported by many European countries (EC 2017b). There are however some aspects in which the EUGS and the EU negotiating mandate for the post-Cotonou differ, two of which are relevant for the purpose of this article.

The first aspect is the balance between norms and interests proposed by the EUGS, captured by the notion of “principled pragmatism” (EU 2016). Of course, the EU would keep on promoting human rights and democratic principles, yet the tone was much more realistic than in the past: previous bold approaches on the promotion of norms

⁶It should be noted that the European External Action Service (EEAS) was co-leader with DG DevCo, which however remained chef de file.

were replaced by an emphasis on building the resilience of states and societies through the fight against poverty and inequality, hoping that over time positive change would emerge (Tocci 2017). Some observers noted however that, paradoxically, resilience could mean supporting autocratic regimes rather than promoting the EU's liberal values which could undermine such regimes (Biscop 2016; Wagner and Anholt 2016). This allegedly lowered ambition in terms of political norms was at odds with the legacy of the EU-ACP partnership and the positions expressed by several EU member states and the European Parliament, particularly in relation to Africa (Interviews with MS senior officials, January-July 2017).

It is therefore not surprising that this aspect of the EUGS was not taken on board in the mandate for a new agreement with ACP countries. In this regard, the 2015 consultation paper highlighted progress achieved in this area, yet it also noted that many challenges remained and therefore any lowered ambition could not be warranted (EC and HR 2015, 4). The 2016 communication and the 2017 negotiating mandate went further, positing a direct link between the political dimension of the partnership and the achievement of sustainable development (EC and HR 2016, 8; EC 2017b). Preservation of the long-standing commitment to human rights and democratic principles, in fact, became one of the main reasons not only for the renewal of the EU-ACP Agreement, but also for proposing a hybrid format, with the commitment to shared values included in the general part of the agreement to avoid any reopening of discussions on issues potentially sensitive for various African countries (Interview with EU senior officials, January-July 2017).

The second aspect concerns the promotion of regional integration and, with it, the EU's role in and for Africa. With its rather critical stance, the EUGS acknowledged that different types of regional regimes capture regional dynamics much better than the EU can and, in fact, attempts to export the EU model of regional integration should no longer be a priority (Tocci 2017). The African Union was not indicated as a strategic partner, but as one of the various regional organisations with which the EU would have to cooperate. True, lip service was paid to Africa's development, with progress in peace and development seen as crucial to addressing Europe's concerns over its own security and prosperity. Yet, there was no acknowledgement of the attempt to promote the 'one-Africa approach' that had intensified with the adoption of the Joint Africa-EU Strategy in 2007 (Carbone 2013a).

These issues became central and contentious in the post-Cotonou process (Interviews with EU senior officials, January-July 2016 and January-July 2017). The 2015 consultation paper identified some problems in relation to coherence of the geographical scope as Africa was covered by at least three different arrangements (EC and HR 2015, 10). Among the advantages of the EC proposal, the 2016 communication indicated the possibility of agreeing on priorities targeting regional specificities and ensuring "coherence with respect to the pan-African dimension" through the potential involvement of countries in North Africa (EC and HR 2016, 26). The 2017 negotiating mandate explicitly affirmed that the centre of gravity of the proposed agreement would be on the regional compacts, which in the case of Africa entailed upgrading and replacing the 2007 Joint Africa-EU Strategy, with the aim of finally achieving a one-Africa policy. Moreover, it stated that the African Union would be assigned a prominent role in managing the regional compact (EC 2017b).

The EUGS did not specifically mention, or give any indication concerning EU-ACP relations so as not to pre-empt the consultation process and the impact assessment that were being conducted in the first semester of 2016 (Interviews with EU senior officials, January-July 2016). It was however clear that renewal of the EU-ACP partnership was not considered a desirable outcome within EU foreign policy circles.⁷ Strangely enough, the approach proposed by the EUGS on political norms and regional integration generated a paradoxical consequence: it became accepted that any future agreement with ACP countries, whatever form it would take, would have to preserve the EU's commitment on human rights and democratic principles (Interviews with EU senior officials, January-July 2016 and January-July 2017). Therefore, the solution was to foresee a general part of the agreement applicable to all ACP countries, while introducing cosmetic changes to the sections of the Cotonou Agreement on norms and values. Moreover, considering the ambiguous approach to African integration taken by the EUGS, a proposal that could "reunite Africa" had to be put forward and sent out, "especially to African partners used to the EU's rhetoric of treating Africa as one" (Laferrère and Helly 2016). The solution, therefore, was to have a separate compact on the EU-Africa partnership set within a renewed EU-ACP Agreement, with the African Union more actively involved than in the past (EC 2017).

Conclusion

This article has shed light on the European Commission's proposal recommending renewal of the EU-ACP Agreement along two interlinked dimensions: a general part applicable to all ACP countries and three distinct compacts for countries in Africa, the Caribbean and the Pacific. Preservation of the EU-ACP cooperation model, albeit through a hybrid format, was controversial because of its patchy record in terms of human development and economic growth, the opposition of various EU member states, and the existence of allegedly more legitimate and effective frameworks for engaging with ACP countries and addressing global challenges (Carbone 2013b).

By drawing on the notion of unintended consequences, this article has gone to the roots of the EC proposal, highlighting the effect of decisions taken in diverse policy areas – most notably trade, environment, and foreign and security policy – outside of the one in which EU-ACP relations have traditionally been dealt with, that is development policy. Of course, this article does not suggest that there is a causal link between unintended consequences and the EC proposal, yet it argues that the EC proposal has been shaped, *inter alia*, by the necessity to provide a general framework for the Economic Partnership Agreements signed in 2014 so as to prevent their renegotiation; the attempt to capitalise on the successful EU-ACP cooperation in the context of the 2015 Paris Agreement on climate change; and the need to uphold political norms and persevere in the promotion of the one-Africa approach as a response to the ambiguous statements contained in 2016 EU Global Strategy.

These findings provide fertile grounds for future research on the process leading up to the adoption of the successor to the Cotonou Agreement. They also add to those

⁷It is worth remembering that the EEAS is organised around geographical divisions with ACP countries split into three different directorates.

studies that emphasise the European Commission's role as a policy entrepreneur or political opportunist (Carbone 2007). In fact, the recommendation of the European Commission was endorsed by the EU Council following tense and lengthy negotiations, with the EU negotiating mandate finally adopted on 22 June 2018 (Interviews with MS senior officials, January-July 2017).

The focus on unintended consequences, particularly in relation to the examples from trade and environmental policies, makes it possible to appreciate the forces that could affect negotiations between the EU and ACP countries and the margin of manoeuvre the European Commission has when it engages with its counterparts. In fact, it can be expected that some pressure would come from EU trade and environmental circles in support of a solid general part of the new EU-ACP Agreement: the former would push for the inclusion of some provisions on the EPAs (specifically on the essential elements) to be applied uniformly across all regions, the latter for the addition of specific mechanisms to promote international cooperation at a time in which multilateralism is being questioned on various fronts. By contrast, it is likely that the EEAS would wish to place emphasis on strengthening the regional compacts, ensuring that the centre of gravity of the new EU-ACP Agreement effectively moves towards the three regions.

This article also contributes to the study of the unintended (Merton 1936), by challenging the prevailing and superficial usage of unintended consequences as synonym for unanticipated and undesirable ones (Baert 1991; de Zwart 2015; Burlyuk 2017), and by more appropriately using the notions of paradoxical consequences and unexpected consequences to highlight the perverse effects of actions and the role of uncertainty (Portes 2010; Jabeen 2016). In this regard, it has shown that unintended consequences do not necessarily presuppose lack of anticipation and are not always unexpected, and that they may well be the result of calculation by policymakers. More importantly, it has demonstrated that unintended consequences can materialise beyond the policy domains in which decisions are taken – from trade, environmental and foreign and security policies to development policy – and that an unintended consequence may simultaneously be both desirable and undesirable, depending on the perspective taken.

Specifically, the example from trade policy shows that, faced with an imminent deadline and strong resistance from African countries, EU negotiators made a conscious decision: by accepting to sign trade agreements that provided only a loose link between EPAs and essential elements, they hoped that a solution to the ensuing legal uncertainty would eventually be found. Thus, seen from the perspective of EU trade circles, the proposal for a new EU-ACP Agreement was more than a desirable outcome, in fact a necessity.

The proposal for a new EU-ACP Agreement with a specific part on international cooperation was also a desirable outcome from the EU environmental policy perspective. When the EU formed the high ambition coalition with the ACP Group in December 2015, its main concern was to conclude the Paris Agreement on climate change to address the lethal effects of environmental degradation. The EC proposal to renew the EU-ACP Agreement was an unexpected consequence for environmental policymakers, considering the degree of uncertainty in 2015 regarding the fate of the Cotonou Agreement; more important, however, was the inclusion of a strong

commitment to and specific mechanisms for building global alliances, with a view to enhancing the EU's diplomatic clout in international settings.

The proposal for a successor to the Cotonou Agreement, from the perspective of foreign and security policymakers, can be seen as a paradoxical consequence of the EU Global Strategy, which marked the transition from a decade in which the EU had projected itself as a normative power into a new era in which interests and norms can be promoted simultaneously on a more focused scale. The allegedly lowered ambitions in the promotion of political norms, on the one hand, and the ambiguous references to African integration and the African Union, on the other hand, contributed to the formulation of the EC proposal for a bifurcated EU-ACP agreement, with a general part that reiterates the commitment to political norms and three compacts that reaffirm the EU's support for continental integration in Africa with the African Union as the key interlocutor.

Finally, this study has pointed towards a new direction in the study of the unintended. There is increasing interest in how organisations and actors deal with and manage the unintended and the extent to which unintended consequences can be taken as an opportunity to affect change (Mica 2018). Added to this is the view that, if Merton is to be resurrected, then it is also time to revive and refine the concepts of manifest and latent functions (Helm 1971; Campbell 1982). A meticulous analysis of the post-Cotonou process has suggested that the non-expressed consequences of the three decisions pertaining to trade, environment and foreign and security policies did not materialise until they were triggered by a third party acting in a purposeful fashion: in other words, their consequences in relation to the EU-ACP Agreement were latent which, as indicated earlier, refers to a quality existing but not yet developed or manifest. The proposal of the European Commission, with the Directorate General for International Cooperation and Development in the lead, can therefore be seen as the effect of aggregation of decisions and events which were not necessarily linked ex-ante, but were, with some organisation and design, ex-post (de Zwart 2015). This ultimately means that this article should be read using bifocal lenses: from afar, it may look like another story of political opportunism or policy entrepreneurship; close up, it points to the latent consequences beneath officially announced goals.

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5 The Unintended Consequences of the EU's Rural Development Programme in the Arab Countryside

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ABSTRACT

After the Arab revolts, the EU designed a new regional rural development programme to address the various political and economic threats in the Arab Mediterranean countryside. Although the programme is based on a new cognitive framework, it has generated unintended consequences that undermine its effectiveness. These consequences were predictable. They are a product of path dependency and the inability of policymakers to draw lessons from previous EU initiatives with similar aims and to contextualise the relationship between small farmers and political elites in the Arab countryside.

The Arab revolts challenged many of the assumptions upon which European Union (EU) policies towards the region were based. Besides the well-cited security-stability nexus (Roccu and Voltolini 2018), one of the most important tenets of EU foreign policy towards the countries of the Middle East and North Africa (MENA) region was the belief that by pursuing economic liberalisation, the Arab Mediterranean countries would enact political reforms that would enable larger parts of their societies to participate in decision-making processes. Thus the fruits of these economic policies would have a trickle-down effect.

After the uprisings revealed the limits of these assumptions, the EU revised its European Neighbourhood Policy (ENP). The renewed ENP introduced a new normative framework, whose priorities are inclusive growth and support to small and medium-sized enterprises (SMEs) (European Commission 2011; 2012a). As Dandashly and Noutcheva (in this Special Issue) argue, the external shock of the Arab uprisings entailed changes in the long-term policies and EU-led programmes in MENA countries. Policymakers in the EU argued that the new framework would produce a qualitative change in the EU's engagement with ENP partners, as the EU programmes would be more effective and target more precisely the people in need of EU funds.

This article analyses the EU's efforts to support the development of the agricultural sector in MENA countries after 2011. Agriculture has always been one of the most important areas of Euro-Mediterranean relations since the Barcelona Process, as the sector employed more than thirty percent of the total workforce in most countries of the region before the Arab revolts (OECD 2011). In order to promote the modernisation of

the agricultural sector after the revolts, the EU emphasised the significance of integrated rural development. To that end, it designed a new regional programme aimed at including smaller farmers in the decision-making process and supporting small rural producers and SMEs. The European Neighbourhood Programme for Agriculture and Rural Development (ENPARD) is the latest EU attempt to introduce a new management system that will help smaller Arab producers in the Mediterranean countryside.

This contribution argues that, despite the positive changes in the EU's normative framework, the new programme still creates unfavourable conditions for small producers. However, these unfavourable conditions do not result from a deviation from the stated objectives of the programme, but are generated as unintended consequences of the successful operationalisation of ENPARD. In light of this, the study identifies the unintended consequences of the EU's rural development aid and why they occur. The consequences are twofold: political and economic. As ENPARD is an ongoing programme, which entered its second phase in 2015, the EU has not yet addressed the unintended consequences that have resulted from its operation in the Arab Mediterranean countries. Therefore, this contribution does not engage with the 'how' dimension of the EU's management of unintended consequences identified in the Introduction to this Special Issue.

The argument put forward in this article is that in both areas, political and economic, the impact of ENPARD could have been anticipated. Policymakers could have avoided unintended consequences if they had examined more closely similar programmes implemented in Europe and contextualised the relationship between small farmers and political elites in Arab Mediterranean countries.

Another important issue that should be mentioned here is that, in spite of a growing interest in the ENP's performance towards both the EU's eastern and southern neighbours, hardly any systematic research has been done on the role of EU aid in the rural development of its neighbouring countries. This is because Euro-Mediterranean analysts (ranging from international relations experts to agricultural economists) focus on the impact of the food trade and the Association Agreements (e.g. actors involved, power dynamics and costs of quotas and tariffs), while the literature on the ENP mainly concentrates on the (absence of) regulatory effects of the policy rather than on the EU-funded rural development programmes.

This article attempts to fill the gap in the existing literature on the ENP. In addition, it offers useful insights for analysts who focus not only on the role of unintended consequences in international relations, but also on their impact on EU development policy and the implementation of the EU's foreign assistance.

Given the absence of relevant articles on this topic, the methodology adopted is based on analysis of official documents published by the EU institutions and agencies that coordinate ENPARD as well as several informal interviews with officials dealing with the programme in EU and partner countries. Studies on *Liaison Entre Actions de Développement de l'Economie Rurale* (LEADER¹) (which, as shown in the next section, was the template for ENPARD) and others offer further insights into the approach and components of ENPARD and the unintended consequences they have generated. As

¹LEADER is an EU initiative that was launched in 1991. It engages local actors in the design and delivery of strategies, decision-making and resource allocation for the development of their rural areas.

LEADER operates in a different context than ENPARD, these studies and the aforementioned primary sources of the EU institutions have been collated with ENP Progress Reports to juxtapose and compare the EU's efforts with regard to the rural development of the Arab Mediterranean countries before and after the uprisings.

The article is structured as follows. Following a short note which introduces the main characteristics of ENPARD, the first section classifies the concept of unintended consequences and positions the idea of integrated rural development in this classification. The article then discusses the operationalisation of the program and its political and economic consequences for small farmers. The conclusion summarises the findings of this work.

What is ENPARD?

ENPARD is a policy initiative of the EU that was launched in 2012 to support the rural development of ENP partners (CIHEAM-IAMM n.d. a). Contrary to the activities of the ENP Action Plans (APs), which attempted to address rural poverty indirectly and mainly through the macroeconomic stability of the partner countries, ENPARD's main goal is to improve living conditions in the Arab Mediterranean countryside by supporting small farmers' cooperatives as a model for increasing their productivity and access to markets. In addition, ENPARD attempts to improve the capacity of local state and non-state actors to manage rural development projects and to provide more opportunities in rural areas, particularly for women and youth.

The programme follows the geographical distinction of the ENP and has two branches: ENPARD South and ENPARD East.² The initial participants of ENPARD South were Morocco, Tunisia, Egypt and Jordan, but at the time of writing, most Southern ENP countries participate in the programme.³ The aims of the new programme should not be confused with the agricultural trade component of the Association Agreements, which focuses mainly on setting tariffs and quotas for food products. As stated above, ENPARD's main objective is to provide assistance to small farmers of the participant countries. According to the former Commissioner for Enlargement and the ENP, Štefan Füle:

ENPARD will not only contribute to more employment but it will also help to improve the quality of life of people in rural areas. Moreover support to agriculture and rural development is also a key element of the EU's commitment to inclusive growth in the Neighbourhood (European Commission 2012b).

What is important here is that the EU's financial assistance through ENPARD is part of a new approach to the rural development of ENP partners. To support rural SMEs and inclusive growth in the Arab countryside after the Arab revolts, ENPARD introduced the concept of integrated rural development.

Although the logic of integrated rural development appeared after the Arab revolts as a new concept for the development of the ENP partners, its origins can be found almost three decades ago in the reappraisal of Europe's strategy for the development of EU

²In the article, ENPARD is used to describe the work of the program in the Southern rim of the ENP.

³The Southern ENP partners that participate in ENPARD are Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine and Tunisia.

member states' agricultural sectors. Until the mid-1980s, most member states had policies that advocated scale-enlargement, intensification, specialisation and a strong trend towards industrialisation in some food sectors (Van Der Ploeg *et al.* 2000). Yet, the restructuring of the European (and global) economy led to substantial changes in the ways the welfare state supported agriculture. Large (state) investments in crop research and production were gradually abandoned; the food companies replaced economies of scale and vertical integration of farms into their systems with more flexible patterns of organisation (Jones 2000; OECD 2006; Ward and McNicholas 1998). As a result, regional disparities in the EU increased and there was little improvement in the productivity and income of the majority of small farmers, especially those with pocket-size holdings fragmented in several plots. In addition, rising environmental awareness created tensions between farming and environmental protection.

These changes indicated that emphasis only on the technology of crop production, when the majority of farmers had other objectives (such as equitable access to resources, improvements in income distribution, sustainable use of resources and production) was not an adequate solution for rural development. The concept of integrated rural development suggested a new agricultural development model. In this new blueprint, specific attention was given to synergies. Synergies between farmers and non-agricultural structures (such as NGOs, local authorities and the private sector) became a crucial element of rural development, especially for the neglected small producers (Van Der Ploeg *et al.* 2000). Contrary to the previous modernisation model which encouraged specialisation and the distinction of agricultural from other rural activities, the logic of integrated rural development advocated more coordination among different actors in addressing the challenges encountered by farmers in rural areas.

Three elements were deemed important for the success of the new model: coordination, planning and decentralisation. The emphasis on coordination suggested that the administrative integration of different inputs would improve the procedures of service delivery (especially to small farmers). The concept of integrated rural development did not prescribe a specific way to improve the coordination among the different actors, but what was essential was the active participation of local farmers (Ray 2001). Through the creation of Local Action Groups (LAGs) and cooperative schemes, local farmers were able to work out and implement a local development strategy, take decisions about the allocation of financial resources and manage them. This type of involvement in the decision-making process provided context-sensitive solutions that helped improve the quality of life of all those who had a stake in the rural areas. To this end, local farmers were encouraged to seek partnerships with the state, the private and the third sectors.

The establishment of new partnerships brought to the fore the role that planning plays in integrated rural development. In this case, planning had to be multisectoral. Contrary to the sectoral programmes of the past that were organised by the central authorities, planning in integrated rural development involved a wide range of issues and policy areas that became parts of a master plan that had to be coordinated at the local level.

The loss of confidence in central planning and the important role that local authorities could play in integrated rural development called for decentralisation. The main result of decentralisation would be to increase the executive and administrative functions of local administrators and their ability to coordinate and control more closely (Shucksmith 2000). This type of involvement by local authorities would give small rural

cities the opportunity to become rural growth centres and hubs for the agro-industrial development of the wider region.

