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"Bilateral policy-making in defence: the missing link?"
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Introduction

Defence policy-making can less and less be approached from a strictly national perspective, especially in Europe, where it is increasingly elaborated internationally. To some extent, defence policy is conceived multilaterally, via international organisations such as the EU or NATO. At another level, it is also elaborated bilaterally or "minilaterally". Interstate defence policy-making concerns sets of projects to be conducted jointly in the medium or long term, in areas such as equipment development, acquisition or sharing, military training, doctrinal convergence, or intelligence sharing. In the past decades in Europe, several countries, especially Britain, France, Germany, the Benelux and Nordic countries have developed strong links and integrated elements of their defences, bilaterally or in small groups.

Such initiatives have recently gained new attention, especially in policy-oriented research[1]. From an academic perspective, however, political scientists and International Relations (IR) scholars have usually been interested in national or supranational levels of policy-making in Europe, and the bilateral level has tended to be overlooked (the Franco-German relationship is an exception). In the field of Public Policy (PP), too, so-called implementation studies have focused either on national policies or on programmes conducted by international organisations. Moreover, in both instances, scholars have been more interested in studying decision-making processes than policy implementation, as the latter has been considered chiefly a technical issue[2]. As a result, we are poorly equipped when it comes to explaining the workings of intergovernmental, and especially bilateral, policy initiatives. How are these programmes conducted, and with what challenges? Can they be studied using either IR or PP tools only, or should we create more bridges between the disciplines?

This paper interrogates the heuristic value of the international public policy (IPP) approach for the study of bilateral policy-making[3]. This follows a call made in 2006 by Petiteville and Smith who noted that conceptually, there is traditionally a disconnection between International Relations and Public Policy approaches when it comes to the making and implementation of international programmes and foreign policies[4]. The purpose of this paper is to develop the international public policy approach, which involves 1) exploring a policy object across the traditional national and multilateral levels; 2) looking both at vertical and horizontal dynamics of policy-making; 3) analysing not only decision-making but also policy implementation. More specifically, the approach is applied to the bilateral level, usually overlooked.

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[1] See recent policy research, such as Valasek 2011, Sunberg and Ahman 2012, Nemeth 2013.
[2] Spector and Zartman 2003, p.56.
[3] *Nota*: the present paper is a conceptual exploration: it is not strictly the methodological framework that I am using for my Ph.D. thesis, although the empirical object is the same.
[4] Petiteville and Smith 2006.

This contribution begins by explaining the origins of the notion of international public policy and provides a definition as well as the constitutive elements of the concept in a bilateral perspective, linking it with both IR and Public Policy analysis. The second section is an application of the approach to one programme of UK-French defence cooperation[5], conducted under the umbrella of the Lancaster House treaty signed in 2010.

I argue that, conceptually, bilateral public policies constitute the "missing link" both between Public Policy and International Relations and between national and supranational levels of analysis. This contribution hence highlights how IR and PP can complement each other (not only how public policy can contribute to IR, as is usually the case). Empirically, the case study shows how bilateral public policy programmes can be designed and conducted in practice, and with what challenges. It also underlines the intertwining of national and intergovernmental dynamics in the shaping of bilateral policies.

Bilateral public policy: origins and definition of a concept

Origins of the concept

Bilateral (or more generally international) public policy is a notion that links Public Policy and International Relations both conceptually and empirically. *De facto*, since the 1990s, public action has become increasingly international, transnational or "Europeanised", hence becoming an object of interest for IR, which has coincided with the increased use of sociological approaches. In parallel, Public Policy analysts have remained interested in policy programmes that sometimes reach beyond the boundaries of nation states. Defence is typically a policy area, which has, in France, attracted scholarly attention from IR and PP scholars alike. Linking Defence and international cooperation, several Public policy scholars, including Jean Joana, Andy Smith and Catherine Hoeffler[6], have explored the domestic politics of international armament programmes (something that Samuel Faure also usefully analyses, with a more sociological approach). From a different standpoint, in International Relations, the public policies of international institutions have gathered significant interest, both from the perspective of international organisations' policy programmes, or in terms of the convergence of their member states' policies[7].

