Doris Dialer, Heinrich Neisser, Anja Opitz (Eds.)

The EU's External Action Service:
Potentials for a one voice Foreign Policy

EUROPAWISSENSCHAFTLICHE REIHE, BAND 3

Series Editor: Heinrich Neisser

Doris Dialer, Heinrich Neisser, Anja Opitz (Eds.)

The EU's External Action Service:
Potentials for a one voice Foreign Policy

Doris Dialer
Department of Political Science, Universität Innsbruck
Political Advisor, European Parliament

Heinrich Neisser
Department of Political Science, Universität Innsbruck

Anja Opitz
Academy for Civic Education & Research Tutzing
Department of Political Science, Universität Innsbruck

Table of Contents

List of Abbreviations

AFET	Comité des Affaires Étrangères
ALDE	Alliance of Liberals and Democrats for Europe
AQIM	Al Qaeda in the Islamic Maghreb
AU	African Union
BUDG	Committee on Budgets
CCP	Common Commercial Policy
CFSP	Common Foreign and Security Policy
CMCO	Civil-Military Coordination
CMPD	Crisis Management and Planning Directorate
CNRDR	National Committee for the Restoration of Democracy and State
COREPER	Comité des Représentants Permanents
CRT	Civilian Response Team
CSDP	Common Security and Defense Policy
DG	Directorate General
DG DEVCO	Directorate General for Development and Cooperation-European Aid
DG CROC	Directorate General for Crisis Response and Operational Coordination
DG RELEX	Directorate General for External Relations
DPA	Declaration on Political Accountability
EC	European Commission
ECD	European Commission Delegation
ECHO	European Community Humanitarian Office
EEAS	European External Action Service
EEC	European Economic Communities
ENP	European Neighbourhood Policy
EP	European Parliament

EPC	European Political Cooperation
EPP	European Peoples Party
ERC	Emergency Response Centre
ESDC	European Security and Defense College
ESDP	European Security and Defense Policy
ESS	European Security Strategy
EUD	European Union Delegations
EUMS	EU Military Staff
EUS	External Unified Service
EUSC	EU Satellite Centre
EUSR	EU Special Representatives
FAC	Foreign Affairs Council
FAO	Food and Agriculture Organisation
FPI	Foreign Policy Instruments
FSA	Free Syrian Army
GSPC	Groupe Salafiste pour la Prédication et le Combat
HoD	Head of Delegation
HR	High Representative
HR/VP	High Representative / Vice President
IAEA	International Atomic Energy Agency
ILP	International Legal Personality
IO	International Organisations
IR	International Relations
MAF	Malian Armed Forces
MEP	Member of European Parliament
MFA	Ministry of Foreign Affairs
MNLA	National Movement of the Liberation of Azawad
MS	Member States

NRF	NATO Response Force
NSCR	National Coalition for Syrian Revolutionary and Opposition Forces
NTC	National Transitional Council
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
PA	Principal-Agent
PSC	Political and Security Committee
TCE	Treaty a Constitution for Europe
TEU	Treaty on the European Union
S&D	Progressive Alliance of Socialists and Democrats
SCR	Common Service for External Relations
SEA	Single European Act
SfFPI	Service for Foreign Policy Instruments
SMC	Supreme Military Command
SMC	Syrian Military Council
SNC	Syrian National Council
SOC	Syrian Opposition Coalition
UAE	United Arab Emirates
UES	Unified External Service
UN	United Nations
UNSC	United Nations Security Council
WTO	World Trade Organisation

Introduction

In February 2013, Hubertus Hoffmann, President and Founder of the World Security Network Foundation, shared his vision for "Europe 3.0 and a revival of the soul of Europe" at a conference in Tallinn, Estonia. He criticized a Europe, where "thousands of talented people deal with marketing strategies, developing new ideas everyday, [knowing] how to market Apple´s iPhone" but within policy making processes, he argued, Europe would be light years away from that.