In 1988, reform of the EU's structural policy gave the European Commission the power to adapt the principles of integrated rural development to fragile rural economies and, in 1991, the first LEADER programmes introduced pilot interventions in disadvantaged rural areas of the EU. Farmers were encouraged to create business plans "of proposed development actions based on the valorisation of indigenous resources" (Ray 2000, 164) and seek synergies with the public, voluntary and business sectors. As of 1991, there were three generations of LEADER: LEADER I (1991–93), LEADER II (1994–99) and LEADER+ (2000–06). In 2007, LEADER was integrated in the overall EU rural development policy and LEADER funds became available to the new member states (NMS) and candidate countries.

Thirty years of LEADER established the logic of integrated rural development in the EU. As a result, it provided EU policymakers with a toolbox on which to base ENPARD in order to assist development in the Arab Mediterranean countryside after 2011 and deliver on the promise of inclusive growth and support to SMEs (of the revised ENP). As the former Commissioner for Agriculture and Rural Development, Dacian Cioloş stated, "ENPARD programmes are not merely about funding, but also about working methods, which have been shown to be effective, in particular during the accession of the new EU Member States" (European Commission 2012b). In the same vein, the Centre International de Hautes Etudes Agronomiques Méditerranéennes de Montpellier (CIHEAM-IAMM) acknowledged the significance of the LEADER model for ENPARD as the former is associated with local empowerment through local strategy development and resource allocation. According to CIHEAM-IAMM,

Thanks to this partnership offer, the EU wishes to build on its experience in assisting countries in the formulation and implementation of long-term balanced agricultural and rural policies, in particular generated through the CAP and the LEADER program (CIHEAM-IAMM 2016a).

Overall, the previous paragraphs highlight that, after the Arab revolts, the EU followed a Eurocentric approach in trying to improve the quality of life in the rural areas of ENP partners. Based on its own experience, the EU intends to promote a participatory approach to rural development in the Arab Mediterranean countries, which involves civil society organisations and local stakeholders.

Reflecting the principles of LEADER, ENPARD's objectives in the south are to improve the living conditions in rural areas, increase agricultural productivity and strengthen the overall governance of agricultural and rural issues through the consolidation of the capacity of professional organisations and institutions (CIHEAM-IAMM n.d. c). Contrary to the pre-2011 approach of the ENP Action Plans, which addressed the problematic living conditions of people in the Arab Mediterranean countryside indirectly through activities negotiated by the European External Action Service and the national authorities of the ENP countries, the South dimension of ENPARD is clearly aimed at assisting small farmers and is run and coordinated by CIHEAM-IAMM.

Nevertheless, despite the previous successes of the integrated rural development model in Europe, the LEADER method that has been applied through ENPARD in the ENP countries has generated unintended consequences in the Arab Mediterranean countryside. The next

section presents a classification of the EU's unintended consequences in the South Mediterranean countries.

Conceptualising the unintended consequences of the EU's involvement in the rural development of Arab Mediterranean countries

The conceptualisation of the EU as an international actor with enough material resources and normative power to shape the trajectory of the countries in its periphery has led many scholars to examine the consequences of EU's foreign policy in its neighbourhood. However, the relevant studies are heavily influenced by the rationalist-normative divide (Del Sarto 2016). From a rationalist point of view, consequences are perceived as a result of (strategic) miscalculations of decision-makers. On the other hand, the constructivist emphasis on norms perceives consequences of the EU's activity in the region as the outcome of problematic communication between partners or as a failure to shape endogenous interests. Yet, through both rationalist and constructivist lenses the concept of consequences is hardly elaborated or categorised. Consequences are generally seen as a negative product of EU activities in the region. Depending on the specificities of the different policy areas (e.g. security, trade) these consequences can have an (asymmetrical) impact on both the EU and its ENP partners.

As a result, unintended consequences remain a vague concept. As stated in the Introduction to this Special Issue, a more comprehensive understanding of the unintended results of the EU's foreign policy has to go beyond dichotomies and generalisations that the implementation of the EU's foreign policy generates unwelcome outcomes. The following paragraphs will explain the different causes of unintended consequences, allowing us to understand better the EU's attempts at supporting the rural development of the Arab Mediterranean countries.

The point of departure is Burlyuk's classification of unintended consequences. Based on Merton's categories, Burlyuk argues that five factors generate unintended consequences in the EU's foreign policy: ignorance, error, imperious immediacy of interest, basic values and self-defeating predictions (Burlyuk 2017, 3). Ignorance suggests that policymakers often act on the basis of opinion rather than on knowledge and facts. Not all relevant information is readily available to policymakers, especially in times of sudden crises, such as the ones that the Arab uprisings created in the Southern ENP partners. In this case, it is logical to assume that EU foreign policy was restricted by information costs, which hampered the implementation of its programmes. Nevertheless, with regard to EU rural development programmes after the Arab revolts, the EU cannot be accused of ignorance. Since 2004, the European Commission (in collaboration with ENP partners) has produced very detailed country reports and annual reports identifying the progress each ENP country has made and the threats to rural development in the Arab countryside. These have allowed the EU to have a very clear picture of the various risks for local farmers (Kourtellis 2018), both political and economic, covering areas such as food security, rural poverty, unemployment, lack of cooperation between rural areas, social exclusion of vulnerable groups and environmental degradation.

The second factor that may lead to unintended consequences – error – is more relevant in the case of EU rural development programmes. Errors in EU external

policies appear when policymakers fail to recognise the contextual differences between Arab Mediterranean countries and other settings from which the EU draws lessons for the development of the Southern ENP partners. In the case of ENPARD, these errors have occurred for different reasons. The first is path dependency and the second is related to the application of EU values. The following sections show that the continuation of previous policies and belief in the benefits of the free market for small farmers (presented in this case as a larger stake in the EU market) have undermined the effectiveness of ENPARD in the Arab countryside.

At this point it must be mentioned that errors of this type are not unknown to those who plan EU actions. Unintended consequences can be anticipated but not expected by policymakers, even if they have negative effects. As stated in the introduction, the unfavourable conditions that ENPARD has generated for small farmers are an outcome of its successful implementation, not of the asymmetries between stated objectives and operationalisation. By acknowledging this key factor, this study differs from the standard narratives of policy failure, which focus primarily on the differences between objectives and implementation without taking into consideration the various analytical categories that inform results. The causal links between unintended consequences and the results of ENPARD also deviate from claims that the failure of EU actions in the MENA region are the result of the prioritisation of the stability-security nexus and the promotion of EU (material) interests.

The last point brings the discussion to other factors that may lead to unintended consequences – the imperious immediacy of interest and self-defeating predictions. In the case of the EU's rural development programmes, there is no evidence that these are reasons for ENPARD's problems. The imperious immediacy of interest suggests that the EU chooses to ignore certain weaknesses of its actions because it seeks to advance specific interests (of particular groups or member states). Dandashly and Noutcheva (in this Special Issue) claim that these are significant elements in explaining the unintended consequences of the EU's foreign policy and its support for democracy promotion in the ENP countries. Rightfully, they highlight the insistence of the EU member states to prioritise material gains and relations with Russia over democracy promotion in the eastern borderlands of the EU, and the EU's preference for stability (in other words support for authoritarian leaders) over democracy in the MENA region. In a similar vein, this is the main criticism levelled at the agricultural part of Association Agreements between the EU and Arab Mediterranean countries, as they protect southern European farmers who produce almost the same products as Arab Mediterranean food producers (Gillespie 1997; Joffé 1998; Tovias 1997). However, ENPARD is about the modernisation of Arab farming methods not about quotas and trade between the EU and ENP partners.

Similarly, the EU cannot be accused of pursuing self-fulfilling prophecies, in the sense that it applies solutions before problems occur; ENPARD is a reaction to the Arab revolts, which brought the aforementioned threats in the Arab countryside to the fore. According to the European Commission

ENPARD is a new policy initiative, part of the EU's commitment to inclusive growth and stability in its Neighbourhood, which recognises the potential importance of agriculture in terms of food security, sustainable production and rural employment (European Commission 2012b).

Overall, the unintended consequences of the EU's initiatives for the rural development of ENP partners are mainly the result of errors in assessing the risks inherent in the Arab countryside after the revolts. These unintended consequences are both political and economic, and are analysed in the next sections.

The unintended political consequences of the new programme

Despite the fact that ENPARD was constructed as a tool to support deep democracy and inclusive growth, its operation has led to several unintended political consequences. These are related to the emergence of a new Eurocentric hierarchical structure, with the repetition of narratives that alienate small farmers, the piecemeal inclusion of vulnerable groups and cooperatives and the problematic decentralisation process that the programme supports.

The LEADER model that ENPARD is attempting to introduce in Arab Mediterranean countries has opened the decision-making process to new actors, especially to civil society organisations and epistemic communities. As stated above, these organisations were neglected in the implementation of the pre-2011 ENP Action Plans, which focused mainly on the modernisation of the central state apparatus. However, in addition to the Eurocentric tone of the rural development model, the new hierarchical structure still has a European institution at its core, as CIHEAM-IAM in Montpellier was contracted by the European Commission to implement ENPARD in December 2011 (CIHEAM-IAMM 2016b).

Even though CIHEAM-IAMM (2014) has organised frequent meetings with local stakeholders (representatives of rural communities, municipal authorities, government and CSOs) from ENP countries, ENPARD continues to reproduce narratives that were constructed before the Arab revolts. A key idea behind the pre-2011 (and, now, post-2011) narrative is that many of the problems of the Arab Mediterranean countryside are related to the poor managerial skills of small farmers. Before the Arab revolts, the EU highlighted the lack of managerial skills of smallholders as the reason for environmental degradation and low food production (Kourtellis 2015). Both were considered factors leading to food (in) security that could be resolved by creating economies of scale. Thus, the ENP supported schemes that deregulated the land market in ENP countries. Yet, while the process of land market deregulation was different in the various Arab Mediterranean countries, in all cases rent increased, local tensions between producers rose, and the main beneficiaries of these reforms were the big food producers.

The consequences of these actions were mentioned not only in the academic literature before the Arab revolts (Bush 2004; 2007; Desrues 2005), but also in reports produced by EU institutions after the revolts (Narro and Moreno 2014; Rinaldi 2012). Indicative are the opinions of the European Parliament and the European Economic and Social Committee (EESC) regarding the effects of the EU's approach to the food sector. The former asked the new EU programmes to change direction so that the logic of the new farming initiatives would be "in support of smallholders, producers and cooperatives" (Rinaldi 2012, 1). The case of Morocco was highlighted by the EESC, which criticised the older EU initiatives for being "currently totally imbalanced in favour of export farming, which very largely excludes the majority of Moroccan producers. The next 'ENPARD' pilot projects in Morocco could also open up new opportunities for them" (Narro and Moreno 2014).

Indeed, ENPARD was designed to offer help to small producers, but the cognitive framework of the programme follows the same logic of the rhetoric of the previous ENP APs. In ENPARD reports, small farmers are perceived as responsible for “poor management of solid and agricultural waste” (European Commission 2013, 4) while their “lack of technical/managerial skills” (European Commission 2013, 4) does not allow them to escape the poverty trap. So, despite the positive role that ENPARD seeks to play in the region, the new programme recycles an attitude that attributes the role of teacher to EU organisations (this time to CIHEAM-IAMM). In this case, CIHEAM-IAMM is leading the “process of analysis, capitalisation and counselling that meets the policy-makers’ needs and expectations” (ENPARD South support programme phase II n.d.).

As a result of this approach, the participation of local stakeholders is once again undermined; key areas of ENPARD programmes are worked out without offering local stakeholders the possibility to voice their concerns. For example, ENPARD simply follows the work of the ENP Action Plans in the region and encourages the establishment of good agricultural practices (GAPs) (EU Neighbourhood Info Centre 2015; 2016) and food quality assurance systems that are established by consortiums of European retail food chains (such as EurepGAP). In Tunisia and Egypt, ENPARD clearly suggests that farmers must cultivate specific crops destined for the European markets if they want to apply for EU funding (European Commission 2013). These guidelines were developed before the creation of LAGs, which are supposed to be a central node in the ENPARD decision-making process.

Thus, ENPARD is used as an instrument for regulation of the supply chain by standardising local production and product requirements according to EU standards. As ENPARD is in its initial stages and targets only small farmers, it is unclear if these unintended consequences were expected by policymakers but, given that the new initiative follows older mandates, the effects of this behaviour should have been anticipated. In fact, the design of the programme generates consequences that could have been avoided if the Eurocentric approach of the European Commission had been replaced (or complemented) by lessons from rural development initiatives in other countries, which increased the participation of local producers.

For example, pilot programmes in villages in India allowed citizens to participate more actively in the decision-making process by utilising local traditions (Leach and Scoones 2006). Citizens’ juries were selected to bring together marginalised, often unorganised interest groups to cross examine experts’ advice. In certain cases, experts’ advice and national plans (which suggested the production of specific crops as in the case of ENPARD) were rejected in favour of other options that placed greater weight on local crop varieties and less industrialised forms of farming and marketing that could more easily remain under local control. In a similar vein and contrary to the ENPARD experience where smallholders are ‘taught’ how to implement specific guidelines, in sub-Saharan Africa small farmers were asked to choose between different scenarios and design their own basic principles for controlling food and farming. Such exercises built on the importance of indigenous knowledge and were more effective tools for desired change (Leach and Scoones, 2006).

However, such lessons from other rural development projects are not included in the training schemes of ENPARD. This is evident when one analyses the structure of the events organised at the beginning of the programme. During the start-up phase of ENPARD, conferences held in Brussels to inform the stakeholders reproduced only best practices from the LEADER experience (CIHEAM-IAMM 2016b). Discussions with participants revealed their limited knowledge of rural development projects other than those in the EU (Personal interviews October 2014).⁴

Besides the engagement of local farmers in the decision-making process, another principle of ENPARD is related to the social inclusion of vulnerable groups, such as women and youth. ENPARD is more specific about this than the previous ENP APs, which vaguely included actions for marginalised groups in the Arab countryside. It has more specific benchmarks and, for example in Morocco, a minimum number of women are included among the agricultural advisors for small farmers in the pilot areas of the program (Fes Boulemane, Meknes-Tafilalet, Oriental and Souss-Mass-Draa).

At the time of writing, further information about the training workshops for women in rural areas are not available, but the outcomes of similar programs in the Arab Mediterranean countries illustrate that participation in practice is a social event, which involves power dynamics. Therefore the planning and design of such workshops is of paramount importance for the success of ENPARD. For example, the UN Qued Sbailhya project, which aimed to identify methods and techniques for the promotion and consolidation of peoples' participation in the conservation and development of rural areas, generated both processes of inclusion and exclusion (Gana 2012). The social groups that benefited from the program were not the most vulnerable, and the off-farming skills that women and youth acquired (to help them diversify their income) did not help them find a sustainable way out of poverty. Many of them either ended with high debts or were forced to move to bigger cities to find other work opportunities (Gana 2012).

Another central concept of ENPARD is related to the idea of decentralisation. As stated in the previous section, the main point of integrated rural development is that the empowerment of local authorities can become a trigger for innovation tailored to the specific needs of the local societies. However, by itself, decentralisation does not necessarily provide a genuinely new response to rural development, as the endogenous approach that it puts forward can continue to depend on exogenous factors and policy frames rather than replacing them. One aspect of this problem is highlighted above: GAPs are introduced as an essential element of ENPARD by epistemic communities, not local actors. Another aspect is related to the more reflexive and strategic role of local authorities in the program. In this sense, decentralisation can become a force for communal regrouping that allows for more coherent territorial structures whose competencies can focus upon economic investment, development planning and service organisation.

In this, ENPARD deviates from the previous ENP APs and seeks to reinforce local cooperative structures. This is the first time since the beginning of the ENP that local cooperatives have been mentioned as drivers of rural development as such initiatives were condemned in the past as terrain for corruption or vehicles for the production of

⁴Unstructured interviews were held during the author's participation in a seminar in Brussels in October 2014 on communication of ENPARD's objectives and rationale with stakeholders from both the EU and partners from the Arab Mediterranean countries. The three interviewees (two civil servants from the European Commission and a senior civil servant from a pilot area in one of the ENP countries) prefer to keep their anonymity.

cheap food products to urban dwellers. In the context of ENPARD, cooperatives are being used as a model not only for increasing production, but also for giving voice to small farmers and local authorities in devising rural development plans. In return, these plans increase the capacity of rural territories and actors to act as viable social development foci and reduce the power of centralised authorities.

However, such results should not be taken for granted. The experience of LEADER shows that state bureaucracies remain strong actors in integrated rural development programs, especially when they are implemented in countries with strong centralised structures and when the programs are not funded adequately. In addition, monitoring has virtually no effect when a strong rural civil society is absent. Case studies from different EU member states (especially NMS and candidate countries) illustrate that under such conditions the governments have the capacity to choose the actors they want to work with at the local level (Kováč 2000; Osti 2000). In these countries, the political decentralisation that LEADER attempted often had complex and contradictory impacts and in some domains LEADER led to the reinforcement of the state's role (Buller 2000).

All these elements (weak rural NGOs, strong central authorities, rural elites that have clientelistic ties with state authorities) are mentioned in several studies as factors that hinder the development of the Arab Mediterranean countryside (Bergh 2010; Bush 2004; 2007). Existing research in the region shows that the contribution of small farmers to the construction of rural development plans is minimal and that similar decentralisation schemes and programs that aimed to reinforce rural civil society organisations did not contribute to capacity building at the local level (Bergh 2010).

These experiences demonstrate that the failure to proceed with reforms that empower local actors (thus adding to the opening up of the decision-making process to wider segments of society) is not always a consequence of the prioritisation of the hard interests of the EU member states. A closer focus on specific cases in rural development programmes in the MENA region proves that, without careful management, the checkboxes of ENPARD get ticked, but the objectives of the programme are hijacked by well-established policy communities. These communities promote their own preferences at the local level (as in the case of NMS and candidate countries) in spite of the absence of any hard interests of EU states or other international actors derailing the programme.

The unintended economic consequences of the new programme

The economic consequences of ENPARD are related to low funding, the inclusion of certain food standards and the conditional character of the EU's aid to small farmers. Low funding is one of the main sources of criticism from experts and practitioners of aid programmes. ENPARD is no exception to this rule, as the funds that have been allocated are minimal. For the first part of the programme (2012-14), which involved meetings and conferences for promoting political dialogue among the participant countries, the EU allocated €2.8m. For the same tasks, another €4m were committed for the second phase of ENPARD (2014-20) (EU Neighbourhood Info Centre n.d. a; b).

Regarding the funds allocated to each country, the EU offered Tunisia €25m and Egypt €36m, whereas the funds for Morocco were added to the technical assistance (€70m) that the EU provides to the Green Morocco Plan (*Plan Maroc Vert*). Algeria and Lebanon, which joined one year later (2013) received €10m and less than €6.4m

respectively. At the time of writing, the Palestinian authorities have held only preliminary meetings with other stakeholders.

The ENP partners can decide on the pilot areas for implementing the programme: in Tunisia, the pilot areas are Ain Draham, Bargou, Kerkennah, Kébili Nord, Médenine and Jendouba (CIHEAM-IAMM n.d. b); in Egypt they are Matrouh, Minia and Fayoum (European Commission 2013), Jordan, Ajloun and Tafilah (European Commission 2013); and in Algeria, Ain-Témouchent, Laghouat Setif and Tlemcen (European Commission 2013). Morocco has decided to follow a non-territorial approach and, as stated above, adds the funds to the Green Morocco Plan. As Lebanon has made less progress, the initial ENPARD funds were given to the Ministry of Agriculture for capacity building.

In all cases, the selected pilot areas are among the poorest in the countries. In this sense, ENPARD has managed to bring the issue of rural poverty back onto the agenda (Pellissier and Gargano 2015). More specifically, the first component of the programme focuses on the diversification of economic activities in the pilot areas and on the creation of cooperatives. The first group of ENP countries has already established advisory services and registered new agricultural cooperatives through ENPARD. These structures have increased awareness in the rural areas and increased cooperation among small farmers (CIHEAM-IAMM n.d. d).