Hence, some empirical and conceptual links between national and international levels and modes of policy-making have long been made and some are already well established[8]. Yet despite some overlaps, there still lacks conceptual cross-fertilisation between PP and IR. In this context, in 2006, Frank Petiteville and Andy Smith called for the further development of links between the two sub-disciplines, around the concept of International public policy[9]. Although the term had been used before them, the specificity of their contribution was to clearly encourage a *rapprochement* of scientific postures and methods. This paper aims to contribute to this agenda.

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[5] Initially, I planned to analyse two policy programmes but I had to abandon one given the limited length of the contribution.

[6] Joana and Smith 2004, Hoeffler 2011.

[7] E.g. EU policies; international environmental regimes…

[8] A classical example is Putnam's "Two-level game" (Putnam 1998). More specifically, see Mérand on European integration in defence; as well as recent works on bilateral "special relationships" or couples, and their impact on national policy-making (see Krotz 2011, Krotz and Schild 2012, Alons 2012.

[9] Petiteville and Smith, *art. cit.*

For International Relations scholars, the point is to go beyond the "black box" effect of classical approaches to interstate cooperation, which, especially in defence matters, have tended to emphasise the role of heads of states, leaving aside bottom-up dynamics and the influence of private actors[10]. Besides, as Bertram Spector and Willam Zartman noted in 2003, "most of the regime literature focuses on *why* states cooperate and neglect *how* states cooperate in conceptual terms"[11]. IR scholars have traditionally been more interested in decision-making processes rather than in the implementation phase. Authors such as Christophe Pajon, Gerry Alons, Ulrich Krotz[12], have partly corrected these flaws, with their detailed analysis of Franco-German interactions. Finally, for Public Policy, the interest lies in learning from IR conceptualisations such as power relations, conflicts, interdependence and the international diffusion of norms[13].

Petiteville and Smith define international public policies as action programmes carried out by public authorities with the aim of producing effects beyond the state's national territory[14]. In their article, the authors mention only foreign policies and the policies conducted by international organisations as pertaining to the category of IPP. Arguably, a set of programmes conducted by two governments, under joint authority, which involves actors, instruments and effects in both states is a type of international public policy, albeit a bilateral one. In the same issue of the *Revue française de science politique* as Petiteville and Smith, Mathias Delori presented interesting perspectives for research offered by such an approach to Franco-German cooperation in defence and culture, but his article offers more avenues for research than answers when it comes to bilateral public policies[15].

Definition and constitutive elements

The concept of BPP should allow us to approach interstate cooperation as the conduct of policy programmes, in a similar way as one would do with national public policies or the actions of an international organisation. It is generally acknowledged, that any policy comprises a purpose (or set of purposes), and an action structure (actors and instruments). The now popular "cognitive approach" to public policy adds, that it also rests on a set of normative references (paradigm in Hall's work, belief system for Sabatier and Jenkins-Smith, or *référentiel* for Jobert and Muller[16]). How do these elements fit in bilateral public policies, with what specificities and what limits?

Regarding the intent, the first distinction between national and bilateral policies, lies in the absence of a single decision-maker (person or organisation) in charge: on the contrary, we are looking at a policy that is, by definition, double-headed at the very top, and composed of twice as many governmental and bureaucratic bodies as would a national process: the intent and *référentiel* are not necessarily shared either nationally or bilaterally. The literature about international regimes makes a similar argument, pointing to the need for shared

[10] Delori 2006, pp.414-415.
[11] Spector and Zartman 2003, p.16.
[12] Pajon 2006, Alons 2012, Krotz 2011, Krotz and Schild 2012.
[13] Petiteville and Smith 2006, pp.363-364.
[14] *ibid*, p.363.
[15] Delori 2006. He does not use the term specifically. Besides, the author also focuses more on the decision-making process (the *why* of cooperation) than on post-agreement dynamics (the *how*).
[16] Hall 1993, Sabatier and Jenkins 1993, Jobert and Muller 1987, cited in Muller and Surel 1998, pp.47-50. Arguably, the cognitive frame surrounding the policy is reflected in the intent formulated and the instruments chosen. Hence, I will not make it a distinct constitutive element of bilateral public policies. Other processes and constitutive elements of PP, such as agenda setting, and post-implementation evaluation, are beyond the scope this exploratory article and will not be addressed here.