Indeed, the virus that Hoffmann identifies for European policy making in general particularly applies to the Common Foreign-, Security- and Defence Policy (CFSP & CSDP) of the European Union. It is "dominated by unimaginative, administrative policy focusing on crisis management, mere analyses and administration of problem areas."

Looking back over the last years of EU foreign policy – as Heinrich Neisser did in his historical documentation – and looking ahead at the more and more complicated and cross-linked structures of global conflicts, the saying of Albert Einstein comes into mind: "We cannot solve problems by using the same level of thinking we used when we created them."

That was the reason for us three editors to publish a book on the still young European External Action Service (EEAS). A lot has already been published on the EEAS since the service went into force. Our contribution differs in that it is working at the nexus between academic research and an inside look at this new service. Therefore we invited the best scholars and practitioners in the field to contribute to this volume. Martin Schmid, for example, provides an "insight in the discussions on the EEAS senior management´s design and organization from the first steps of the setting-up of the service to the present." And Doris Dialer focusses on the "informal negotiation process leading up to the creation of the EEAS" in one of her contributions to this book.

The Comprehensive Approach

With the end of the political and ideological confrontations of the East-West conflict in 1989/90 and the opening of state borders within Europe, democracy, peace and prosperity

gradually prevailed especially in the countries of the EU itself. However, on the contrary new regional conflicts occurred and already existing conflicts intensified.

The negative consequences of globalization, such as global frustration amongst civil societies or economic differentiations, increased. Other potential risks for traditional state-oriented security policies arise from social and cultural changes or from the increase in the global population growth and migration flows. Therefore, the EU implements the comprehensive approach to address these new dynamic – security – challenges, because none of them can be viewed as unique, nor can they be dealt with exclusively humanitarian, diplomatic, economic or exclusively military means.

This is even more true with the view to Syria, like Christine Straßmaier and Edmund Ratka did in their contribution. They highlighted the fact, that Syria "is not only bordering EU allies such as Turkey and Israel, but is also considered being part of the European Neighbourhood Policy (ENP) which aspires to establish a prospering, stable and democratic 'ring of friends' around the European Union." The ENP is one of the priorities of Catherine Ashton, the High Representative for Foreign Affairs and Security Policy and as such, the European External Action Service, Straßmeier and Ratka are arguing, has "the potential to play the role of a conceptual and strategic entrepreneur." The same applies for the Malian crisis that is analysed by Dario Christiani in his paper. Mali was "one of the major military and humanitarian crises that the EEAS had to face since its establishment." Unfortunately, the EU action "was not particularly effective."

For this reason, the strategic objective within the EU external relations today combines intrinsically two elements: securing the geostrategic periphery as well as contributing to a viable international normative structure. The European Security Strategy therefore calls upon the strengthening of an international order based on effective multilateralism. For the EU itself this requirement means the development towards an active, coherent and powerful foreign policy actor or, in other words, the improvement of the EU's capacity to act effectively on the basis of a systematic use of pooled and shared assets. Even more so, because in the future, "specific competencies such as monitoring, the provision of medical equipment, evacuation services, etc. may prove more cost effective and substantive deployed under a Common Security and Defence umbrella rather than under the auspices of Member States", says Gustav Lindström.

EU Foreign Policy – A Civilian Tiger?

However, the European Communities saw themselves as a civilian power for a long time. "For over fifty years, the Commission performed diplomatic activities on behalf of the European Economic Communities (EEC) and the EU", says Caterina Carta. She argues, that "the organisation of the Commission's system of external representation has always embodied the anomalies arising from its status as a non-state diplomatic actor. This anomalous model of diplomacy can be exemplified by saying that the Commission, as the EEAS today, possessed a 'quasi-diplomatic' service that served common, rather than individual, interests."

Little attention has been given to another arm of the EU´s diplomatic system: Even before the Treaty of Lisbon, the EU-Delegations "were able to help the Community/Union speak with one voice abroad", Frauke Austermann and Doris Dialer argue in their contribution. These delegations operated within a geographical distance from the Commission and were therefore able "to develop certain autonomy and interpret their mandate rather generously." Thus, they contributed "significantly to the EU's external policymaking system and to developing its strengths as an international actor."