However, the other main component of the programme, which focuses on increasing the productivity of small farmers and connecting them to the EU market has not been very successful. The way in which it has been pursued contradicts the efforts of the EU to lift small farmers out of poverty. For meeting the core principle of the ENP – giving small farmers a larger stake in the EU market – ENPARD supports producers who cultivate commercial crops. In Tunisia, such crops had already been identified (e.g. figs and olives) without clear evidence of wide consultation with local producers through LAGs (CIHEAM-IAMM n.d. b). Besides the political consequences of exclusion mentioned in the previous section, the economic consequence is that the majority of subsistence farmers, who are the ones in need of assistance, are not supported as they do not qualify for the ENPARD projects.

The other unintended economic consequences concern the introduction of safety and quality standards for small producers. As highlighted in the previous section, in this area the discourse follows the pre-2011 narratives of the ENP APs. The economic costs of the rigorous implementation of GAPs in developing countries, related to hygiene practices, variable inputs such as pesticides, grading sheds, disposal units and periodical accreditation costs, have been analysed by the UN Food and Agriculture Organisation (FAO) and agricultural economists (Amekawa 2009; FAO 2008, 200; Graffham *et al.* 2007). They show that, without continuous support, it is very unlikely that small farmers can bear these costs.

Studies in North Africa show that the EUREPGAP certificate costs about USD 1200 per farm, meaning that for certain products, such as vegetables, a farmer has to have more than a hundred hectares of land. To export citrus fruits, a farmer needs more than four hundred hectares of land (Aloui and Lahcen 2004; Cadot *et al.* 2012). In addition to this cost, there are the expenses for buildings and infrastructure to deal with various issues (such as environmental hazards, workers' health, water and pesticides storage and management) in order to meet EU standards. For example, for only the first year, a Moroccan farmer would have needed more than USD 70,000 to implement the EUREPGAP standards on a ten hectare tomato farm (Aloui and Lahcen 2004).

In this case, the EU's error is not related to any sort of imperious immediacy of interests that favours big farmers (as was the case before 2011), as ENPARD is designed only for small land owners. However, it is clear that the funds allocated for ENPARD cannot cover such costs in the long run, at least for the majority of small producers. The consequences of low funding on the majority of the rural population in the Arab Mediterranean countries are well known to EU policymakers; what the European Commission seems to be unaware of is that the standardisation process does not allow LAGs to elude the EU mechanisms and set up alternative procedures for allocating local resources in order to create a local-scale corporate model that can lead to inclusive growth. As a result, even if ENPARD expands the export base of the ENP partners, a large number of small producers cannot get access to the EU market.

In addition to the limited access to the EU market for small producers, the more-for-more approach that the EU follows in the region hinders regional cooperation among farmers. CIHEAM-IAMM does a very good job in bringing various stakeholders together through the organisation of conferences that allow local authorities and representatives of civil society and LAGs to exchange ideas and best practices. Yet due to the lack of funds, to date there have been no signs of any increase in regional food trade through ENPARD activities. At this point, the similarities of the first phase of ENPARD with the first stages of the LEADER experience reveal the effects of conditional aid when this is accompanied by limited funding for regional cooperation. For LEADER I, the EU allocated only 1.7 percent of its budget for rural development making it "a very modern programme ... virtually without money" (Von Meyer 1997). As a result, the rivalry between LAGs for the limited funds was fierce and undermined regional cooperation.

Conclusion

This study moves beyond the rational/constructivist division in explaining the role of the EU as an international actor. The framework presented here encourages studies to look for the unintended consequences of the revised ENP and, more specifically, of EU initiatives for rural development of the southern ENP partners after the Arab revolts. In line with Dandashly and Noutcheva, this article argues that the creation of ENPARD was triggered by an external shock; the Arab revolts. The uprisings forced the EU institutions to react to popular demands for more democracy and more inclusive growth in the MENA countries. After 2011, the EU institutions assessed the ENP and several documents show that even policymakers in the EU institutions became more critical of the delivery of EU aid addressing threats in the Arab countryside.

However, the new EU initiative for mitigating the threats in the rural areas of ENP partners has had unintended consequences, especially for smaller farmers. It is crucial to mention that these consequences are not a product of geopolitical concerns or of an actor who is making a (neo-colonial) effort to establish its power in the region. Nor are they the outcome of unsuccessful implementation and deviance from stated objectives. Moving beyond ENP studies and based on Burlyuk's categorisation, the findings of this article suggest that it is the EU's Eurocentric approach and the pattern of continuity between mandates of the ENP APs and ENPARD objectives that do not allow the EU to tackle the side effects of ENPARD. In addition, the failure of the EU to learn from LEADER's shortcomings and to contextualise the LEADER lessons to the particularities of the Arab

Mediterranean countryside generated errors in the design of ENPARD. Sequentially, these errors have resulted in both political and economic unintended consequences, even if the programme appears to meet its objectives successfully.

The political consequences are twofold. Although ENPARD aims to empower small producers and vulnerable groups in the Arab rural areas (in order to realise inclusive growth and support SMEs), the new emerging hierarchical structure and the standardisation process undermine the EU's efforts to assist small farmers. Institutions based in Europe lead the decision-making process; local knowledge is neglected and LAGs (still at an embryonic stage) are unable to influence strategic areas of the programme.

The second area of concern is related to the decentralisation efforts of ENPARD, a core principle of integrated rural development. Although local actors are asked to participate in ENPARD, the central authorities' dominance over civil society is not challenged by the new initiative and the limited funds that the EU allocates to the partner countries do not allow LAGs to reduce the pervasiveness of central institutions. Evidence from similar initiatives in the region underline the threat that well established rural communities can pose to the goals of ENPARD.

The rigid standardisation process and the limited funds that ENPARD delivers to small producers have also had economic consequences which were not foreseen by policymakers in the EU. The application of costly EU standards and the cultivation of specific crops under ENPARD projects do not allow the majority of small farmers (especially subsistence farmers) to compete for EU funds. In addition, the more-for-more approach of the EU becomes a barrier to regional trade and cooperation among LAGs. These factors reduce ENPARD's effectiveness and the positive role that the EU seeks to play in the Arab Mediterranean countryside.

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Interviews

European Commission official, Interview 14 October 2014, Brussels.

European Commission Official, Interview 14 October 2014, Brussels.

Lebanese state official, Interview 15 October 2014, Brussels.

6 The Unintended Consequences of a European Neighbourhood Policy without Russia

Tom Casier

ABSTRACT

After Russia's retreat from the European Neighbourhood Policy, the EU's policy towards its eastern neighbours was split up. The internal unintended consequence of the EU's choice to leave its policy unaltered was a tension between the objective of privileged relations with ENP countries and a promise to recognise the interests of Russia as an equal partner. Externally, the unintended outcome was that this fostered two opposing strategic environments: a cooperative one for the EaP and a competitive one with Russia. In terms of the management of unintended consequences, the EU has actively sought to reinforce its normative hegemony towards EaP countries, while at the same time mitigating certain negative unintended effects.

A substantial part of foreign policy deals with the unintended consequences of an actor's domestic and foreign policies. It is reactive rather than the outcome of well-designed proactive strategies. Yet it is an under-researched topic. Drawing on Olga Burlyuk's conceptualisation of unintended consequences (2017), this article explores how the decoupling of Russia from the European Union's policies versus former Soviet states contributed to the emergence of significant unplanned internal and external outcomes.

In terms of theory, this article seeks to add two elements to Burlyuk's concept of unintended consequences. First, the article reflects on the way actors deal with the unintended consequences of their policies in order to reach certain objectives. Different modes of managing these unintended consequences are distinguished. Second, they are seen as part of a process: a chain of external action, unintended consequences and the management of the latter. As a result, while dealing with the threefold question, what, why and how, of this Special Issue (see Introduction), the emphasis of this contribution is on the latter: how unintended consequences are managed by the EU. In doing so, the article sheds new light on the EU's role as an international actor, arguing that it is characterised by an unusual balance between the intended and unintended impact of its policies. Furthermore, it opens a new perspective on the Union's policies *vis-à-vis* its eastern neighbours.

The case presented is the decoupling of the EU's foreign policy towards Russia from that towards other former Soviet states¹ in 2003-04. Throughout the 1990s, the

¹Excluding the three Baltic states.

European Union's policy towards the countries in the area was fairly monolithic, characterised by similar policy objectives, instruments, funds, etc. It also tended to respect a certain hierarchy whereby Russia would come first, Ukraine second, followed by other former Soviet states. The decoupling² of Russia from the EU's policy towards East European states (in the framework of the European Neighbourhood Policy and Russia's decision not to join) had profound unintended consequences for both the EU's policy and its relations with Russia. The article concludes with some reflections on the agency of the Eastern Partnership countries experiencing these consequences.

Conceptualising unintended consequences

Building on Olga Burlyuk's framework for studying unintended consequences of EU external action (2017), this article uses the following conceptual distinctions.³ First, intended versus unintended consequences, whereby the latter are defined as "outcomes of purposive action(s) which are not directly intended by an actor" (Burlyuk 2017, 1012). Second, internal consequences are distinguished from external ones, with internal unintended consequences referring to consequences of foreign policy or external action for the actor itself, in this case the EU. External unintended consequences are those that affect the target of the action, third actors or the broader system or environment (1015). The third concept is the management of unintended consequences. This refers to the intentional action an actor takes in response to the unintended consequences it has generated. Two assumptions underpin this idea: one, an actor may or may not take action to steer the unintended consequences in a certain direction; two, an actor may take a variety of actions, from mitigating the unintended consequences to reinforcing them.

On the basis of this set of concepts, this article engages in the exploration of a broader process which could be presented ideal-typically as a chain: *external action – unintended consequences – management of unintended consequences*. Self-evidently, this representation is an analytical simplification of a complex process of multi-level transnational interactions. As Olga Burlyuk has noted, unintended consequences may be both "single" or "cumulative" (Burlyuk 2017, 1014). In the latter case, they may have a more systematic and durable effect. For example, asymmetrical economic relations may generate a more stable form of economic dependence. Most of the analysis in this article focuses on this type of cumulative consequences.

The very idea of (cumulative) unintended consequences is certainly not absent from the discipline of International Relations. In structural realism, for example, it is present in Waltz's concept of security dilemma (Waltz 1979), where the increase in capabilities of one state with the purpose of increasing its own security and chances of survival, has unintended consequences for the security of other states, who see their relative security diminished. In liberalism, it appears, for example, in Keohane and Nye's theory of complex interdependence (1989), where asymmetrical interdependence between two countries generates higher costs for the dependent country and gives the other country effective control over outcomes. Also, the concept of unintended consequences has long

²The term is taken from Wolczuk 2009.

³Part of this article draws on earlier work, in particular Casier 2015 and Casier 2016b.

been present in research on EU external action, without being theorised as such. In his theory of normative power Europe, for example, Ian Manners refers to “contagion” as an unintentional form of norm diffusion by the EU (Manners 2002, 244-245). Sandra Lavenex distinguishes between intentional and non-intentional mechanisms of EU functional rule extension (Lavenex 2014, 889), with the latter resulting from indirect socio-economic forces.

Unintended consequences cannot be understood by looking only at the actor ‘causing’ them, but are also a function of the processes in the external environment (the context, the willingness of the ‘receiving’ countries to undergo or resist the impact, learning, etc.). Equally, the effect of unintended consequences will be determined by the way they interact with the objectives, activities and perceptions of third actors. As a result, unintended consequences are by definition complex and diffuse, in terms of both their origin and their impact on receivers.

The EU and unintended consequences

It may be hypothesised that the balance between the intended and unintended *external* consequences of its foreign policy is quite peculiar in the case of the EU. As an economic giant, it generates strong economic dependence for most of its neighbours, in comparison to the fairly limited intended impact that is created because of a weakly developed foreign policy. This may explain the particular importance of structural foreign policy for the EU, that is, “a foreign policy which, conducted over the long-term, seeks to influence or shape sustainable political, legal, socio-economic, security and mental structures” (Keukeleire and MacNaughtan 2008, 25). The ultimate aim is not one of control, as in conventional foreign policy, but to promote “a more favourable international environment by pursuing and supporting long-term structural changes” (Keukeleire 2003, 47). As stated by Arnold Wolfers, the EU’s foreign policy is tilting towards “milieu goals” rather than “possession goals” (Wolfers 1962, 73).

Three (interrelated) forms of external, cumulative unintended consequences are of key importance for the EU in its relations with neighbouring countries: effects of (economic) dependence, externalisation, and attraction.

The first form of unintended consequences refers to the *costs generated by asymmetrical interdependence*. This holds in particular in the economic field. The EU is an economic giant, on which most of its neighbours are dependent for trade and investments. This generates tremendous unintended consequences for neighbouring economies. Drawing on Keohane and Nye, this can be seen in a transnational perspective, disconnected from interstate relations. According to them, interdependence produces “reciprocal (although not necessarily symmetrical) costly effects of transactions” (Keohane and Nye 1989, 9) When this interdependence is asymmetrical, that is when potential costs are higher for one party than for the other, this creates a potential source of influence (10-11).

Second, there are the *externalisation effects* of the EU’s policies. Lavenex and Uçarer define externalities as “the positive or negative external effects of an activity on other actors or activities than the one originally intended” (Lavenex and Uçarer 2004, 438). Domestic policies will produce certain effects across the border.⁴ The income support granted under the Common Agricultural Policy, for example, may lead to the dumping

⁴See also Reslow’s contribution to this Special Issue.

of EU agricultural products in third countries and eventually disrupt local markets. Obviously these externalisation effects are interwoven with interdependence. Generalising, we can assume the impact of externalities to grow with stronger dependence. This is particularly clear in the field of trade (Dodini and Fantini 2006). The alignment of new EU member states with the Common External Tariff had consequences for trade with its neighbours, thus changing opportunity structures. Strong export dependence on the EU will push companies and states to accept the standards and rules of the EU, eventually affecting preferences, legislation and opportunity structures.

A third form of unintended consequences results from *attraction*. “The EU exercises influence and shapes its environment through what it is, rather than through what it does” (Maull 2005, 778). The EU may be attractive for certain states as a model of integration, for the wealth it generates or for its soft security guarantees. Through the possible prospect of membership, the EU exerts a magnetic force or “gravitational pull” (782) on some eastern neighbours. Even just the subjective perception of a prospect within the neighbouring state to accede to the EU over the mid- or longer term will strongly determine its willingness to adopt the rules and norms of the latter.

Managing unintended consequences

To understand the process of unintended consequences and the EU’s reaction to it, reflection is required about different modes of post factum management of unintended consequences.⁵ EU external policies, such as enlargement and the ENP/EaP (European Neighbourhood Policy/Eastern Partnership), may be regarded as structural policies which seek to ‘manage’ the unintended externalisation effects of EU policies and make their impact more purposive, intentional, in particular with the objective of producing domestic reform in order to prepare countries for membership (in the case of enlargement policy) or for privileged relations (in the case of the ENP).

One can distinguish between different modes of managing unintended consequences, depending on whether and how an actor reinforces or mitigates them.⁶ The EU does this in a particular way. It is predominantly a regulatory actor (Majone 1994) and its policy towards its neighbours is heavily oriented towards the transfer of rules. Because of this, it has a strong institutionalist reflex. In the case of the ENP/EaP, it seeks to extend part of the *acquis communautaire* beyond its borders. As mentioned above, this is typically a long-term structural policy, aimed at transforming legal, administrative and political systems in neighbouring countries in its own image. The strategy is one of weak or partial integration, where countries get partially included in the EU’s regulatory and economic sphere, but without receiving the prospect of full membership. In other words, the EU aims at exporting its model rather than extending it to new countries, which would open the doors for membership.

⁵Post-factum management is referred to in the Introduction of the Special Issue as “reaction” rather than “anticipation”.

⁶As this article focuses on post-factum management of unintended consequences, the term “avoidance”, suggested in the Introduction of this Special Issue, will not be used. Reinforcing and mitigating are considered the end points of a spectrum of options and not a dichotomous choice.

The management of unintended consequences is itself a function of the capacity of an actor, in relation to other relevant actors and within a certain context. This means that the capacity to manage unintended consequences is ultimately also a form of power.⁷

Case: the decoupling of the EU's Russia and Eastern Europe policies

Against this conceptual background, this article explores the unintended consequences of the decoupling, in 2003-04, of the EU's policy vis-à-vis Russia from its policies towards the other East European former Soviet states. The latter remained part of the EU's European Neighbourhood Policy (ENP), while a separate Strategic Partnership was established with Russia. For simplicity sake, I will refer to both the ENP and the Eastern Partnership (EaP) states, even though the EaP dimension was only added in 2009.⁸ The case will be presented as part of the ideal-typical process chain mentioned: external action – unintended consequences – management of unintended consequences. The EU's policy towards Russia and Eastern European countries was split as the result of Moscow's withdrawal from the ENP project. Despite this split, the EU did not alter its policy, something that will be explained below as a non-decision.

A simplified summary of the case and the main argument is presented in [Figure 1](#) below.

Figure 1. Summary of model and its applications to the case of the EU's decoupling of its East European policies

⁷Barnett and Duvall (2005, 42) define power as "the production in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate".

⁸The EU formulated two core objectives for its neighbourhood policy (ENP): avoiding new dividing lines in wider Europe and creating stability in the neighbourhood (European Commission 2004). It sought to do so by establishing "privileged relations" with its Eastern and Southern neighbours. The Eastern Partnership (EaP) did not change these objectives in a fundamental way. It was launched in 2009 as one of the two ENP dimensions "to create the necessary conditions to accelerate political association and further economic integration between the European Union and interested partner countries" (Council of the European Union 2009).

In terms of Olga Burlyuk's classification, the unintended consequences were unanticipated and diachronic. Plausibly, they resulted in the first place from path dependence (and thus ignorance) and the "imperious immediacy of interests" (Burlyuk 2017). No doubt the institutional complexity of the EU, which makes a radical strategic overhaul difficult, played a crucial role.

The unintended consequences of decoupling EU policies vis-à-vis Eastern Europe and Russia

A non-decision

In 2003, the EU was preparing a new policy of privileged relations with the neighbours of the soon-to-be-enlarged Union, aiming at stability and avoiding new dividing lines in Europe. The Russian Federation was originally included in the ENP blueprint and was generally expected to join. However, despite the fact that negotiations with Russia had progressed substantially, at the last moment Moscow decided not to join the ENP. The country was increasingly lukewarm to an EU-centric policy, in which it was considered just one of the EU's many neighbours and put in the same basket with small countries such as Moldova and Tunisia. As a result, the EU's Russia policy was *de facto* decoupled from its policy towards its eastern former Soviet neighbours (Wolczuk 2009). Nevertheless, the EU continued with the ENP without Russia, developing a separate policy for Russia, in which Brussels and Moscow recognised each other as Strategic Partners.

The EU's decision not to alter its neighbourhood policy can be regarded as a non-decision. It has been defined as "the exclusion of some alternatives from the agenda of collective choice because dominant values make them politically impossible for the moment" (Rose and Davies quoted in McCalla-Chen 2000, 34).

In the original concept of Bachrach and Baratz (1963), non-decision was linked to the idea of "mobilisation of bias". It suggests that certain issues are systematically kept out of decision-making through certain dominant values or procedures to benefit a small elite of decision-makers. Yet several authors have argued that it may also occur for unconscious reasons, such as incompetence or attachment to something highly valued (for example maintaining good relations with both Russia and other eastern neighbours). In our case, non-decision was probably mainly a form of 'accommodation', where actors fail to pursue issues of interest or concern and instead accept or adjust to the existing situation (McCalla-Chen 2000, 35). Little or no trace was found of a profound discussion or new initiatives within the EU to revise policies towards the eastern neighbours because of Russia's decision to withdraw from the ENP. The EU simply seems to have acquiesced in the new situation and, confronted with the implications of Russia's decision, opted for inaction rather than redesigning its policies vis-à-vis post-Soviet states.