normative support for regime development[17]. In fact, conceptually, in IR literature about cooperation, intent and values of participating states are often combined within notion such as "preferences" (esp. for liberal institutionalists). As Terence Hopmann puts it, "cooperation may be defined as achieving mutually beneficial outcome that all parties consider satisfactory within the context of their *own* values". In this contribution, I will use the term purpose to reflect the various components of the policy intent.

Secondly, the horizontal-vertical nature of international policy-making renders the traditional opposition between top-down and bottom-up, decision-making and implementation processes both impractical and incorrect. Hence, when it comes to studying policy actors and instruments, notions such as Sabatier's "policy subsystem"[18] or Hjern and Porter's "implementation structure" are quite valuable. Hjern and Porter define an implementation structure as a multi-organisational unit of analysis, to be used when describing the implementation and administration of programmes, which are implemented by clusters of parts of public and private organisations[19]. Arguably, the concept is especially suited to identify the pools of actors involved in policy programmes in situations where "no single, comprehensive organisation can command all the needed resources", which is particularly true for an international policy[20].

Arguably, two additional dimensions of public action must be taken into account when dealing with international public policies, and this is where the cross-fertilisation with International Relations comes to play. The strands of IR closer to Public policy analysis are scholars working on international regimes and international negotiations (often the same). Frist, this literature informs us of the importance of equity, or the balance of benefits and costs, for the effective conduct of international cooperation.

Second, less often, authors underline the impact of the states' interpenetration with their environment. The *context* of public action is already well understood in Public Policy analysis, but it takes on a particular form when it comes to international policies, given possible overlaps and conflicts between different international relationships and networks of which the two states are part.

It has already been demonstrated, that PP can contribute to shedding light on some dynamics that used to be overlooked by IR scholars (identifying collective and individual actors and their logics of action, for instance). On the other hand, public policy scholars have rather rarely borrowed concepts and instruments from IR – the study of international organisations and regimes forms one exception. The two last components of a BPP (balance and external dynamics), borrowed from IR literature, show that there are certainly ways for a contribution of IR to Public Policy analysis.

To summarise, I define a BPP as a policy programme, or set of programmes, jointly adopted by two heads of state or government, designed and implemented by public and private actors, with instruments and effects within both states. Such a policy programme usually takes the shape of an international treaty or intergovernmental agreement under an existing treaty. A BPP comprises of four core analytical elements: a purpose, an

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[17] E.g. Spector and Zartman 2003, p.102-104.

[18] "In modern industrial societies, the most useful aggregate unit of analysis in not any specific governmental organisation but rather a policy subsystem, i.e., those actors from a variety of public and private organisations who are actively concerned with a policy problem or issue", Sabatier 1986, p.40.

[19] Hjern and Porter 1981.

[20] *Ibid*., p.214. Hjern and Porter remain embedded in the classical distinction between decision and implementation. Despite using their notion and the term "implementation", we are aware that, as Spector and Zartman (2003) have showed, "getting it done", requires round of "post-agreement negotiations": it is an iterative decision-making-implementation process. Hence, I shall consider the notion of "implementation structure" for its value for identifying the actors involved rather than in a literal sense.

implementation structure, a balance of costs and gains, and a favourable international context. Every element is likely to foster or block the policy process, probably requiring further negotiations and potentially leading to a deadlock and the failure or modification of the policy programme.

Methodologically speaking, as Hjern and Porter (1981) put it, going beyond traditional organisation studies to look at policy implementation requires starting the analysis from the programme rather than from an organisation or formal structure. Moreover, identifying the network of actors is likely to be done through interviews, progressively drawing a map rather than climbing up or down a hierarchical ladder.

Concretely speaking, approaching defence policy-making through the lens of bilateral public policies should shed light on elements that are overlooked when International Relations and Public Policy are compartmentalised. The following section will look an Anglo-French defence policy enterprise with a view to illustrate, validate and consolidate the BPP approach. The study will be structured around the four constitutive elements identified.

Application: the Anglo-French "Combined joint expeditionary force"

French President Nicolas Sarkozy and British Prime Minister David Cameron signed on 2 November 2010 a "Treaty for Defence and Security Cooperation" and a treaty for the sharing of facilities designed for simulations of nuclear testing. The so-called Lancaster House treaties constitute an unprecedented reinforcement of the two states' bilateral cooperation and involve a number of long-term initiatives for armed forces collaboration, joint procurement, military interventions, and the integration of some parts of defence industries.

The Combined Joint Expeditionary Force is one of the key programmes conducted under the auspices of the Defence and Security treaty. It was announced at the 2010 Summit, and the heads of state and government presented it as a non-permanent force "suitable for a wide range of scenarios, up to and including high intensity operations"[21]. Since, the CJEF has become the "flagship" project of UK-French military cooperation: it has been restated at every joint declaration and has driven most of the cooperation between the armed forces. Given the short length of this paper, it will not be possible to study in great detail the programme but rather I will outline the most salient aspects, before drawing some partial conclusions and outlining avenues for further research.

Programme purpose

Although it would seem logical that the purpose of a policy is what should guide its development, the CJEF case is the typical case where the urge to *do something* was the main driver of policy-making. Here, the rationale came from the dynamics of the relationship itself: the CJEF was decided in the context of the post-Treaty political "momentum", and once the decision was made to jointly develop an expeditionary force, work started to be done without the actual purpose being more precise.

Unlike national programmes, where one can usually identify a "principal" (a minister, a service chief…), international policies delineate only the most consensual objectives and are subject to "post-agreement negotiations"[22]. For instance, the French wanted a force "at

[21] See §8 of the "UK-France Summit 2010 Declaration on defence and security co-operation", signed in London, 2 November 2010. Available at: http://www.number10.gov.uk/news/uk%E2%80%93france-summit-2010-declaration-on-defence-and-security-co-operation/ [Accessed on 22 April 2013]
[22] Spector and Zartman 2003.

brigade or division level" (i.e. somewhere between 3,000 and 10,000 men), while the British, for budgetary reasons, had a lower level of ambition and proposed cooperation at "battlegroup" level (2,000 to 5,000 men)[23]. Eventually, French and British representatives opted for the latter's position (the lowest common denominator), which is an unsurprising outcome of regular intergovernmental cooperation.

More interesting is how the views of military actors and political decision-makers on the size and shape of the programme have diverged from the outset. Frequently in interviews, military actors denounce the inadequacies of political will with military realities. It was decided that the CJEF would be an entry force suitable for 90 days of operation, yet, as one British commander who laments:

> "Ninety days is too short to conduct an operation […]. You need something heavier to have impact. But 'heavy and slow' does not match the political intent, yet if you say it's going to be 'quick and light', you tie your hands in the back because you won't be able to deliver."

The importance of what we can call 'vertical incongruity' on the dynamics of the cooperation programme is such that is clearly demonstrates the relevance of accounting for the domestic politics of international cooperation. Indeed, as a result, the purpose of the CJEF project remains ambiguous almost four years after being launched (the 2014 Summit declaration announced "early entry combined force capable of time limited but complex and demanding combat operations"), because it is difficult to reconcile British and French views on the programme, as well as national views between civilian, political decision-makers and military personnel with diverging intents.

Implementation structure

The challenges associated with the nature of implementation structures at the domestic level remain and worsen in an international context As Hjern and Porter pointed in 1981, the individuals implementing a policy programme have to follow both organisational and programme rationales, knowing that the programme usually has to be adjusted "to meet overall organisational objectives"[24]. In the case of the CJEF, as a British senior analyst at RUSI puts it, one of the issues for the CJEF is that the project is by definition limited and "will not drive change in the general functioning of both defences"[25].