It is beyond the scope of this article, but it could be argued that the complexity of EU decision-making and the risk of disrupting balances among multiple decision-makers by changing delicate long-negotiated compromises made the EU more prone to accommodation. Radically changing a policy that is the result of years of difficult negotiations between all member states and EU institutions was not an evident option. It required a sense of urgency. In the case of Moscow's decision not to join the ENP, this sense of urgency was lacking. Relations with Russia were good at this point. Enthusiasm over the idea of a Strategic Partnership abounded. There was a lack of anticipation of the possible consequences in the longer term.

Internal and external unintended consequences

The unintended consequences of the decoupling and the decision to pursue the Strategic Partnership with Russia as well as an unchanged European Neighbourhood Policy with the other eastern neighbours were twofold. *Internally*, a tension developed between the two policies. With the eastern ENP countries, the EU developed a structural foreign policy (Keukeleire and MacNaughtan 2008) aimed at long-term structural reforms. The neighbours were to converge their laws, norms and institutional practices to those of the EU. Policies were predominantly EU-driven. With Russia, on the other hand, the EU engaged in a Strategic Partnership covering four Common Spaces of cooperation. This partnership was based on equality and frank recognition of each other's interests. It was a form of strategic diplomacy (Smith *et al.* 2016), driven by interests rather than norms, and based on 'constructive engagement'.

The tension between the two policies resided in their incompatibility. The ENP, as a form of structural diplomacy, sought to reshape its eastern neighbours in the EU's image, extending the EU's legal and economic system. However, these neighbours were equally a part of the neighbourhood of Russia, with which the EU had a Strategic Partnership. Establishing a form of far-reaching association with exactly those countries where Russia claimed to have legitimate "privileged interests" – in the words of President Medvedev (2008) – inevitably undermined the EU's credibility as Russia's strategic partner and the other way around. Before the Ukraine crisis of 2014, this inherent tension in the EU's eastern policy fuelled divisions among member states. Some, like Germany and the Netherlands, prioritised relations with Russia; others, such as Poland and Lithuania, put EaP countries like Ukraine first.

The major *external* unintended consequence was that the decoupling of policies fundamentally reshaped relations with Russia. Because of the combination of the Strategic Partnership and the ENP, the EU operated in two different strategic contexts in its relations with East European neighbours. The tension between the EaP and the Strategic Partnership fed negative opinions in Moscow about the EU's intentions (Casier 2016a). Arguably it fuelled the geopolitical suspicion that was clearly gaining ground in Russia and gave it a degree of legitimacy. When the Eastern Partnership was launched, Foreign Minister Lavrov accused the EU of 'building a sphere of influence'. Later on he claimed that the EU was forcing Kyiv to sign agreements (Haukkala 2015, 34). In this context, it became easier for the Russian government to exploit "the situation if not of conflict then of controversy between Russia and the West" and "the idea of Russia as some sort of besieged castle" (Volkov quoted in House of Lords 2015, 21).

As a result, a dynamic developed whereby both countries increasingly regarded each other's policies in the neighbourhood with mistrust. Any form of enhanced regional cooperation (whether the EaP or the Eurasian Economic Union) came to be regarded in a zero-sum context, as a potentially inimical act weakening the interests of the other (Casier 2016a). This resulted in "a culmination of tensions" (Haukkala 2015, 25) and "recurrent rounds of escalation – a costly spiral of action and reaction" (Charap and Troitskiy 2013, 51).

It goes without saying that this evolution cannot be attributed solely to the EU's decoupling of policies and its non-decision to adapt the ENP to the changed situation. This alone cannot explain the confrontation with Russia a decade later. As argued above, unintended consequences cannot be ascribed to only one actor; they are the result of complex, diffuse processes in the external environment and the choices and

policies of various actors. The causes of the conflict over Ukraine are multiple and changing Russian policies have played a substantial role in creating a competitive strategic environment. As argued elsewhere (Casier 2016a), we cannot understand the confrontation in EU-Russia relations without understanding the complex dynamic which developed over the years giving rise to a “logic of competition”. Thus, the point here is that the decoupling of the EU’s policies towards its eastern neighbours did not cause the competition, but that it has been a facilitating factor for the development of competitive dynamics.⁹

In this respect, Joan DeBardeleben (2018) refers to a fundamental paradigm shift in relations between the EU and Russia. Initially, the EU-Russia Strategic Partnership developed within a paradigm of a “common/greater Europe”: “the relationship revolved around contested visions of a common integrated [greater European] space, but with agreement on some fundamental principles” (115). Because of a lack of a “shared vision of how the relationship should unfold within the larger European space”, this paradigm gave way to a new paradigm of “competing regionalisms” (115). The latter was characterised by mutually exclusive integration projects, competing regulatory norms and a securitisation of the relationship (129).

DeBardeleben situates the beginning of the shift in the years before the Ukraine crisis, but describes it as crystallising with the confrontation over Ukraine (115). She argues that Putin’s proposal (Putin 2011) to establish a Eurasian Union was an attempt to restore the balance between the EU and Russia within the (dysfunctional) common Europe paradigm. Formally, the Strategic Partnership was based on equality, but in terms of economic strength the imbalance was considerable: size-wise the Russian economy was roughly equal to the Italian economy. Moreover, the EU was a highly integrated organisation of 28 member states, while Russia was basically on its own. By establishing a Eurasian Union, Russia’s capabilities would be increased and the EU-Russia Strategic Partnership more balanced. This, in turn, would allow Russia to restore some of its lost influence in the post-Soviet space. Yet, when the ECU was established in 2010, this was not received very well by the EU. The Union refused to negotiate trade matters with the ECU and many in the West perceived the Russian integration initiative as a crypto geopolitical project. Rivalry over the neighbourhood thus became a determining factor in EU-Russia relations.

Managing unintended consequences

As mentioned in the conceptual section, the EU’s management of its unintended consequences can ideal-typically be analysed along two different continuums. First, the degree to which the EU actively seeks to steer the unintended consequences of its action or presence. Here the options vary from inaction to active steering. Second, the proactive steering of unintended consequences may take two different forms: the EU seeks either to reinforce the outcomes which are seen as positive or beneficial (for example, reinforcing democratisation tendencies in neighbouring countries or promoting investment opportunities for EU-based companies) or to mitigate the consequences

⁹Moreover, understanding the crisis in relations between Russia and the Euro-Atlantic community also requires that other actors be taken into account, such as the US, NATO and Ukraine. This is however beyond the scope of this article.

seen as negative (for example, compensating for the negative economic effects of EU enlargement by giving neighbours facilitated access to the Single European Market).

How did the EU seek to manage the unintended consequences of the decoupling of its East European policy? A distinction should be made between management of the internal unintended consequences of the decoupling and management of the external effects on its neighbours. As to the former, and as argued above, the EU basically chose inaction. It did not fundamentally alter its policies, but just accepted the new unintended situation. Little was done inside the EU to coordinate or reconcile its contradictory ENP/EaP policies with its Russia policy. This was not helped by the “diffusion of competencies” (David *et al.* 2013, 3) within the EU vis-à-vis Russia, but equally vis-à-vis the EaP states.

There is a classic “legal and procedural duality” between Common Foreign and Security Policy (CFSP) and other external policies (Wouters and Ramopoulos 2013, 2). In the case of Russia policies, this duality is particularly strong with an imbalance in favour of certain Directorate-Generals (DGs) like Energy and Trade, at the expense of the European External Action Service (EEAS), expected to set out the broader, strategic line. Furthermore, coordination mechanisms between EaP and Russia policies are weak. As a result, no mechanisms were set up to consult Russia on the development of ENP/EaP policies, despite Russia’s regular demands for consultation. For example, no triangular negotiations were held during the negotiation stage of the Association Agreements with Ukraine, Georgia and Moldova.¹⁰

As for the external effects, an interesting discrepancy emerged in the management of the unintended consequences of the EU’s policies towards its EaP neighbours and Russia. With the ENP/EaP countries (at least the willing partners Georgia, Moldova and Ukraine), the EU generally has a high degree of unintended impact through externalities and attraction (see above). *Ab initio*, there were many unintended domestic, in particular economic, effects of the EU’s economic size and eastern enlargement. With high shares of their exports going to the EU, the neighbouring states have little choice but to adapt to the economic policies of Brussels. For example, the products they export have to adapt to the regulatory environmental, hygienic or technical standards. As a result of this sort of processes, domestic opportunities and choices in EaP countries are determined by economic dependence on the EU.

With the asymmetrical ENP/EaP policy, the EU is simultaneously steering, mitigating *and* reinforcing the unintended consequences generated. It steers because it actively seeks to transform the political and economic systems of its neighbours through conditionality, rule transfer and a normative agenda (promoting democracy, the rule of law, etc.). It mitigates by creating opportunities for (selective) free trade and better market access, allowing neighbours to join certain EU programmes or offering visa liberalisation. Finally, it also reinforces the unintended consequences when they are beneficial for the EU, thus promoting its own interests.

This is done, first of all, by exporting a considerable part of its *acquis communautaire*, aiming at the approximation of laws in the target country. Thus, the EU anchors associated neighbours in its own economic and regulatory sphere and extends that sphere without enlarging the Union. Secondly, EU interests are fostered by negotiating a Deep and

¹⁰The EU’s reason for not consulting with Russia during the negotiations on the Association Agreements, notwithstanding their potential impact on its trade, was mainly framed in terms of not giving Russia a veto right in the negotiations. Yet, it can be doubted whether consultation by definition implies granting a veto right. Interestingly, triangular negotiations were held between the EU, Ukraine and Russia about the implementation of the EU-Ukraine Association Agreement, after it was signed.

Comprehensive Free Trade Area (DCFTA) that arguably reflects predominantly EU economic interests. It is clear that both elements have a strong asymmetry in favour of the EU. Also certain EaP flagship initiatives (energy, border management) are predominantly policies reflecting EU interests. The simultaneous mitigation and reinforcement of the unintended consequences of EU policies creates a certain ambiguity in the EU's policy, as it tries to reconcile diverging goals.

With Russia, the management of unintended consequences is rather different, but then, the consequences are substantially different and much more complicated. The situation is one of a strong economic asymmetry between the EU and Russia, favouring the EU, combined with energy dependence favouring Russia. With the Strategic Partnership, the EU dropped the normative agenda in its relations with Russia. Equally, instruments of rule transfer and conditionality became marginalised. This can be seen as the result both of Russia's opposition and of less asymmetrical relations. It implies that there has been only a limited (attempt at) steering the domestic consequences in Russia. Nor has there been much mitigation of the negative unintended consequences of the EU's dominant economic presence. Rather those seen as beneficial for the EU (and the other way around for Russia) have been reinforced and this has further strengthened an agenda framed in terms of interests.

The agency of the EaP countries

Both unintended consequences and the way they are managed are a function of the actor's capacity in relation to other relevant actors. This holds not only for the actor producing the unintended effects (in this case, the EU), but also for the target of its action and third parties (the EaP countries and Russia). All three categories have the capacity for action. While this article has focused mainly on the capacity of the EU to steer, reinforce or mitigate its unintended consequences, the EaP states and Russia also have a degree of agency. In the case of Russia, it has already been described how the clashing objectives in the EU's policies versus its eastern neighbours created fertile ground for Russia to exploit an image of the West pursuing an anti-Russian policy and seeking to create a sphere of influence in the former Soviet space.

But the EaP countries also have a degree of agency that allows them to use unintended consequences to their advantage. This holds for both the external and internal unintended consequences of the EU's decoupling of policies. Externally, the development of two different strategic contexts – competitive zero-sum with Russia and cooperative with EaP countries – allowed some of the latter to exploit threat images of Russia to seek closer integration with the EU or obtain certain advantages.

Ukraine, for example, actively tried to obtain a prospect for EU accession during the Association negotiations. While it did not achieve this (the Association Agreement only "welcomes" Ukraine's European choice), it did manage to use the new strategic context to get clear and more explicit recognition of its European identity from the EU. The two-pronged strategic context formed a conducive environment for Ukraine to stress its distinct identity vis-à-vis Russia.

As for the unintended consequences inside the EU, EaP countries were put in a position where they could make use of the internal divisions that the decoupling of policies had generated within the EU. This split allowed them to pursue their interests

or influence agendas by collaborating with those member states that promoted an 'EaP first' policy, such as Lithuania and Poland.

But the agency of the EaP countries also lies in their capacity to adopt EU policies selectively. Undeniably, several EaP states have been subject to strong "adaptational pressure" (Börzel and Risse 2012) resulting from the economic asymmetrical interdependence and "normative hegemony" (Haukkala 2008) of the EU. But, while this could be expected to lead to considerable guaranteed leverage on the part of the EU, in practice this has often been eroded by a selective or superficial adoption of EU-imposed conditions. The lip service paid by some elites has led, for example, to limited success in combating corruption in some countries or to the creation of "procedural" ballot box democracies rather than sustainable "substantive" democracies (Pridham 2000).

Finally, the EaP countries have a considerable degree of agency precisely because of the competition that arose between the EU and Russia over their common neighbourhood. The EU's impact could only be effective if it was not undermined by Russia's influence or deliberate policies. Its conditionality could only be effective if it was not neutralised by Moscow's promises for similar or greater benefits – so-called "cross-conditionality" (Schimmelfennig and Sedelmeier 2004). Russia deliberately tried to undermine the effectiveness of the EU's normative hegemony in the region, challenging it on different fronts: through control (destabilising Ukraine), alternative institutional arrangements (the Eurasian Economic Union), and claims of genuine Europeanness, pursued by means of a "paleoconservative" ideology (Morozov 2018), which in many ways represents an alternative to the EU's normative agenda.

As many constraints as this may have implied, it also provided EaP countries with the possibility of balancing and a degree of choice (Makarychev 2018) – and different choices they have made. Three willing partners (Georgia, Moldova and Ukraine) signed Association Agreements with the EU in 2014. Armenia has opted for membership of the Eurasian Economic Union, but has chosen to combine this with continued collaboration with the EU, signing a Comprehensive and Enhanced Partnership Agreement (CEPA) with Brussels. Belarus, in turn, has opened up to the EU, in particular since the Ukraine crisis, seeking some kind of counterbalance to its close links to Russia. Azerbaijan, finally, has shown only selective interest in collaboration with either the EU or Russia. The extremely varying 'success' of the EU vis-à-vis the different EaP countries can only be understood in the light of the countries' capacity of agency.

Conclusion

This article has built on Olga Burlyuk's conceptualisation of unintended consequences, extending her model to a larger process linking external action, unintended consequences and the (intended) management thereof.

The case presented has dealt with the unintended consequences of the EU's non-decision to change the ENP after Russia was decoupled from it with the creation of a separate Strategic Partnership in 2003-04. It has been argued that *internally* this created an inherent tension in the EU's East European policy: the ENP's objective of creating privileged relations and association with the eastern neighbours was incompatible with the Strategic Partnership's promise of equal partnership and respect for Russian interests, as Moscow saw privileged interests in the former Soviet space as a key priority. *Externally* this

contributed to the development of two different dynamics: cooperative but asymmetrical relations with certain EaP countries versus a competitive context for the development of relations with Russia. The development of a logic of competition between Brussels and Moscow had multiple and complex causes and cannot therefore be attributed exclusively to the decoupling of the two policies, but it was one of the facilitating factors.

The article argues that there are different modes of management of unintended consequences. First, an actor can decide to steer its unintended effects actively or not to act. Second, the modes of management of unintended consequences may vary on a spectrum that ranges from mitigating to reinforcing.

The EU has actively sought to reinforce its normative hegemony towards EaP countries, while at the same time mitigating certain negative unintended effects of its dominant economic position. Yet, those countries have the capacity to erode or reinforce the EU's policies. Moreover, in the competitive strategic context that has come into existence, Russian foreign policy actively seeks to challenge the EU's hegemony and to undermine its effectiveness. Apart from imposing considerable constraints, it also leaves the EaP countries with a considerable capacity of choice, which is reflected in highly differentiated degrees of cooperation with the EU.

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7 Unintended Consequences of State-building Projects in Contested States

The EU in Palestine

Dimitris Bouris

ABSTRACT

The existing literature on state-building has focused mainly on post-conflict cases and 'conventional' examples of statehood, without taking into consideration the particularities of states that remain internally and/or externally contested. The EU's engagement in Palestinian state-building through the deployment of EUPOL COPPS and EUBAM Rafah has generated various types of unintended consequences: anticipated and unanticipated, positive and negative, desirable and undesirable, some of which fulfill and some of which frustrate the initial intention. These have important reverberations for the EU's conflict resolution strategies in Israel and Palestine, the most important being the strengthening of power imbalances and the enforcement of the status quo.

As noted in the introductory article, unintended consequences are particularly likely in the area of security and defence, where the EU has limited agency and has to operate in a complex international environment. This is especially the case when the EU deploys Common Security and Defence Policy (CSDP) missions in areas where statehood is contested. Although the literature on state-building has mainly focused on post-conflict cases and has been preoccupied with 'conventional' examples of statehood, little scholarly attention has been paid to state-building projects carried out in states that remain contested. Moreover, while most of the literature focuses on questions of effectiveness and compliance, issues of unintended consequences of state-building interventions have largely been neglected and side-lined. This is an important gap in our knowledge, therefore studying unintended consequences can help reveal and explain broader dynamics that state-building interventions might have in so-called 'high politics' diplomatic activity and conflict resolution efforts.

This article, by focusing on Palestine, analyses the effect and impact of the operationalisation of two EU-led CSDP missions, namely the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) and the European Union Border Assistance Mission at the Rafah Crossing Point (EUBAM Rafah); how contested statehood has affected their operationalisation on the ground; and also how their presence has caused a number of unintended consequences, which have important reverberations for the EU's broader conflict resolution strategies. As such, the aim of this article is twofold. On the one hand, it shifts the focus from conventional to

contested states. Such a shift is important because most cases of contested statehood in the EU's neighbourhood relate to a conflict where the issue of sovereignty is central and the EU has deployed CSDP missions. On the other hand, it unpacks and analyses the unintended consequences of the EU's involvement through CSDP missions, which can significantly affect the EU's role in the broader field of conflict resolution. This aspect has long been neglected in the literature which has primarily focused on issues of 'effectiveness', thus failing to explain processes closely linked to unintended consequences that might account for success or failure.

The article is divided as follows. The first section explores the EU's role as a state-builder, while the second section offers insights from the debate on contested statehood. The third section analyses the EU's role in Palestinian state-building and the fourth focuses on the two CSDP missions that the EU has deployed in Palestine. This is followed by an analysis of the unintended consequences of the operationalisation of these missions on the ground.

The analysis largely draws on Burlyuk's (2017) proposed classification of unintended consequences, as well as the Introduction to this Special Issue, and examines the nature of unintended consequences (the 'what' dimension), the reasons behind their occurrence (the 'why' dimension), and the ways in which the EU responds to them (the 'how' dimension). In other words, the article engages with the three main guiding questions of this Special Issue in the case of CSDP. Material collected through semi-structured interviews with EU, Palestinian and Israeli officials and personal observations throughout the last eight years with regard to specific aspects of the operationalisation of the two missions on the ground also complements the analysis. This first-hand material is supplemented by other primary and secondary sources, such as policy documents and official declarations, as well as literature on peace and state-building, the EU and conflict resolution and CSDP missions. The central argument put forward is that one of the unintended consequences of the EU's involvement in cases of contested statehood is that it can strengthen the existing power imbalances between conflicting parties, therefore enforcing the status quo.

The EU's role as a state-builder

During the 1990s, several peacebuilding missions were launched by the United Nations (UN) and "post-conflict peacebuilding developed into something of a growth industry" (Paris 2004, 3). Over the years, the argument that peacebuilding should pay more attention to state-building goals has gained more prominence. A number of academics started focusing on the problem of weak governance and inadequate state institutions. Fukuyama for example, argued that "weak or failing states commit human rights abuses, provoke humanitarian disasters, drive massive waves of immigration, and attack their neighbours" (Fukuyama 2005, 125). Fearon and Laitin (2004, 7) characterised state-building efforts led by the international community as "practically inevitable" and Krasner focused on the importance of building effective institutions as a basis of economic well-being, respect for human rights and physical security of countries' populations (Krasner 2004, 90).