The implementation structure is composed of individuals located in many different departments of the two ministries of Defence, who comprise about a hundred personnel in total. There is no permanent structure for supervising and implementing the CJEF, and the programme is rarely the actors' main professional tasks. At the higher level, there are yearly meetings of the military chiefs followed by a summit between the heads of state and government and their defence ministers. At the lower "working level" regular exchanges and meetings take place where actors cooperate on a variety of aspects of the programme, with a non-dedicated "secretariat" (i.e. one representative in the defence staff of each country) supposed to ensure coherence. In practice, there is a striking absence of prioritisation, clear lines of responsibility, senior level oversight and, generally speaking, coherence.

Besides, given the administrative functioning of defence ministries, there is a high rate of staff turnover (every year to every three years; and staff changes are not harmonised between the two countries) and incoming staffs do not necessarily have the necessary

[23] Interviews, French and British Ministries of Defence, 2012-2014.
[24] Hjern and Porter, 1981, p.216
[25] British senior analyst at the Royal United Services Institute, closed seminar, March 2011.

language skills. Adding to this, there are different working practices and methods, and given that the programme is only one project among many of the two administrations, it is impossible to modify significantly their standard operating procedures. At the top level, national elections take place on one side or the other of the Channel every two years, which limits the stability of the implementation structure.

Costs and gains

National policy-making does not require negotiating costs and benefits distribution with other states. This dimension plays an important role in shaping bilateral/international policy programmes, all the more so when there is an even power distribution between participating states. It is generally acknowledged, that actors cooperate with a view to gaining some material or immaterial benefits. In the case of the CJEF, the aim is to enhance the interoperability[26] of French and British armed forces and hence to be able to conduct joint military operations with pooled command structures and support. As such, there are no financial gains to be made; rather the point is to use existing resources more efficiently. There are costs to share, however, for force training and deployment, and shared equipment. In principle, an imbalance in the efforts made in favour of the joint policy could lead the enterprise to fail:

> "We have to ensure that there is a certain balance. On the A400M [transport aircraft], typically […] if we do such an exchange [of pilots], it has to take place the same year. We are not going to say 'Ok, we have one British pilot coming and in four years time a French one will go'"[27].

As this testimony shows, given the absence of guarantees in relations between states, there is also fear that the partner will not reciprocate, which leads to a need for trade-offs to be synchronous. Trade-offs need not be the same; on the contrary, the states can take advantage of the complementarity of their national resources. Besides, balance does not only concern measurable costs and gains. Key to international joint policy-making is the whether there is a *perceived* fairness in exchanges. This includes, for instance, the choice of one doctrine or procedure over another, the exchange of classified information, or even the choice of the working language: "The issue of language is set; it's English. So once again, it's the French who are making the effort"[28].

External dynamics

In contemporary warfare, military operations are rarely, if ever, conducted nationally. Consequently, military doctrines are standardised through NATO or the EU. The embeddedness of Franco-British military cooperation in this multinational context plays both as a driver and as a constraint on the dynamics of bilateral policy-making. On the one hand, France and the UK can borrow some doctrines and procedures from NATO and take advantage of multilateral exercises to train their binational force.

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[26] Defined by NATO as "the ability for Allies to act together coherently, effectively and efficiently… it enables forces, units and/or systems to operate together and allows them to share common doctrine and procedures, each others' infrastructure and bases, and to be able to communicate" (NATO, "Interoperability: Connecting NATO forces", available at: http://www.nato.int/cps/en/SID-66C52C90-9AFA32C1/natolive/topics_84112.htm (accessed 16 June 2014).

[27] Interview with a senior French military officer, French Embassy in London, 2012.

[28] Interview with a senior French military officer, French Embassy in London, 2013.

On the other hand, the two countries might disagree on their relation to those institutional frameworks. According to Liam Fox, British defence Secretary in office when the treaty was signed, the British perspective on reinforcing cooperation with Paris was to "tie France to a Transatlantic view, [and to] have defence cooperation with a country inside continental Europe that had nothing to do with the EU"[29]. On the French side, unpublished working documents drafted prior to the Lancaster House agreement warned that cooperating bilaterally with the UK would be "far from trivial" given the "European commitments" made by France under the EU Lisbon treaty[30]. Generally, the embeddedness of Anglo-French cooperation within a network of alliances and international organisations has tended to play against them, which was illustrated by France's signing of a "secret" letter to Catherine Ashton suggesting to bypass London's veto against a permanent operation headquarter for EU military operations (OHQ)[31]. According to a senior British diplomat, although "the OHQ is not strictly 'defence' or 'UK-French'", given the sensitivity of the matter in London, "there was a risk for France to alienate the UK if it pushed too far", which led to "very difficult discussions" in Brussels[32].

Another form of external constrain of bilateral policy-making relates to existing bilateral alliances with other partner. In the case under study, one thinks immediately of the "Special relationship" between Britain and the US. This can be constraining for various reasons. First, human and financial resources are already orientated towards the states with which there is established cooperation. Second, some existing international policies cannot be opened to new members, as in the case of institutionalised intelligence cooperation under the "UKUSA" treaty[33].

All these external factors, like the more domestic or "bilateral" ones, influence the shape of the combined UK-FR force: they draw boundaries around the programme, offering some facilitation in the form of common norms (doctrines and procedures) but also limiting both partners' room to manoeuvre and possibly calling into question their initial agreement on the objectives of cooperation.

Conclusion

The aim of this paper was to explore the notion of bilateral public policy, as a tool to analyse phenomena at the crossroads of national defence policy-making and international cooperation. There was first a need to define the concept of bilateral public policy. Building on the existing notion of international public policy, I have defined a bilateral public policy as a policy programme or set of programmes jointly adopted by two heads of state or government, designed and implemented by public and private actors, with instruments and effects within both states. According to Gary Goertz, concepts are theories about the "fundamental constitutive elements of a phenomenon", that is to say: its characteristics and their interrelationship[34]. Bilateral public policies are at the crossroad of IR and PP, and thus

[29] Interview with Liam Fox, former Secretary of State for Defence, 2014.
[30] Unpublished working document, French Ministry of Defence, 2010.
[31] Bruno Waterfield, "'Big five' tell Baroness Ashton to bypass Britain over EU military HQ", *Telegraph*, 8 Sept 2011, available at: http://www.telegraph.co.uk/news/worldnews/europe/eu/8747399/Big-five-tell-Baroness-Ashton-to-bypass-Britain-over-EU-military-HQ.html.
[32] Interview with a senior British diplomat, Foreign and Commonwealth Office, 2014.
[33] 1946: Signing of "UKUSA agreement" for cooperation on signals intelligence, later opened to Canada, Australia and New Zealand, who form the "5 Eyes" intelligence community.
[34] Goertz 2006, p.5

their constitutive elements originate from one or the other discipline, or both: programme purpose, implementation structure, costs and gains, and external dynamics.

The second section of the contribution has dealt with operationalizing the concept of BPP with an empirical analysis structured around the four constitutive elements of the BPP, by looking at the development of the Franco-British Combined Joint Expeditionary Force. The findings can be summarised as follows. Firstly, the changing purpose of the policy programme can only be fully understood when considering both the need for bilateral negotiations and the domestic dynamics of policy-making. Secondly, the nebulous shape of the implementation structure and differences in national organisations are key to make out the irregular development of the programme. Thirdly, the intergovernmental nature of bilateral policy-making makes it necessary to consider how state actors negotiate the distribution of the costs and benefits involved in the programme. We can note that trade-offs involve not only financial decisions, but also symbolic ones. And fourthly, the development of a bilateral public policy cannot be fully understood if one does not account for the existence of other potentially interweaving and constraining international policies.

To sum up, this contribution has demonstrated the possible heuristic value of combining Public Policy and International Relations tools to make sense of public action in a bilateral setting. It has done so by shedding light on the intergovernmental causes of national decisions on the one hand, and on the domestic origins of bilateral policy-making. Again, this paper is only exploratory and the empirical demonstration would need to be significantly developed.

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