Most of this literature on peace- and state-building has focused mainly on the dilemmas of these projects including, for example, the domestic and international contexts, the role of

spoilers, security, political economy, institutional design, constitution making and electoral processes (Paris and Sisk 2009). While it has dealt with different case studies around the world, it has been limited to either engaging with the aforementioned dilemmas or criticising the nature (and application) of the liberal peacebuilding model. Even in cases where the nature of the state being built is taken into consideration, this is done as a way to explain the outcomes of peacebuilding rather than to show how the contestation of a state (internal or external) affects the state-building project (see, for example, Barnett and Zürcher 2009; Lemay-Hébert 2013). This very important aspect has been neglected by the literature, but it is of primary importance because contestation can have direct unintended (anticipated and unanticipated) consequences with regard to the external actors involved in processes of state-building – and it can also exacerbate the conflict.

In parallel to the evolution of this literature and the UN's engagement in peace- and state-building projects around the world, the relaunch of European integration after Maastricht placed the EU at the centre of academic debate on peace and state-building. Academics such as Trauner (2009) and Grabbe (2006) argued that the EU can be considered the state-building institution *par excellence*; in 2012, the EU was awarded the Nobel Peace Prize for its contribution to the advancement of peace. Throughout the years, literature on the EU as an international actor has flourished, starting with Christopher Hill's seminal article, "The Capability-Expectations Gap, or Conceptualizing Europe's International Role" (1993). A strand of this literature has focused on the EU's engagement with its 'near abroad' by deploying concepts such as *actorness* (Bretherton and Vogler 1999), *external governance* (Lavenex 2004, 2008) and *Europeanization* (Radaelli 2000; Featherstone and Radaelli 2003; Schimmelfennig and Sedelmeier 2004).

At the same time, the EU's own emergence as a peace project and its liberal peacebuilding framework have also been subject to considerable scholarly interest (Tocci 2008; Blockmans *et al.* 2010; Richmond *et al.* 2011). Most of this discussion has gone hand-in-hand with the development of the literature on the EU and conflict resolution (Noutcheva *et al.* 2004; Tocci 2007; Diez *et al.* 2008; Whitman and Wolff 2012). The European Security Strategy (ESS) of 2003 clearly stated that "spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order" (Council of the European Union 2003, 10). The recent EU Global Strategy (EUGS) argues that "[p]eace and security, prosperity, democracy and a rules-based global order are the vital interests underpinning our external action" (EUGS 2016, 13) and "the EU will engage in a practical and principled way in peacebuilding, concentrating our efforts in surrounding regions to the east and south (8).

The EU's strong belief that "the reinforcement of the rule of law and respect for human rights is an indispensable element in peacebuilding" (European Commission 2005) has translated into a wide range of CSDP missions. In the words of the EUGS:

The CSDP could assist further and complement UN peacekeeping through bridging, stabilisation or other operations. The EU will also enhance synergy with UN peacebuilding efforts, through greater coordination in the planning, evolution and withdrawal of CSDP capacity-building missions in fragile settings (EUGS 2016, 40).

Due to the fact that these CSDP missions are predominantly deployed in conflict-ridden areas, the literature has mainly focused on either evaluating their operational

effectiveness (i.e. Grevi *et al.* 2009; Emerson and Gross 2007) or analysing them as part of the EU's conflict resolution policies (i.e. Whitman and Wolff 2012). Little attention has been paid so far to the problem of unintended consequences that occur from their operationalisation on the ground.

The issue of unintended consequences should be distinguished from policy failures and from the notion of 'wrong policies'. In the words of Boudon (1982, 6), unintended consequences differ from a 'failure to achieve intended consequences', since 'successful' actions might also have unintended implications. Although a nascent bibliography has developed in the last few years on the question of unintended consequences of international state-building or international security assistance (Daase and Friesendorf 2010; Schneckener 2010; Schroeder 2010), the issue of unintended consequences of EU-led state-building projects and/or civilian missions has largely been left on the margins of discussions of the EU's effectiveness as a conflict resolution player. This is also linked to a more general approach of the literature on EU external relations, which has mainly focused on assessing the EU's external performance and impact abroad (e. g. Sasse 2008; Schimmelfennig 2010; Börzel 2011).

Trying to overcome these limitations and move the debate on the EU's external action forward, Burlyuk (2017) recently developed an analytical framework, which sets out a classification of unintended consequences. Based on different modes of knowledgeability, she argues that an unintended consequence can be unanticipated, but it can also be anticipated but not expected, or anticipated and expected. As such, we can speak about unanticipated, unexpected and expected unintended consequences (Burlyuk 2017, 1012). This is one of the nine dimensions of the 'what' question, which also includes the relationship to the initial intention relevant to the analysis in this article. In a second step, Burlyuk explores the 'why' dimension of unintended consequences. Is it due to ignorance, incorrect assumptions, a willingness to ignore unintended consequences because of an expectation that they will ultimately bring additional, overriding benefits? Or is it due to a lack of concern or lack of willingness to take risks, or indifference to future harm or contextual change?

This article engages with both the 'what' and 'why' dimensions of Burlyuk's framework, but it adds one more dimension, namely the 'how' dimension, which is equally important, as acknowledged in this Special Issue. The 'how' dimension of investigating unintended consequences is two-pronged. On the one hand, the question is whether EU policies trigger unintended consequences (whether anticipated or unanticipated) or whether unintended consequences of earlier EU policies trigger new/adapted EU policies? On the other hand, how do these unintended consequences themselves affect the EU's response? These questions are closely linked to the idea of approaching unintended consequences as a process (see Introduction to this Special Issue).

More specifically, this article explores three questions with regard to the EU's role as a state-builder through the deployment of CSDP missions in Palestine: a) *What* are the types of unintended consequences of the deployment of these mission on the ground? b) *Why* do unintended consequences occur through their operationalisation? and c) *How* does the EU respond to them and how do they affect the EU's role in the conflict?

Two case studies have been chosen with these questions in mind, namely, the CSDP missions that the EU deployed in the context of a broader state-building effort as part of the EU's conflict resolution policies in the Israeli-Palestinian conflict: EUBAM Rafah and EUPOL COPPS. Despite the fact that both are civilian missions without executive

mandates (meaning that they are of an advisory/technical nature and cannot execute policies themselves), their operationalisation on the ground has produced a number of unintended consequences not only operationally, but most importantly with regard to the realities of the contested statehood in Palestine and the status quo of the conflict. The unravelling of those unintended consequences is crucial as it moves both conceptual and empirical insights away from issues of operational effectiveness and helps us understand the micro-politics of the everyday operationalisation of these missions on the ground and how they affect broader conflict dynamics.

Enter contested statehood

The issue of unintended consequences of CSDP missions becomes even more complicated if we consider that most of them are deployed not only in areas where conflict persists but also in cases of contested statehood. According to the definition offered by Papadimitriou and Petrov (2012, 749), contested statehood is a state of affairs where one or more of the following characteristics holds true: a) an internationally recognised state authority (as expressed by full membership of the UN) cannot maintain effective control over its respective territory (or parts thereof), either as a result of an ongoing conflict or its profound disconnection with the local population; b) the *de facto* governing authority of a contested territory has declared independence, but it does not command full diplomatic recognition by the international community as expressed by full membership of the UN; c) the capacity of an internationally recognised or a *de facto* government to exercise authority is severely compromised due to the weakness of its state apparatus, either because of poor resources or complications in the constitutional arrangement underpinning its operation.

As mentioned above, the issue of contested statehood and its implications (and consequences – intended or unintended) for EU engagement has remained under-researched. Some scholars have focused on so-called “engagement without recognition” (Cooley and Mitchell 2010; Caspersen 2015; Ker-Lindsay 2015; Ker-Lindsay and Berg 2018). EU studies scholars have focused on the impact of integration and association (Coppeters *et al.* 2004; Diez *et al.* 2008), how domestic actors of contested states understand the EU (Vahl and Emerson 2004, Popescu 2007) and how their representatives interact with it (Bouris and Fernandez Molina 2018), diplomatic issues (Papadimitriou and Petrov 2012), and the EU’s state-building efforts but without taking into account the specific parameter of contested statehood (Bieber 2011; Börzel 2011; Bouris 2014). Only a recent article by Bouris and Kyris (2017) analyses how the different parameters of contested statehood mediate the EU’s impact on contested states, and even that article is not explicitly about CSDP missions and/or unintended consequences. This gap is what this article addresses by offering an analysis of the operationalisation of the two CSDP missions in Palestine in response to the above three research questions.

Even though most CSDP missions deployed in the EU’s neighbourhood are civilian, lack executive mandates, and only have an advisory role, their operationalisation on the ground can potentially cause several unintended consequences. The most important of these is the risk of contributing to the entrenchment of the status quo instead of acting as conflict mediation/resolution tools. This risk is inherent in the security first approach

of state-building projects, which emphasises stability over a genuine reform-oriented process.

The EU and state-building in Palestine

The reasons for Palestine's contested statehood can be traced back to the collapse of the Ottoman Empire, the British mandate and the subsequent British withdrawal from these territories. With Resolution 181 in 1947, the UN decided upon the division of Palestine into two states, an Arab and a Jewish one, and the internationalisation of Jerusalem. In the aftermath of the 1967 War, Israel occupied the West Bank (including East Jerusalem), Gaza, and the Golan Heights. On 15 November 1988, Yasser Arafat, President of the Palestinian Liberation Organisation (PLO), proclaimed the state of Palestine based on UN Resolution 181. In 2012, the UN decided to 'upgrade' Palestine from 'non-member observer entity' to 'non-member observer state' with a majority of 138 states voting in favour. The 'upgrade' reconfirmed that Palestinians enjoy a certain degree of what Geldenhuys (2009) has called 'titular' recognition, that is, recognition of their *right* to statehood.

The first phase of the state-building project in Palestine started after the signing of the Oslo Accords in 1993. Through a series of international agreements (Oslo I and II), Palestine acquired a quasi-police force whose main problem is well put by Lia:

From a legal and political viewpoint, the Palestinian Police was a far cry from a national police force in an independent state. Its greatest anomaly was the fact that it was established not primarily to provide security and render services for the people among whom its members were recruited and on whose territory it exercised control but to ensure improved security for a foreign state and its citizens (Lia 2006, 269).

In 1995, under the Interim Agreement on the West Bank and the Gaza Strip (commonly referred as Oslo II) the West Bank and Gaza Strip were divided into three areas; A, B and C. It was only in Area A, amounting to 17.7 percent of the West Bank, that the Palestinian Authority (PA) was given full administrative and security control. In Area B, which makes up 21.3 percent of the West Bank, the PA was given only civil control, while Israel would maintain security control. In Area C, Israel would retain full responsibility and control in all aspects. It should be noted that Area C represents almost 61 percent of the total area of the West Bank. Hebron was split into two security zones, H1 and H2; Palestinian police control the H1 area, which is smaller, and Israel remains in control of area H2. Finally, Gaza was split into Yellow and White areas (Turner 2013, 340).

The division of the West Bank into "administrative parcels" (Turner 2013, 340) created "extreme territorial fragmentation, sometimes sarcastically described as Swiss cheese: Israel kept the cheese and left the holes for the Palestinians" (Lia 2006, 283). The division also entrenched the realities of contested statehood in Palestine. Furthermore, although Israel transferred some powers under Oslo II to the recently established Palestinian Police Force (PPF), the main limitation to the latter's jurisdiction (and to that of the PA as a whole) was recognition of the Israeli military government throughout the Palestinian Territories.

To this end, the PA was given the task of controlling a number of population centres, albeit non-contiguous ones. Israel remained the final arbiter of Palestinian life through

its control of all internal and external borders, meaning all entry/exit points into/out of Palestinian areas (Le More 2005, 30-31). Within this “matrix of control” (Halper 2011), Israel’s practices of annexing land and creating new borders has continued unrelentingly, directly affecting international and EU state-building efforts.

Yet, the realities of contested statehood and weak state structures and authority provided the EU with state-building opportunities (Bouris and Kyris 2017, 763). The EU soon became the biggest donor to Palestinian state-building, providing over half the funding needed for development and a third of total donor funding for police costs in the period 1994-95 (Lia 2007, 147). At the same time, the EU’s involvement left an important precedent and had an unintended consequence. Through its engagement in the state-building project in the Palestinian Territories in general and Security Sector Reform (SSR) in particular, the EU accepted and enforced specific practices or lines of action on which the parties agreed (Bouris and İşleyen 2018). In practice, though, these essentially translated into Israel deciding what kind/form of contribution the EU was ‘permitted’ to offer with regard to cooperation with the PA in security matters, as well as how and where this would be operationalised (Bouris 2015, 31).

EU-led state-building in Palestine after the Second Intifada

Most of the security infrastructure built during the Oslo years was destroyed by Israel between 2000 and 2002 (Friedrich and Luethold 2007, 19). In 2002, the EU Danish Presidency was instrumental in drafting a ‘Roadmap’, which would form the basis for renewed Israeli-Palestinian negotiations towards a two-state solution and was later endorsed by the so-called Middle East Quartet.¹ The Roadmap was based on a gradualist approach and divided into three phases; the first envisioned an ‘unconditional cessation of violence’ (Quartet 2003, 2) by the Palestinian side, the normalising of Palestinian life, as well as the building of Palestinian institutions. SSR gained special attention as it was considered one of the main areas that would both improve Palestinian life and respond to Israel’s demands for security (Bouris 2012).

The EU became actively involved in SSR in the Palestinian Territories (Bouris 2012; 2014; Persson 2015; 2018) by deploying two civilian missions: the first, a border assistance mission named EUBAM Rafah and, the second, a police and rule of law mission named EUPOL COPPS which aims at supporting the PA in establishing effective policing arrangements.

EUBAM Rafah

After its unilateral disengagement plan from Gaza completed in September 2005, Israel signed the Agreement on Movement and Access (AMA) with the PA. According to the agreement, Israel would waive its control over Gaza, for the first time since the 1967 war, and all responsibility for the Rafah crossing would be transferred to Egypt and the PA under the observation of a third party. After the US declined, it was decided that the EU would assume the third party role. “Nobody was really satisfied but we didn’t have another option so we thought it would be good to give Europeans a role to play”, said

¹The Quartet on the Middle East was established in June 2002 and is comprised of the US, the UN, the EU and Russia.

one Israeli official (Israeli Ministry of Foreign Affairs 2010). The EU agreed to take on the task as it had been trying for years to play a more active role on the ground in the Middle East Peace Process and this was the first time that Israel accepted such a role. The aim was, on the one hand, to win the trust of Israel and, on the other hand, to convince Israel to cede more control with regard to border crossings to the Palestinians (see below).

EUBAM Rafah began operations on 30 November 2005 and sought to “reconcile Israel’s security concerns with both the Palestinian demands for an autonomous border management and the requirements of Gaza’s economic recovery – which presupposes open borders” (Del Sarto 2007, 70). The mission initially had a one-year mandate, which has been extended to date (Council of the European Union 2005a). Its main aims are to assist the PA in building capacity/training on border management and customs; evaluate and assess the PA’s application of the procedures; contribute to building confidence between the parties and institutional capacity in the PA; ensure effective border control; and contribute to the liaison between the Palestinian, Israeli and Egyptian authorities in all aspects of border management at Rafah. In the absence of an executive mandate, Palestinian security and customs officials do the actual work at the crossing supervised/mentored by EUBAM Rafah’s staff.

Although supervising the Rafah border crossing was “neither a high-profile nor a particularly glorious task ... the EU mission [was] nonetheless politically relevant” (Del Sarto 2007, 71) and was significant for EU-Israeli relations and the EU’s role in the conflict. “It was extraordinary that [Israeli Prime Minister] Sharon who was cynical towards the Europeans and had no faith in negotiations with Palestinians accepted an EU presence”, stated an Israeli official (Israeli Official 2013). The mission was rather successful until the Hamas takeover of Gaza on 13 June 2007.² Following this, EUBAM Rafah was temporarily suspended at the Rafah Crossing Point because Israel blocked access to EU observers following the abduction of Corporal Gilad Shalit by Palestinian militants (Sayigh 2007, 11). However, it is still in the region with the operational capacity to be deployed on short notice (EUBAM Rafah 2016). The total personnel of the mission was reduced substantially to four EU staff and eight locals as of January 2017 (Bouris and Dobrescu 2018, 260).

EUPOL COPPS

EUPOL COPPS is the second civilian mission deployed by the EU. It is a police and rule of law mission established with the aim of assisting and facilitating the implementation of the Roadmap, more specifically helping the PA improve its ability to take responsibility for law and order and, above all, improve its capacity in civil police and law enforcement (Council of the European Union 2005b). The mission was deployed soon after EUBAM Rafah and initiated its work on 1 January 2006.

The mission consists of five sections, namely: the police advisor section, programme coordination section, rule of law section (from 2008), administration section, and gender section. The mission’s three main tasks are to mentor and advise the Palestinian Civil Police (PCP), coordinate and facilitate EU member states’ financial

²According to statistics, during the 18 months that the EUBAM was present, a total of 443,975 people crossed through the Rafah Crossing Point (EUBAM Rafah 2016).

assistance to the PCP, and give advice on politically related Criminal Justice elements (Council of the European Union 2005b). As evident from the main tasks of the mission, and like EUBAM Rafah, EUPOL COPPS does not have an executive mandate. Since its establishment in 2006, EUPOL COPPS has gradually expanded its total number of staff as well as its activities. While in the beginning the mission was composed of 48 officials and was supposed to last for three years, it has now been expanded to 112 officials and its mandate extended to June 2019.

The mission faced a number of operational challenges in the beginning, as its deployment took place just a few weeks before Hamas' victory in the Palestinian elections on 25 January 2006. The EU's boycott of the Hamas-led government meant that the European police mission could not cooperate with the Hamas-led Interior Ministry (Asseburg 2010, 78). "We were on standby for that time until the emergence of the Salam Fayyad government", explained José Vericat, former EUPOL COPPS press and public information officer (Vericat 2011). Fayyad was appointed Prime Minister in June 2007 and two years later his government came out with a plan entitled 'Palestine – Ending the Occupation, Establishing the State' (Palestinian National Authority 2009), which focused on the paramount importance of security.

In fact, security has been "the flagship of Fayyad's state-building project" (European Union member state official 2013). As argued by a Palestinian Civil Police official, "without security we will never manage to get our own state" (Palestinian Civil Police official 2013). It should be noted that EUPOL COPPS has played an instrumental role in working together with the PCP and has contributed to improving the situation on the ground,³ although this still remains far from ideal and numerous researchers argue that authoritarian policing has become entrenched at the expense of the Palestinian population and "local ownership" (Mustafa 2015; Tartir and Ejodus 2018; Müller and Zahda 2018; Tartir 2018).

Unintended consequences of the operationalisation of the missions: the what, why and how dimensions

The aim of this section is to provide a comparative analysis of the most important unintended consequences stemming from the operationalisation on the ground of EUBAM Rafah and EUPOL COPPS. The analysis draws on first-hand observations through fieldwork in the last eight years, as well as discussions with people involved in the political aspects, decision-making and implementation of these missions. The analysis focuses mainly on the unintended consequences impacting the EU's role in the conflict and those linked to the situation of contested statehood, rather than the unintended consequences for local citizens or police officers (for such a discussion, see Tartir and Ejodus 2018; Müller and Zahda 2018). To this end, various types of unintended consequences have been observed: anticipated and unanticipated, positive and negative, desirable and undesirable, some which fulfil and some which frustrate the initial intention.

³In 2008, for example, due to improvement in the security domain, Israel decided to permit the opening of 20 police stations in Area B where the PCP had not been present since 2001.

Starting with the ‘what’ dimension, EUBAM Rafah managed to transform Israeli perceptions positively towards an active EU role on the ground (at least in the beginning). Although the mission has now been inactive for eleven years, it had a number of implications with regard to the EU-Israeli-Palestinian triangle. EUBAM Rafah dealt specifically with border control, which is one of the final status issues, and it was the first time that the EU was so actively involved in important security matters in the conflict (Persson 2013, 165). As such, its deployment had positive implications with regard to the EU’s role in the Israeli-Palestinian conflict.

The intended consequence behind EUBAM Rafah’s deployment was the hope that it could be used as an example in the future for similar border crossing point arrangements, to boost the EU’s active involvement in providing training assistance to the Palestinians, thus diffusing some EU norms, practices and rules, while at the same time addressing Israeli security concerns. As a Palestinian official stated: “We hoped that EUBAM Rafah would serve as a precedent that could counter the Israeli argument that third parties are not effective when it comes to security” (Palestinian Official 2013).

The way the mission operated, though, set an important precedent that was unintended, but anticipated by the EU due to the nature of the AMA: although the Rafah crossing point should have been a bilateral Egypt-PA issue, it was clear from the signing of the AMA that Israel would have the final say (as it would still control the crossing points from/to Gaza) and Palestinians would have to cooperate with it. As such, and moving to the ‘why’ dimension, EU policymakers in charge of designing and implementing the mission showed a willingness to ignore this anticipated, but unintended consequence in the hope that it would bring additional, overriding benefits. It was the contested statehood conditions, however, that had a direct impact on the operationalisation of EUBAM Rafah: the border crossing could not operate unless the European monitors were present, and since the mission’s office was in Israel, Israeli authorities could prevent the monitors from reaching the crossing (Ma’an 2009). In other words, Israel had the ‘upper hand’ on whether the European monitors would be ‘permitted’ to reach Rafah and, consequently, whether the border crossing would remain open or closed. This was an unanticipated consequence (‘what’) based on incorrect assumptions or the belief (‘why’) that this would not happen. This is also linked to the ‘how’ dimension of the EU’s reactions: the EU rather passively accepted this reality on the ground and did not challenge Israel’s decisions partly out of pragmatism but also because of its realisation and admission that it would not have been possible to reverse them.

Additionally, the Agreed Principles for the Rafah Crossing (accompanying the AMA) mention that the “use of the Rafah crossing will be restricted to Palestinian ID card holders and others by exception in agreed categories with *prior notification to the Government of Israel (GoI)*” (EUBAM Rafah 2005, emphasis added). The PA also had to “take Israeli concerns into account” and “consult with the GoI and the 3rd party prior to making a decision to prohibit travel or not” (EUBAM Rafah 2005). A Western diplomat interviewed by the International Crisis Group put it bluntly: “We don’t have any objective way to measure the success of reform. What that has meant for many of us is that the main criterion of success is Israeli satisfaction. If the Israelis tell us that this is working well, we consider it a success” (International Crisis Group 2010, 16). Instead of the mission being evaluated on specific benchmarks (either operational or political), the evaluation was rather limited to “what the Israelis would say” (16). This

was another unintended and unanticipated consequence ('what'), which was the direct result of ignorance and indifference to future harm ('why').

As for EUPOL COPPS, one of the challenges that the mission has faced over the years is that, as mentioned previously, it does not have an executive mandate. As a result, it is only allowed to be present where the PCP is permitted to operate, which is directly linked to the division of the West Bank into areas A, B and C and thus to the condition of contested statehood in Palestine. Therefore, EUPOL COPPS has been 'handicapped' by the realities of contested statehood and territorial fragmentation, as well as by Israeli policies on the ground. A mission official argued that "[t]he belief was that if progress was made in Area A then the PCP could expand its operations in Areas B and C, but the Israelis seem reluctant to relinquish control" (EUPOL COPPS official 2013).

Although the limitations in movement, access and presence were anticipated ('what'), due to the realities of the Israeli occupation of the Palestinian territories, the political consequences that the operationalisation of the mission on the ground have had were unintended and unanticipated mainly because of ignorance and indifference to future harm ('why'). When faced with the criticism that the mission is enforcing the territorial fragmentation and borders dictated by Israel (both visible and invisible unintended consequences undermine the EU's role), EU policymakers and the EUPOL COPPS' staff tend not to be willing to acknowledge the political reverberations behind this. "We are a technical mission and we are here to deliver technical results", stated a mission official (EUPOL COPPS official 2013).

Thus, the unintended consequences that the deployment of EUPOL COPPS has had with regard to the EU-Israel-Palestinian triangle are similar to those of EUBAM Rafah. Although the mission does not have an executive mandate, "training the police under occupation [still remains] a very ugly business" (European Council Official 2010). Moreover, the mission has to operate in an environment where everything it does has to be approved first by Israel. "Any equipment we bring in has to be approved by the Coordinator of Government Activities in the Territories" (Hass 2011) said Henrik Malmquist, Head of the mission from 2010 to 2012. While this is just part of a broader criticism that blames the Palestinian security forces in general, and the PCP in particular, for complying with Israeli orders and occupation (Tartir and Ejodus 2018, Müller and Zahda 2018), the asymmetry of power is clear. Israel only has to 'inform' the PA when incursions are going to take place in Area A,⁴ while the PA has to inform Israel of all its activities in Area A, request permission for all movements outside its area of operation and coordinate all activities in Area B (with the exception of certain areas where the PA has been allowed to open a police station) (International Crisis Group 2010, 22). Consequently, EUPOL COPPS' cooperation with the civil police has contributed, intentionally or unintentionally, to the strengthening of the status quo and has enhanced the territorial and functional borders that Israel established (İşleyen 2017), instead of pushing Israel to permit the PCP to extend its operations in Areas B and C.

⁴Those incursions are commonly referred as 'picnics' by the Israeli security installation (Hass 2011).

Conclusion

By looking at the EU's role in Palestinian state-building, this article has demonstrated, on the one hand, how the conditions of contested statehood in Palestine have affected the operationalisation of both EUPOL COPPS and EUBAM Rafah and, on the other hand, how this operationalisation has had unintended consequences on the ground. Adopting an unintended consequences lens has helped both conceptually and empirically to shed light on a number of aspects that cannot be analysed and explained properly when the analytical focus is limited to issues of effectiveness, as is the case in most of the literature so far. Such a lens allows us to explain processes and broader dynamics that state-building interventions can have with regard to 'high politics' diplomatic activities and conflict resolution efforts. This is even more important when the 'target' is not a sovereign but a contested state.

Analysis in this article also brought to the fore another aspect of unintended consequences: how these can arise because of a change in the external context in which the original policy was conceived, with the continuation nonetheless of the same policy. Since the majority of CSDP missions have been deployed in cases of contested statehood in the EU's neighbourhood, more research is needed to go beyond assessing the effectiveness of the EU's role in conflict resolution and focus on the operationalisation of these missions on the ground and their overall impact, including unintended consequences. The more recent examples of contested statehood in the EU's neighbourhood (Ukraine and Libya) and the deployment of CSDP missions in both of these cases make the need for more research on the unintended consequences of the missions more urgent.

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8 Unintended Consequences of EU Democracy Support in the European Neighbourhood

Assem Dandashly and Gergana Noutcheva

ABSTRACT

The European Union's (EU) impact on the political governance of the European neighbourhood is varied and sometimes opposite to the declared objectives of its democracy support policies. The democracy promotion literature has to a large extent neglected the unintended consequences of EU democracy support in Eastern Europe and the Middle East and North Africa. The EU has left multiple imprints on the political trajectories of the countries in the neighbourhood and yet the dominant explanation, highlighting the EU's security and economic interests in the two regions, cannot fully account for the unintended consequences of its policies. The literature on the 'pathologies' of international organisations offers an explanation, emphasizing the failures of the EU bureaucracy to anticipate, prevent or reverse the undesired effects of its democracy support in the neighbourhood.

In the last two decades, democratisation trends in the European neighbourhood received momentous boosts on two occasions. First, the 'colour revolutions' in Eastern Europe in the 2000s pledged to change radically the political governance of the former Soviet space. Second, the Arab uprisings in 2011 similarly promised to bring democratic change to the Arab world, previously seen as immune to democratic governance. Despite the hopes raised by these events, a more sobering reality exists, marked by some democratic advances alongside the continued persistence of authoritarian rule in both Eastern Europe and the Middle East and North Africa (MENA). Interestingly, these events and their outcomes caught unaware democracy promoters and democracy preventers alike.

The literature on international democracy promotion has predominantly focused on explaining successful cases of democratisation, zooming in and crediting the Western policies of democracy support (Levitsky and Way 2010; Magen and Morlino 2008; Schimmelfennig and Sedelmeier 2005; Vachudova 2005; Whitehead 2001). The unsuccessful cases of democratisation or the cases of authoritarian resilience have mostly featured in the literature on comparative authoritarianism, examining the longevity of authoritarian rule mainly through a domestic lens (Brownlee 2007; Gandhi 2010; Magaloni 2008; Svoboda 2012). While significant research has gone into teasing out the mechanisms of external democracy promotion and the domestic conditions for its impact, the debate has been limited to categorising the external efforts as either

succeeding or failing to achieve declared objectives, neglecting the multiple unintended consequences of external action in this field (*inter alia* Dandashly 2018; Freyburg *et al.* 2009; Grimm and Leininger 2012; Hassan 2015; Pace 2009; Pace *et al.* 2009; Sasse 2013; Tolstrup 2009; Way and Levitsky 2007; Youngs 2009).

In parallel, the literature on the unintended consequences of EU external action is limited and very few scholars have explicitly studied the phenomenon (Burlyuk 2017). Scholars of the EU neighbourhood have accounted for isolated instances of unintended effects of EU policy in specific cases (Börzel and Pamuk 2012; Khakee 2017) but a systematic examination of the unintended consequences of EU democratisation policies is lacking (Börzel 2015; Börzel and Risse 2012).

This article sets out to examine the unintended consequences of EU's democracy support in the European neighbourhood (east and south). It documents two major types of unintended consequences of EU democratisation policies in Eastern Europe and MENA depending on whether the impact is domestic or external (Burlyuk and Noutcheva in this Special Issue). The domestic unintended consequences concern the countries on the receiving end of EU policy and involve (a) empowering illiberal reform coalitions (unanticipated and unexpected); and (b) strengthening the current authoritarian regimes through the socio-economic support/security cooperation thus prolonging their survival (anticipated and expected). The external unintended consequences concern the reaction of other regional actors and are mainly manifested through antagonising/provoking counteractions by these regional players (anticipated but unexpected).

The unintended consequences identified show important variations in terms of the mode of knowledgeability (see Burlyuk and Noutcheva in this Special Issue) as two of them were anticipated by the EU and in principle allowed to occur by official policy, even though one of the two was deemed unlikely. Only one of the unintended consequences that occurred was truly a surprise in the sense that it was neither anticipated nor expected. Given these occurrences, and contrary to the mainstream literature on the EU's impact on democratisation, the effects of EU democracy support policy cannot be reduced to the achievement or non-achievement of stated goals. To understand the effects of the EU's policy, it is necessary to unpack the 'intent' behind EU action/inaction and examine the objectives unmentioned in the public domain, as well as the multiple effects of EU policy beyond success or failure. Paradoxically, the EU does have impact, but counterintuitively this impact is quite different from its official narrative, that is from its publicly announced objectives (see Burlyuk 2017).

The article argues that the reasons for the unintended consequences of EU democracy support policy cannot be narrowed down to the dominant explanation in the literature which focuses on EU security and economic interests in the two regions. To explain all three types of unintended consequences of EU democracy support, we draw on the literature examining the 'pathologies' of international organisations (Barnett and Finnemore 2004; 1999; in addition to Bach and Wegrich 2018; Benz *et al.* 2016; Cerny 2010; Eckhard and Ege 2016; Tallberg *et al.* 2016) and develop an argument about the failures of the Brussels bureaucracy to anticipate, prevent or reverse the undesired effects of its policies in the two regions. The article contends that the EU is rather reactive in acknowledging and responding to the unintended consequences of its democracy support once they manifest themselves and become a fact of political life.

Its management tactics are largely reactive as they are influenced by crisis events in the two regions rather than by self-evaluation and self-correction of policies.

Following this introduction, the next section maps the unintended consequences of EU democracy support in the European neighbourhood (the what). It then presents the explanations of these unintended consequences (the why). It further explores the modes of management of the unintended consequences documented (the how). The final section concludes with the major findings. The analysis is based on primary EU documents and secondary literature, and inspired by interviews with EU officials working on the eastern and southern dimensions of the European Neighbourhood Policy (ENP) and various elites in both regions conducted by the authors in the period 2004-18.

Mapping the unintended consequences of EU democracy support in the European neighbourhood

Democracy support policies rarely produce the results they aim for owing to a very complex interplay between external stimuli for democratic reform and domestic factors conditioning political change. The policy practice therefore abounds with situations where the outcomes of certain actions differ from the foreseen ones or the planned goals (Merton 1940). The EU's democracy support in the neighbourhood is no exception. One of the explicit aims of the ENP since its inception has been the promotion of democracy and good governance in the ENP countries. Official pronouncements notwithstanding, observers have always doubted the EU's genuine commitment to democracy in both the eastern and the southern neighbourhoods. At the same time, the empirical record indicates a plural reality where the outcomes have differed substantially from the initially formulated objectives. Not all surprise outcomes of EU policies have been negative in nature, yet the vast majority of unintended consequences that have occurred in the neighbourhood have added to the negative results of the EU record in both regions. In the following, we elaborate on the unintended consequences for the countries concerned (domestic) as well as those resulting from the reactions of other international/regional players (external) in both regions.

a) Domestic unintended consequences

Empowering illiberal reform coalitions (unanticipated and unexpected)

One of the better documented types of domestic unintended consequences of EU democracy promotion is the empowerment of illiberal reform coalitions rather than liberal reform-oriented political groups (Börzel 2015). Conceptually, the idea borrows insights from the EU enlargement literature which credits the EU's democratising impact on candidate countries with the empowerment of domestic reform-minded political elites and the progressive marginalisation of illiberal political actors (Vachudova 2005).

In the eastern neighbourhood context, the EU has at times ended up weakening the very liberal coalitions that it intended to strengthen and that are, rhetorically, committed to the advancement of democratic reforms in the local settings concerned. This adverse effect takes place via political legitimisation of seemingly liberal actors who however instrumentalise EU support and use it as a cover-up for rent-seeking practices.

Börzel and Pamuk (2012) have found that this has happened in the context of anti-corruption policies in the South Caucasus. EU-supported political incumbents used the EU-supported fight against corruption as a political instrument to discredit political opponents and keep their hold on power. The boost for the seemingly liberal political actors is rather temporary. Siding with corrupt, even if pro-European ruling elites, discredits the EU in the eyes of the liberal-minded voters in the domestic settings concerned. This results in a loss of legitimacy of the EU as a democracy supporter in the neighbourhood societies.

Such unintended effects have occurred in countries that have enjoyed some degree of political opening and where rotation of parties in power has taken place. Most of these countries have experienced regime change through street protests and contestation of rigged election results (Georgia and Ukraine), even though, occasionally, legitimate elections have also brought reform-minded elites to power (Moldova). The EU has been quick to throw its weight behind the newly formed, seemingly reforming governments in all cases. Its unwavering support, however, has been insensitive to the old instincts of power abuse for personal gains and patronage of clientelistic structures of these self-proclaimed liberal elites. The public outrage against such corrupt pro-EU elites has not spared the EU and has opened up space for illiberal political groups to gain popularity and public support by banking on the failure of their EU-backed political opponents.

The case of Moldova stands out here with the spectacular bank fraud scandal of 2014, popularly referred to as “the theft of the century”, seeing no less than \$1 billion (12 percent of the country’s GDP) disappear from the state coffers through murky transactions under the watch of the pro-EU political coalition (Whewell 2015). The aftermath not only brought to power a pro-Russian president (Igor Dodon) who questions the country’s EU-integration course, but also solidified Moldova’s image of a ‘captured state’.

These dynamics play out differently in the southern neighbourhood due to the absence of official liberal coalitions and the dominance of illiberal groups linked to the authoritarian regimes. Western cooperation with the authoritarian regimes over the past decades has however opened the door to other groups (mainly Islamists) who offer an alternative to the authoritarian regimes backed by the West and, more importantly, to the Western model of liberal democracy (i.e. Islamic democracy, with different parties in various MENA countries such as En-Nahda in Tunisia, the Muslim Brotherhood in Egypt, Hezbollah in Lebanon, etc). Moreover, the weak state apparatus and the failure of socio-economic policies in the MENA region has resulted in those same groups filling the voids created by the state and taking over important state functions such as provision of healthcare, education, social welfare, job creation, etc. (on Hezbollah, see Kassem 2010). The result has been the legitimization of those groups in the eyes of the people who view them as the solution to their problems. It has boosted the popular legitimacy of these political movements and paved the way for the societal receptiveness of their (illiberal) political ideas.

It is plausible that the EU could not and did not anticipate these adverse effects of its policy. In the eastern cases, it genuinely believed it was advancing democracy by helping the pro-EU coalitions that were in power. In the southern cases, it is likely that it neither anticipated nor expected the popular resurgence of Islamist actors. In fact, it underestimated the important societal role of these actors owing to the repressive policies towards them of the authoritarian regimes themselves.

Strengthening the institutional structures of authoritarian regimes through socio-economic support and security cooperation (anticipated and expected)

Another unintended domestic consequence of the EU's policy of developing and maintaining ties with all neighbours notwithstanding the nature of their polities has been the *de facto* support for authoritarian regimes in the neighbourhood. When the ENP was launched in 2004, the EU pledged to differentiate between neighbours on the basis of their degree of commitment to EU political values. Until the ENP review in 2015, the 'common values' rhetoric was one of the cornerstones of the ENP narrative (unlike ENP practice). In fact, not only did the EU continue to develop relations with most neighbouring countries, but it also rarely applied political conditionality in the way in which this was implied by the official discourse.

The most pronounced unintended effects of the EU's socio-economic support have been observed in the southern neighbourhood. What was intended as democracy promotion in most MENA countries ended up being authoritarian consolidation. The 'best' outcomes so far are "liberalized nondemocratic regimes", "pseudo-democracies", or "hybrid democracies where some democratic institutions coexist with nondemocratic institutions outside the control of the democratic state" (Linz and Stepan 1996, 15) or façade democracy "that is to say an authoritarian government masquerading as a 'people's democracy' embodied in personalist and/or single-party rule" (Leca 1994, 54) – this is what we observe across the southern ENP countries, aside from Libya and Syria, where instability and/or civil war has prevailed.

Prior to the Arab uprisings, the EU poured assistance on seemingly democratising regimes in the MENA *inter alia* strengthening the survival chances of the incumbents who learned how to survive despite the cosmetic pressures by the EU to democratise. Arab autocracies used neoliberal reforms to benefit from the EU's and Western support. However, they also used these policies selectively to strengthen their iron grip on the system through the marriage of economic and political elites (Schlumberger 2008, 634). Moreover, even after the toppling of some authoritarian rulers, "the linkages between neoliberal public policies, neo-patrimonial rule and a crony capitalist economy did not change" (Schmitter and Sika 2017, 449). The outcome in most cases, Tunisia apart, has been reinforced authoritarian rule.

It is inconceivable that the EU did not foresee the effects of its socio-economic support and security cooperation on the institutional structures of the southern authoritarian regimes. In fact, it was an unspoken policy objective to keep these regimes in tact in order to avoid the complications if they imploded, opening the door of political power to Islamist parties deemed unlikely to work for the goal of democracy. The EU was in this sense consciously banking on the lesser evil while securing its paramount interests.

b) External unintended consequences

Antagonising/provoking counteraction by other regional players (anticipated but unexpected)

A third category focuses on the external effects of unintended consequences and has to do with the reactions of other regional players provoked by EU policy. Risse and Babayan (2015) discuss the role of illiberal and Western powers' involvement in political change in third countries. Illiberal powers react to Western democracy promotion efforts if they feel

their geostrategic interests are being threatened. The authors feel that non-democratic regional and international players would not necessarily push for or promote authoritarianism although their policies could result in the strengthening of authoritarian rule in both regions. Furthermore, “in some cases, illiberal regimes even promote democracy if it suits their geostrategic interests” (Risse and Babayan 2015, 383).

Russia’s negative reactions to the EU’s attempts to influence the political trajectories of the countries in the eastern neighbourhood are well known and documented in the literature (Tolstrup 2009). While the EU insists that the ENP and Eastern Partnership were not conceived as projects intended to curb Russia’s influence in the region, Russia has progressively stepped up both its engagement with and pressure on its former satellites to divert their rapprochement with the West more generally and prevent their political liberalisation more specifically. This policy shift has mostly been attributed to Russia’s interests in the region and not so much to an ideological commitment to illiberal regimes, yet Russia’s actions have *de facto* supported authoritarian rule in the eastern neighbourhood (Ambrosio 2009; Vanderhill 2013; Von Soest 2015). This counteraction was certainly not intended. The EU is nevertheless likely to have anticipated some reaction by Russia, but the strength of its reaction has exceeded everyone’s expectations (see also Casier in this Special Issue).

In the southern neighbourhood, “non-democrats – coercive regime remnants and radical charismatic movements – were empowered by the competitive interference of rival powers in uprising states” (Hinnebusch 2015, 335). Both the Arab League and the Gulf Cooperation Council (GCC) are primarily concerned with their members’ stability at the expense of democracy and human rights. No membership of an Arab League member has ever been revoked due to lack of democracy, use of excessive force against its citizens, or human rights’ violations. When the protests broke out in Tunisia in December 2010, followed by those in Egypt in early 2011, the Arab League held an economic and social summit in Egypt in January 2011 “that studiously ignored the uprisings and made no reference to the explosion of popular demand for the very issues that they were discussing” (Schmitter and Sika 2017, 454). Furthermore, GCC countries such as Saudi Arabia and the United Arab Emirates rushed to support the stability of incumbent authoritarian regimes at the expense of democracy promotion through direct military intervention in Bahrain and Yemen and financial support to Egypt (454). On the whole, the involvement of the GCC countries worsened the conditions for democracy in the MENA as they did and still do not share an interest in democracy promotion, but rather feared that their own regime survival might be shaken by the wave of democratic changes in neighbouring countries. The EU certainly anticipated a greater role for other regional players in the aftermath of the Arab Spring, but the blocking effects on democracy support of these actors’ interventions in most domestic contexts occurred despite the EU’s expectations.

Explaining the unintended consequences of EU democracy support in the European neighbourhood

A vast number of democracy promotion studies attribute the main reason for the lack of EU impact on the democratisation trends in the European neighbourhood to the primacy of EU security interests in the respective regions with respect to the secondary role given to value promotion in EU foreign policy in general (Bicchi 2009; Pace 2009;

Youngs 2009; Dandashly 2015). While democratic rhetoric has been a cornerstone of EU policy towards the neighbours since the launch of the ENP, practice has confirmed a more pronounced EU interest in stability and security than in democracy.

With regard to the eastern neighbourhood, the ‘interests trump values’ argument has seen EU democracy support taken hostage by the ‘Russia first’ policy privileged by the majority of EU member states, which favours a policy of non-confrontation with Russia, the other regional player with a stake in the political trajectories of the countries in the region (Popescu 2010). Russia has not only opposed the pro-Western orientation of the Eastern Partnership (EaP) states, but has also tried to cement the non-democratic status quo, fearing a spillover effect of any pro-democracy mobilisation in Eastern Europe on the current Kremlin regime (Finkel and Brudny 2012). The EU, for its part, has cautiously supported pro-democracy advances in willing partners and avoided an all-out confrontation with Russia over the fate of common neighbours.

With respect to the southern neighbourhood, the ‘interests trump values’ argument sees EU cooperation with autocratic leaders in the MENA region as a means to address its main concerns regarding security and stability. The EU’s preoccupation with terrorism, energy security and migration “has raised the importance attributed to its political relations with the incumbent elites in these countries” (Tocci 2008, 24). All these areas of interest require “the assistance of the very regimes that democracy promotion was aimed at (and would have undermined)” (Hanau Santini and Hassan 2012). Faced with this dilemma, the EU has clearly prioritised security over democracy promotion and continues to do so post-Arab uprisings (see Dandashly 2018).

This dominant argument can explain why the EU has not been a forceful democracy promoter in both neighbourhoods, but it cannot explain the various types of unintended consequences outlined earlier. It helps understand the anticipated consequence of strengthening the institutional base of authoritarian regimes in the MENA, but it fails to account for the anticipated but unexpected reactions of Russia in Eastern Europe and of the GCC countries in the MENA or to explain the indirect boost to illiberal reform coalitions in both neighbourhoods. To understand the reasons for the occurrence of the unintended consequences discussed here, we turn to the literature on the dysfunctional behaviour of international organisations and reflect on how it may be useful in explaining the unintended consequences of international action.

The self-defeating behaviour of the EU bureaucracy

An alternative way of explaining the unintended effects of EU democracy support is based on constructivist scholarship on international organisations (IOs), which focuses on the propensity of international bureaucracies for inefficient and self-defeating behaviour (Barnett and Finnemore 1999; 2004). Despite their well-designed structure, “clear mandate, strong support from member states, and efficient set of procedures for carrying out their work”, IOs can perform weakly due to internal and/or external constraints (Gutner and Thompson 2010, 238). Both types of constraints can result from social and/or material factors. External social reasons include competing norms, lack of consensus on problems, etc, whereas the material ones are the outcome of power politics among member states, incoherent mandates or on-the-ground limitations. Likewise, internal social constraints stem from the organisational culture or leadership

deficits, whereas the material ones can be caused by inadequate staffing and resources, bureaucratic/career self-interest, etc (Gutner and Thompson 2010, 238–239).

Barnett and Finnemore (2004) draw particular attention to IOs' susceptibility to error owing to tunnel vision, biases created by expert knowledge and obsession with internal rules and cultures. Merton (1940) also emphasizes 'error' as one of the possible causes of unintended consequences (see also Burlyuk 2017). Although bureaucracies can be effective and influential, they might also become "unresponsive to their environments, obsessed with their own rules at the expense of primary missions, and ultimately lead to inefficient, self-defeating behaviour" (Barnett and Finnemore 1999, 700). These 'pathologies' make it difficult for bureaucracies to respond to unique situations and even bear the risk of creating new problems (Barnett and Finnemore 2004).

Drawing on this conceptual paradigm, we identify two major reasons for the dysfunctional behaviour of the Brussels bureaucracy with respect to democracy promotion in the neighbourhood: a) errors and misjudgements stemming from internal rules and procedures; and b) errors and misjudgements resulting from specialisation and division of labour. We then go a step further and link the pathologies observed to the unintended consequences of EU democracy support in the neighbourhood. The EU's instruments for pursuing democratic improvement in the European neighbourhood are all part of the ENP which is a policy designed in Brussels by the EU bureaucracy and managed across the European External Action Service (EEAS) and the different Directorates General (DGs) of the European Commission. We argue that the complex institutional base of EU external actorness in this area both enables and constrains the EU's interventions in support of democracy in the neighbourhood.

a) Unintended consequences stemming from internal bureaucratic rules and procedures

Barnett and Finnemore (2004) have argued that bureaucracies' predisposition to dysfunctional behaviour is rooted in the very characteristics that make bureaucracies legitimate and efficient actors. One such feature is the *modus operandi* of bureaucracies based on internal rules and procedures. Those same rules and procedures may become a powerful source of self-defeating behaviour resulting in a certain bias in reacting to problems and designing solutions. Bureaucracies can thus become inflexible and unable to adapt to complex and changing realities (Bach and Wegrich 2018, 9) This in turn provides fertile ground for unintended consequences.

Following this line of reasoning, the EU's democracy support policy in the neighbourhood can be attributed to the initially high expectations concerning the EU's potential democratising effect on the neighbourhood countries, strongly influenced by the EU's alleged success in steering the democratic transition in Central and Eastern Europe. Not only was the EU enlargement policy staff directly involved in designing the ENP policy instruments (Kelley 2006; Magen 2006), but the timing of the ENP conception also coincided with a period of positive thinking in Brussels with regard to what the EU could achieve by offering integration prospects to the countries in the east and south (Leonard 2005).

Retrospectively, one can say that the initial policy ideas were insufficiently geared to the realities in the two very different neighbourhoods. Furthermore, the copy-pasting of enlargement instruments to the ENP context proved inappropriate, given the accession logic of the former and the lack of membership prospects of the latter. Hence, the

inflated expectations about the ENP's democratising impact, combined with the absence of a tailor-made policy toolkit, damaged the chances of a more modest yet meaningful impact on democratisation in the two regions.

In addition, the ENP can be said to have rested on the wrong assumption that the ruling elites in all countries concerned would be interested in close integration with the EU, as were the accession candidates from Central and Eastern Europe and the Balkans (Kelley 2006; Magen 2006). The reality in the neighbourhoods has proven quite different with some countries aspiring to develop as close ties with the EU as possible and even demanding accession and others remaining neutral or even outright rejecting the EU's offer of market opening and legal approximation. There are willing and reluctant partners in both neighbourhoods, and the EU's initial assumption that all neighbours would fall into the former category laid the ground for unexpected surprises in the course of the implementation of the initial policy framework. One such example is Armenia's U-turn in 2013 when, after painstakingly negotiating a Deep and Comprehensive Free Trade Agreements (DCFTA) with the EU, the country's leadership decided not to sign the agreement and joined the Eurasian Economic Union instead. Furthermore, Azerbaijan in the east has reacted lukewarmly to most initiatives coming from Brussels, whereas Belarus has been relegated to the second tier of EaP countries owing to the EU sanctions regime against its leadership in place until 2016. In the south, there are neighbours such as Israel, Morocco, Tunisia, Lebanon and Jordan that have pushed for closer ties with the EU alongside countries such as Algeria, Syria and Libya that have remained less enthusiastic about European integration initiatives.

What the EU also underestimated were the societal reactions to democratic malpractice in the neighbouring countries. While societies in both neighbourhoods were seen as weak and unable to mobilise for democracy from within, the colour revolutions in Eastern Europe, the Arab uprising and, later, the Euromaidan in Ukraine proved just the opposite. And while the EU has progressively improved its instruments for supporting civil society in the neighbouring states, the majority of its policy tools remain geared towards the institutional structures and governing elites in the countries concerned, replicating its eastern enlargement experience.

The EU bureaucracy thus seems to have committed an error of judgement by relying on a policy toolkit conceived of and developed for the enlargement context and by applying it with marginal adjustments to a new environment that called for a radically different approach. A similar finding is echoed by Kourtellis (in this Special Issue) with respect to EU rural development policies in the MENA. Internal bureaucratic inertia thus led to a policy that has failed to take the new reality into account and counted instead on ready-made solutions designed for different domestic situations.

b) unintended consequences stemming from division of labour and specialization within bureaucracies

Another source of dysfunctional behaviour is the very division of labour within bureaucracies that helps them accumulate know-how and use expertise for advancing social goals. Indeed, the compartmentalization of knowledge within bureaucracies can turn against the broader objectives of the organisation owing to the distinctive cognitive maps and normative biases of the different sub-units (Barnett and Finnemore 1999). Specialization can thus result in a narrow outlook and lead to inadequate reactions to

a complex external environment that requires a broader perspective and out-of-the-box thinking. Furthermore, specialization can lead to “a multiplication of organizational goals through the development of local rationalities” (Bach and Wegrich 2018, 5). This leads to “different types of biased attention and coordination problems, sometimes causing inefficiencies and annoyance, sometimes leading to drastic failures” (Bach and Wegrich 2018, 5).

The Eastern Partnership can be seen as a classic example of a technocratic response to a geopolitical situation that called for a political approach. Not only were the initial years of the ENP full of optimism with regard to the transformative potential of EU policy, but Russia was not considered a rival regional power opposing the EU’s initiatives in the region. Only after Russia used military force in Georgia in 2008 did it become clear that its perception of EU policy was very different from the initial policy design. The clash of perceptions could not have been starker: while the Brussels bureaucracy viewed the ENP as a benign attempt to forge cross-border cooperation and alleviate some of the negative consequences of exclusion of the neighbours from the European integration project, Russia saw it as an encroachment on its ‘privileged sphere of interests’.

With the annexation of Crimea in 2014, the confrontation with Russia reached a point of no return. The EU, subsequently seen as “sleepwalking into a geopolitical conflict with Russia” (Speck 2014) and trapped in its internal institutionalist logic, miscalculated the risks of Russia’s reactions. The ensuing 2015 review of the ENP that put forward the stability of the neighbourhood as a primary objective and watered down the democratisation goals appears to have factored the new risk perception with respect to the eastern neighbourhood into the equation. Overall, the technocratic focus on teasing out the mechanisms of the DCFTAs, and on preparing the ground for visa liberalisation overlooked the broader geopolitical implications of the EU policy in the eastern neighbourhood and brought about unintended consequences for the EU as a whole.

In the MENA region, the EU’s policy responses were dictated by constant fear of terrorism, illegal migration and security problems related to instability in the region. As a result, the EU bureaucracy crafted a vast web of relationships with Arab dictators who succeeded in convincing EU decision-makers that they were the guardians of stability and the main line of defence against the spread of radicalism and terrorism in the region. The examples of Islamic parties winning elections, such as Hamas in the 2006 Palestinian legislative elections (considered by most observers as free and fair), Hezbollah in Lebanon, the Muslim Brotherhood in Egypt, etc, only added to the fear of similar scenarios spreading to the rest of the region.

The EU’s response was one of continuous engagement with the authoritarian regimes in the various policy domains subsumed under the ENP, rather than pushing for a democratic change with unpredictable results (Powel 2009a; 2009b). As a result, the EU failed to realise the widespread discontent with dictators in the region and was caught by surprise by the subsequent implosion of these regimes during the societal awakening and mobilisation known as the Arab Spring. The broader societal trends were totally overlooked by a technocratic focus on trade liberalisation, development assistance and public-sector support, with an emphasis on engaging the ruling elites rather than the societal forces with popular legitimacy. The stability that the EU

thought it was helping maintain proved illusory as conflict in the region unravelled, breeding further instability and security problems for the EU.

The EU bureaucracy can thus be said to have misread the underlying regional and/or societal trends in the two neighbourhoods. It continued to do what bureaucracies normally do: stick to its sectoral policies and mobilize its institutional machinery to develop relations with the neighbours in the various policy domains making up the ENP. This technical approach, however, was applied to a misdiagnosed external environment and proved to be the wrong intervention toolkit for the problems at hand.

The bureaucracy-based argument developed here is well positioned to account for many of the unintended consequences of EU democracy support observed in the two neighbourhoods. Also in empowering illiberal reform coalitions, the EU enlargement experience proved to be the wrong reference point. Prior to accession, all parties that came to power in Central and Eastern Europe eventually followed the reform script provided by Brussels, and the EU reform agenda was not questioned by ruling elites on either side of the political spectrum (Vachudova 2005). The EU worked successfully with both left and right governments towards the common goal of EU membership. In the neighbourhood context, however, domestic societies and political elites alike were divided with respect to the appropriateness of the reform agenda pursued by Brussels. The strategy of throwing support behind seemingly reform-minded elites, as in the east, or outright authoritarian regimes, as in the south, backfired as society at large easily associated the failures of these elites with the EU, with detrimental consequences for the EU's image and democracy support more generally.

Similarly, the bureaucratic reflex of continuing with business as usual based on a narrow assessment of sectoral dynamics has proven to be an ill adviser for a geopolitically charged environment like the eastern neighbourhood or a domestic context charged with societal tensions inviting regional proxy interventions like the southern neighbourhood. The EU's strength in developing sector-specific policies linked to its external competences has dictated a technocratic response to problems whose political implications have not, however, been factored into the initial policy design.

Finally, the unintended consequences of the EU's support for authoritarian regimes in the MENA both prior to and after the Arab uprisings were anticipated and expected, but the Brussels bureaucracy is risk-averse and slow to change its *modus operandi*, given its strong internal culture of sectoral cooperation and apolitical engagement with all neighbours. Stability is conducive to sectoral cooperation and sectoral cooperation itself creates incentives for maintaining stability by strengthening interdependencies, so there is not much enthusiasm for policy adaptation and change.

Managing the unintended consequences of EU democracy support in the European neighbourhood

The EU has always been behind the curve when it comes to the hybrid environments in both neighbourhoods. It has not been quick to adjust its policy frames in line with the rapidly changing political context in the two regions, but has eventually shifted its policy expectations in view of the new developments. The new realities triggered reviews of EU/ENP policies (2011, 2014, 2015 and the Global Strategy in 2016), forcing the EU to address the new challenges of rapid and potentially threatening change. Yet, while many EU strategies and policy reviews have been issued, the tools and

instruments have largely remained the same. Given the complicated power-sharing mechanisms in the area of democracy promotion, with shared responsibility between member states and EU institutions and across various institutional structures at the EU level, it is not surprising that the EU has not been able to pursue a more pro-active policy in this domain (Noutcheva 2015).

The EU put democracy in the eastern neighbourhood firmly on the agenda with the launch of the ENP in 2004 and the adoption of a more focused and structured approach to reform with respect to the previous years of low-profile relations. The initial years of the ENP were marked by an ambitious reform agenda with the eastern partners, even though differences in partners' commitment to democracy had already begun to surface (Emerson *et al.* 2007). The EU became fully aware of the unintended impact of its democracy support policies in 2008 when the Russia-Georgia war awoke it to the geopolitical consequences of its policy.

The EU reacted by reinforcing its existing policy, launching the Eastern Partnership in 2009 and pledging more integration prospects and more resources to partners willing to advance along the road to democracy. The revamped eastern dimension of the ENP ran into difficulty again in 2013 with the withdrawal from the DCFTA process of first Armenia and then Ukraine under heavy pressure from Russia. The ensuing Euromaidan and annexation of Crimea marked the second important pause and moment of stock-taking for the EU in light of the unexpected developments. The EU's reaction this time was mitigation of the existing policy course by deprioritizing democracy and putting stability forward as an overarching objective in the neighbourhood. This policy change was subsequently encoded in the ENP review of 2015 (European Commission 2015) and the EU Global Strategy of 2016 (EEAS 2016) (see Table 1).

In the southern neighbourhood, the EU democracy promotion agenda was prioritized with the launch of the Euro-Mediterranean Partnership in 1995. The lack of significant democratic developments in the region however provoked a rethinking of the multilateral approach. A new window of opportunity with respect to democracy opened with the launch of the ENP in 2004, adding a bilateral component to the existing multilateral framework. The Union for the Mediterranean (UfM) established in 2008, however, de-emphasized democracy once again by remaining silent on the subject and by focusing instead on functional cooperation with the southern neighbours (Joint Declaration of the Paris Summit for the Mediterranean 2008). The Arab uprisings swung the pendulum back by forcing EU leaders to acknowledge the lack of progress in terms of democracy and express the EU's commitment to political transition in the region. The Arab uprisings thus opened another window of opportunity for the EU to reinforce democracy promotion with the launch of 'A Partnership for Democracy and Shared Prosperity' on 8 March 2011 (European Commission 2011a) and 'A New EU Response to a Changing Neighbourhood' on 25 May 2011 (European Commission 2011b).

Despite the sporadic emphasis on democracy in the EU documents, scholars have been sceptical regarding the EU's genuine commitment to upholding its values in the region, given the lack of "any serious reflections on lessons learnt from past mistakes" (Pace and Cavatorta 2012, 134). With the increased threat to EU security as a result of terrorism and the refugee crisis in 2013-14, the enthusiasm regarding democracy promotion took the back seat again. The toning down of EU democracy support became official policy with the publication of the 2015 ENP review (European Commission 2015) and the 2016 Global Strategy (EEAS 2016),

Table 1. Modes of management of unintended consequences of EU democracy support

Eastern Neighbours	
2004 ENP	Reinforcement
2008/09 Georgia-Russia	
War & Launch of Eastern Partnership	Reinforcement
2015/16 ENP Review/EUGS	Mitigation
Southern Neighbours	
2004 ENP	Reinforcement
2008 UfM	Mitigation
2011 Arab Spring	Reinforcement
2015/16 ENP Review/EUGS	Mitigation

emphasizing security, economic development and the resilience of the neighbouring countries. With the Global Strategy, the EU set more realistic goals and discontinued the over-estimation of its transformative power (Techau 2016) in the area of democracy promotion. The EU's reaction this time was more one of mitigation of the existing policy course by deprioritizing democracy.

Conclusion

The preceding analysis has demonstrated the many ways in which the EU has left an imprint on the political governance of its neighbouring countries beyond the dichotomous description of intended impact or no impact. By probing beyond the publicly declared goals of the EU's democracy support policies, the article has found that the EU's impact is varied and sometimes opposite to its official rhetoric. Interestingly, some of the unintended consequences were predictable and anticipated by the EU, yet they were allowed to come about, which increases the importance of finding the reasons behind the EU's behaviour.

The existing literature mostly emphasises the EU's security and economic interests in the two regions as explanations for the EU's lack of decisive influence on political governance in the neighbourhood. This article has shown that this view fails to explain all types of unintended consequences of EU democracy support observed in Eastern Europe and the MENA region. Instead, it has proposed an alternative explanation emphasising the pathologies of the EU bureaucracy. The bureaucratic environment in which the ENP was conceived and implemented limits the prospects for policy innovation and, with it, the likelihood of a democratisation policy that is close to the realities on the ground in the two regions. The Brussels institutional establishment thus designed a predictable policy response based on its internal culture, which ultimately led to inadequate policies with little chance of achieving the officially stated objectives of democracy support.

The article has also highlighted the EU's lack of reactivity in recognising and addressing the unintended consequences of its democracy support policies. It waited until external shocks made policy continuation costlier. This behaviour is heavily influenced by the bureaucratic politics in Brussels and the fragmented EU policymaking in the area of democracy promotion. Depending on the policy cycle and the situation on the ground in the two neighbourhoods, the EU's management strategies shifted from policy

reinforcement to minor policy adjustments in crisis situations or complete neglect in stable periods. This reactive management style has emphasised the EU's weak democracy promotion actorness and exposed the gap between the EU's democracy rhetoric and its behaviour in support of democracy in the European neighbourhood.

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9 EU External Action, Intention and Explanation

Frank de Zwart and Karolina Pomorska

ABSTRACT

“Unintended consequences” is an umbrella concept. It comprises phenomena that differ in crucial respects and consequently, without refinement, it remains a rather blunt instrument for policy analysis. The contributions in this volume, however, show that disentangling unintended consequences by making clear distinctions between various types, makes the concept much more useful for policy analysis. Assessing the impact of EU foreign policies as studied in this volume, we show that “bonuses”, “windfalls”, “accidents”, and “trade-offs” – all unintended – are very different when it comes to the explanation of policy outcomes, or to allocating responsibility for them.

In *The Honourable Schoolboy*, John le Carré has Martello, a CIA colleague of British master spy George Smiley, explain an unwelcome development in the case at hand. “So here it is,” says Martello, “[h]ere’s where you get your human error, right? It could be worse but not much. In our game there’s two views of history: conspiracy and fuck up. Here’s where we get the fuck up, no question at all” (le Carré 1978, 276). In our game, as social scientists, we use different terms, but we are basically doing the same thing. Many of us specialise in the study of “unwelcome developments” which we explain either as intended by an actor – Martello’s “conspiracy” – or, in Merton’s terms, as an unintended consequence of purposive action – that is, a “fuck up”. There is a further parallel: Martello’s theory is counter-intuitive. He is convinced that they are dealing with a fuck up, whereas in the intelligence world conspiracy is the norm. Invoking unintended consequences, as social scientists do, is also often counter-intuitive. Reference to unintended consequences is especially common in the study of formal organisations, where purposive design, efficiency and rationality are the norm. That formal organisations also produce unintended consequences and, in the process, sometimes defeat their own aims is also counter-intuitive.

Indeed, Robert K. Merton developed and applied his work on unanticipated consequences especially in his critical studies of Weberian bureaucracy (e.g. Merton *et al.* 1952). His article “Bureaucratic Structure and Personality” (1940) conveys the basic idea: “The chief merit of bureaucracy,” Merton summarizes Weber, “is its technical efficiency, with a premium placed on precision, speed, expert control, continuity, discretion, and optimal returns on input” (561). However, Merton continues, Weber’s ideal type emphasizes the positive attainments of bureaucratic organisations while “the

internal stresses and strains of such structures are almost wholly neglected” (Merton 1940, 561-562). A well-known example of such strains is what Merton calls “displacement of goals”:

Adherence to the rules, originally conceived as a means, becomes transformed into an end in itself; there occurs the familiar process of displacement of goals whereby ‘an instrumental value becomes a terminal value.’ Discipline, readily interpreted as conformance with regulations, whatever the situation, is seen not as a measure designed for specific purposes but becomes an immediate value in the life-organization of the bureaucrat. This emphasis, resulting from the displacement of the original goals, develops into rigidities and an inability to adjust readily. (563)

We quote Merton at length to emphasize an important quality of this Special Issue: the studies on unintended consequences of EU external action collected here re-establish a classic theoretical approach in a relatively new empirical field. As Burlyuk and Noutcheva write in the Introduction, “As a dense institutional environment, the EU may be particularly prone to errors and misjudgements linked to the very nature of its bureaucracy” (10), and several contributions in this volume suggest that this is true (e.g. Dandashly and Noutcheva; Kourtelis¹). Moreover, Merton’s critique of the one-dimensional focus on rational efficiency in the Weberian approach to bureaucracy connects well with Burlyuk and Noutcheva’s critique of mainstream literature on EU external performance. Mainstream literature evaluates EU external performance “in terms of success or failure to achieve the intended effects”, and consequently often presents EU external engagement as having either a “positive impact or no impact” (Burlyuk and Noutcheva, 1). This critique underlies the present volume, and it leads contributors to focus on unintended consequences, as Merton and his students did earlier.²

One conclusion from the empirical studies collected in this volume is that the EU cannot prevent the emergence of unwelcome unintended consequences of its purposive policies. In this respect, what happens to the EU does not differ from what sociologists ever since Merton have shown to be true for national states and, for that matter, any large organisation (e.g. Elias 1982; Giddens 1977; Hirschman 1991; Lindblom 1959; Salminen 2011). Clearly the “positive-impact-or-no-impact” culture in EU studies has to become more inclusive – there is negative impact too, albeit often unintended. This volume contains a range of instructive examples.

Moreover, the Special Issue introduces a complex taxonomy related to the concept of unintended consequences. It is summarised in the Introduction and consistently built upon in all subsequent contributions. In our view, however, the key distinction made in this issue lies in the presence or absence of anticipation. The articles here do not just map out unintended consequences of EU external action; they also address the crucial question to what extent the unintended consequences at issue were also *unanticipated*. This is a key contribution; it refreshes both the literature on EU external action and the social theory on unintended consequences.

¹When the reference is without a date, it is to an article contained in this Special Issue.

²Merton’s students prolonged and expanded this research agenda and founded a school of critical bureaucracy studies (Blau 1955; Gouldner 1954; Selznick 1953).

Unravelling unintended consequences

All the articles in this volume consistently distinguish unintended from unanticipated consequences. Ever since the 1970s, it has become increasingly common in the social sciences to replace the term “unanticipated consequences”, as coined by Merton in 1936, with its putative synonym “unintended consequences”. The latter term has won the day and “unanticipated consequences” is disappearing from the literature (de Zwart 2015, 285). Yet, this conflation of terms, however convenient linguistically, obscures the role of actors in producing certain consequences which hinders explanation and the allocation of responsibility. What was unanticipated must have come about because of error, ignorance, ideological blindness or, if you also account for welcome unintended consequences, luck (D in Table 1, cf. Merton 1936). What was unintended may also, however, result from purposive *choice*. That is, its occurrence may have been anticipated but it was nevertheless permitted (B in Table 1). The difference is crucial.

Unintended consequences is an umbrella category and if we do not differentiate between the very different phenomena it contains, its usefulness for the analysis and practice of policymaking is limited. Table 1 shows a basic distinction used in this volume: unintended consequences can be either anticipated or not. Unlike the conventional category of unintended consequences (D), category B invokes agency and purposive choice. Unintended and anticipated consequences occur because somebody *permitted* them. The consequences under D, by contrast, occur accidentally since they were not foreseen. They result from action but not from design, to paraphrase Adam Ferguson (1995 [1793]). Category D consequences are well known and recognised among policymakers as principally unavoidable. There will always be unforeseen consequences, be they windfalls or accidents. Category B, however, entails politics and ethics, especially when it concerns unwelcome, harmful consequences. Harm that results from a policy decision may be unintended, but if it was anticipated and still permitted, a trade-off was made (Table 2).³

If the concept of unintended consequences is used in its umbrella form, differences between trade-offs and accidents or between windfalls and bonuses are easily ignored. As far as welcome consequences are concerned, Merton (1936, 897) already cautions about policymakers who try to turn windfalls into bonuses. With unwelcome consequences, we

Table 1. Consequences of purposive action

	Intended	Unintended
Anticipated	A	B
Unanticipated		D

Table 2. Types of unintended consequences

	Unintended	
	Welcome	Unwelcome
Anticipated	bonus	trade-off
Unanticipated	windfall	accident

³We thank an anonymous reviewer for suggesting this further refinement and the various names for these categories.

should add, there is a danger that accidents are trade-offs that are covered up in order to diffuse responsibility.

Many contributions to this volume analyse trade-offs and highlight the choices and responsibilities that become relevant if and when unwelcome effects are anticipated. Natasja Reslow, for instance, points out the risk that unintended consequences of EU external migration policy undermine its renowned ‘normative power’ in the international system (38). In order to deal with migration pressures, the EU cooperates with countries that have poor human rights records, such as Afghanistan, Libya, and Turkey, endangering migrants’ lives and wellbeing. Unintended as it may be, this outcome has so often been commented upon in the press and academic publications that we can safely call it anticipated and unwelcome. In other words, it is not an accident but a trade-off. Indeed, Reslow, following Burlyuk (2017), calls it “a case of wilfully ignoring unintended consequences” (38).

Why would EU policymakers accept that their policies cause harm, risking, in the process, to undermine the EU’s cherished normative power? Endangering migrants’ wellbeing is not intended of course; it results from a trade-off between control over migration streams (through cooperation with the named regimes) and foreseeable harm to individual migrants. Trade-offs imply a choice between ‘the lesser of two evils’, but in a political context such as EU foreign policy, what is considered ‘lesser’ or ‘more’ depends on risk assessment (e.g. Carbone in this volume) and creed. As De Ville and Gheyle show, for instance, proponents of the TTIP intended to boost “growth, jobs, and [set] global standards” (18). They anticipated unintended and unwelcome side effects such as threats to consumer health, environmental protection, and democracy, but would have settled for those rather than have no TTIP at all. Opponents, on the other hand, would have considered no TTIP the lesser of the two evils.

Researching intent and anticipation

The question of intent is at the core of this Special Issue. Without establishing intent and thus focusing on actors, any discussion about unintended consequences becomes moot. The authors in this volume take a clear stance in the ongoing debate between structural or functional versus actor-centred explanations. This position inevitably leads to discussions about ‘measurement’ – indeed methodology is an important issue in the discussion of unintended consequences. For instance, we focus on the consequences of purposive action. Occurrences that take place without purposive action fall outside our scope. But, as Merton already suggested in 1936, in practice consequences emerge from the interplay between action, context – “objective situation” (895) – and the conditions of action. Intentions, therefore, cannot simply be inferred from documents and declarations; they need to be carefully investigated.

The same is true for the “extent of anticipation” mentioned above. Merton cautions against policymaker’s inclination to rationalise ex-post, claiming that unintended consequences that turn out to be benign were intended in the first place (1936, 897). The opposite is also common: policymakers may have hidden agendas. Indeed, scholars of EU external action are well acquainted with this because the EU has frequently been accused of hypocrisy, of hiding particularistic interests behind a discourse of universal values (Hyde-Price 2006; Smith 2006; Cusumano 2018). Moreover, when things turn

out wrong, responsible decision-makers may stress that we are facing unintended consequences because, since unintended connotes unanticipated, that obscures the trade-offs that were made. The reader will not find good examples of such outcomes in the articles presented here exactly because the authors have taken care not to confuse unintended with lack of anticipation.

The editors of this Special Issue acknowledge in the Introduction the methodological difficulties in establishing intent and anticipation. The case studies show that establishing them requires intimate knowledge of contexts, procedures and documents, and especially close observation of and extensive interviews with policymakers. De Ville and Gheyle provide an instructive illustration of the difficulties involved and a good example of how they can be overcome. Given earlier contestation of similar attempts and the general context of protest and mobilisation against neoliberal economic policies, “the level [of protest against TTIP negotiations] should not have come as completely unanticipated to the European Commission” (20). But it did. Or at least, as the authors put it, “although politicisation could have been anticipated ... [it] was not expected” (21). The reason, the authors note, might simply have been hope (given the low levels of politicisation in previous years) in combination with an eagerness to proceed in light of the prospect of the enormous rewards if the trade agreement were signed (21).

Reslow’s study provides another example of researching anticipation. She traces the European Commission’s hidden agenda in establishing Mobility Partnerships. These partnerships provided the Commission with insight into the member states’ policies on legal migration. This was certainly not among the official intended consequences of the Partnerships, it was an unintended, anticipated and in fact welcome (by the Commission) consequence. A somewhat similar methodological approach is present in Carbone’s article, in which he analyses internal documents, impact assessments, and a range of recommendations issued by the European Commission.

These and other examples show that analysing the various kinds of unintended consequences defined in this volume requires anthropological rather than statistical research methods. The hopes, fears and expectations of decision-makers are usually not documented in accessible files, but can be researched by participant observatory techniques, in-depth interviews, and process-tracing.

Explaining unintended consequences

We invoke ignorance, error, or something in between such as ‘path dependency’ to explain consequences of purposive action that are unintended and unforeseen. To explain unintended but foreseen consequences we focus on actors. Negative effects that were foreseen have been *permitted* to occur. Risks are traded off against the expected advantages of the intended effect.⁴ The reasons for the trade-offs are essential for explaining the anticipated unintended consequences. The present volume contributes to our knowledge of such reasons by charting organisational regularities that stimulate the production of unintended but anticipated consequences.

⁴Hirshman (1991) argues that the expected and intended effect tends to blind actors to possible negative side effects, and that this is the main reason why unintended consequences occur.

The first of such regularities links policymakers' inclination to trade off consequences to their attachment to core values. Merton already mentions this (Merton 1936, 903; see also Burluk 2017, 1016), but we now have a broader literature on the socialisation of EU officials and decision-makers into institutional substantive or behavioural norms, which helps explain why foreseen and unwelcome consequences are nevertheless permitted (cf. Bellier 2000; Chelotti 2015; Henökl 2015; Hooghe 2002; 2012; Kassim *et.al.*; Juncos and Pomorska 2006; 2010; 2011; Lewis 2010). This issue enlarges our knowledge on this. A clear example is the contribution of Dandashly and Noutcheva who talk about "apolitical engagement" as part of an "internal culture" in the European Commission and show how this culture has influenced the way in which the EU engaged with the MENA region. One could argue that their argument is equally valid for the Eastern neighbourhood. For instance, apolitical engagement seems to have been the norm during the Orange Revolution or Maidan in Ukraine. The EU was very reluctant to support opposition in Belarus or even to get involved at all politically (beyond acting as a 'broker').

A whole set of core values – some of them clashing – appear in the article on TTIP by De Ville and Gheyle. The European Commission's norm of secrecy when conducting international negotiations, for instance, clashed with the EU's basic norm of transparency which led the Commission to change its procedure. Ideological support for a neoliberal agenda clearly shaped the substance of the negotiations. As the authors put it, "the Commission was willing to take the gamble, as the reward of an agreement with the US was considered very high" (21). That is, they were prepared to let the anticipated unwelcome consequence occur if they had to.

Another regularity that stimulates the production of unintended but anticipated consequences seems to be the perceived urgency of a situation. The feeling that "we have to do something" is a well-documented sentiment in the case of the Common Security and Defence Policy, EU's interventions beyond its borders, or the adoption of sanctions. However, the urge does not originate only in external shocks or crises. It can also come from interest groups, epistemic communities or advocacy coalitions that provide officials with ideas about different possible policy outcomes. In the literature on interest representation and lobbying in the EU, still a relatively small field in foreign and security policy, the issue is discussed at length (e.g. Voltolini 2015; 2016; Joachim and Dembinski 2012).

For example, the Arab revolts created urgent pressure on the EU to respond. The contributions by Dandashly and Noutcheva, and Kourtellis analyse this. Kourtellis argues that, in response to popular demands for democracy and growth in the MENA countries, the EU created programs to support agricultural development. In effect, however, the unintended consequences of these programs undermined the EU's own goals, such as empowering small farmers and increasing its popularity in the region.

Dandashly and Noutcheva come up with a mixed picture. On the one hand, part of their material shows unintended consequences resulting from choice: the EU prioritizes interests over values and consequently supports consolidation of authoritarian regimes. The "empowering of illiberal reform coalitions", however, seems more unanticipated and unintended, and thus not caused by choice but by bureaucratic pathologies such as "risk aversion, inertia, strong internal culture of sectoral cooperation [and] apolitical engagement".

Some of these factors match well with Merton's ideas about "displacement of goals".

Finally Carbone, following Mica (2018), provides another example of reasons for permitting unintended consequences. Instead of assuming that policymakers produce unintended consequences because they are ignorant or naïve, he argues that actors permit consequences (foreseen and unforeseen) because they consider them a window of opportunity and are skilled in reacting to them. Carbone details the unintended effects of older trade policy agreements on the more recent EU relations with the African, Caribbean, and Pacific (ACP) Group of states as an example. The unintended effects, he argues, were “purposely triggered”, that is, they were permitted in the hope they would spill over.

Conclusions and prospects

What lessons have we learned from this Special Issue? We see that the distinction between anticipated and unintended consequences can increase our ability to explain and account for policy developments by bringing to the fore the trade-offs that were made in producing and permitting certain effects. For a variety of policies that fall under the umbrella of EU external action, this volume shows how this can be done. Its contributions consistently ask “who anticipated what?” and thus open the black box of “impact” by reintroducing agency, a valuable contribution to the literature.

Given the characteristics of the EU, such as multilevel governance and the complexity of decision-making procedures, this does not mean that we can now simply hold actors responsible for unwelcome consequences. However, attempts to trace anticipation discourage the “presumed ignorance” that the conventional use of unintended consequences entails. Moreover, by explaining the occurrence of unintended consequences – that is by systematically addressing the why question as Burlyuk and Noutcheva stress in the Introduction – the studies in this volume contribute to mapping out mechanisms or regularities that seem to further the production of unintended but anticipated consequences. Such mechanisms could be the focus of research for EU scholars who want to explore this issue further. This research agenda seeks better explanation and, with that, a clear link to policy advice. After all, knowledge of mechanisms that promote the occurrence of unintended but anticipated consequences should help expose and control ethically questionable policy trade-offs.

Another theme that emerges from this Special Issue which may inspire future research is the difference between policy fields. The editors brought together policy fields that are usually studied separately – for instance, economic and security issues. From the various contributions, it appears that policymakers in these fields assess risks differently and therefore make different trade-offs. The case of the TTIP, for instance, shows the European Commission prepared to risk politicisation, an unwelcome and unintended consequence, because it expects – or hopes – that the economic rewards of an agreement with the United States will be enormous. In contrast, in the Western Balkans the EU does not take risks. Here it prioritizes political stability over democracy and rule of law, and thus promotes non-democratic outcomes. The EU permits this unintended consequence because risk analysis suggests that, given overall interests, this trade-off is the lesser evil (Webb 2018). Future studies on these topics would probably benefit from connecting literature on risk management (which has recently gained

increasing attention from scholars in the field of EU studies) with that on unintended consequences.

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