EU´s One Voice

On the other hand, scholars and practitioners in the field of EU´s external relations proved a standstill in the development especially of the Common Foreign Security Policy (CFSP) and the Common Security and Defense Policy (CSDP). They also impressively argued the need for an innovative approach towards conflict resolution and conflict management. One of the reasons for the standstill is identified in the lack of willingness amongst the EU member states towards the improvement and innovation of European security. As an example, Nicole Koenig analyses the case of Libya, a "first major test for the Union´s High Representative." She argued, that the "Libyan crisis showed that the member states continue hold on to their national sovereignty, particularly in the areas of diplomacy and defence. When faced with a politicised crisis that requires an immediate and forceful reaction, the Heads of State or Government will certainly not ask the High Representative or consult with the EEAS before acting in line with their national preferences, interests, and priorities."

The rationale behind these tendencies is the acceleration of national interests and the confirmation of an engrained need which equally serves as the heritage of the Cold War: the approach to strengthen national sovereignty at maximum with a minimum loss of the ability to act.

Against this background, it is quite understandable, that along with the debate on the development EU´s external relations went the question about a telephone number of the EU. The EU responded by creating the post of the High Representative and Secretary-General of the Council and, as Jochen Rehrl says in his paper on the legal basis of EU diplomacy; this establishment was "only a question of the right timing." Although the former High Representative, Javier Solana, had to deal with limited overall institutional and structural conditions, he has been very successful ensuring a steady flow of information between all relevant actors dealing with EU external relations and especially acting as a communication bridge between the Council and the European Commission.

"The EEAS learnt to walk"

The Treaty of Lisbon instituted the office of the High Representative with a special regard to the improvement of the internal coordination. A "key challenge for the early days of the EEAS was to cope with inter-institutional competition on the one hand and to coordinate the external policies of the Commission, the Council and Member States on the other", Dialer argues. But in the face of heavy criticism and the fact, that Baroness Ashton´s position was "from the beginning a weak one", she did an amazing job so far to contribute to the implementation of the new EEAS giving EU´s external relations a face and to make the comprehensive approach work. As part of a coherent EU foreign policy the necessary developments of interdepartmental cooperation at the supranational level can already be positively certified. In other words, "the EEAS learned to walk", says Niklas Helwig in his contribution. But on the other hand, he argues, "the EU is (still) often criticized for its lack of legitimacy. More than sovereign member states, it has to claim the legitimacy of its actions through the quality of its output that provides an added value for the community of states."

Nevertheless, the various departments within the EEAS and within the other relevant actors dealing with EU external relations need to continuously and steadily network in all areas of the EU's politico-strategic level. "A number of mid-term challenges remain", say Andrea Frontini and Paul Ivan in their paper. The "full implementation as well as the more substantial consolidation of an EU 'foreign policy identity' will undoubtedly still require a considerable amount of inter-institutional negotiations, resource investment and political commitment by all parties involved." The 2013-review process of the EEAS is crucial in that matter. In their study, Ryszarda Formuszewicz and Dorota Liszczyk call for an "agreement on criteria of how to measure the success of the EEAS in terms of contributing to a more effective EU foreign policy, in particular the use of the full potential of the still relatively new Service."

Finally, the editors want to thank cordially all our authors who took the time to share their expertise and to contribute to this volume. They are all working within different fields of EU foreign policy and are therefore very eager to make the implementation of the EEAS and the development of the EU´s external relations a success story. Moreover, we want to thank Birgit Holzner from the publishing house *innsbruck* university press for her support to publish this book and Michael Deisenberger for all the time he spent working on the list of abbreviations. Finally, special thanks go to Ellen Palli, who again supported us from the manuscript stage – including technical consulting on manuscript drafting – to the delivery of the published product.

Doris Dialer – Heinrich Neisser – Anja Opitz

THE PRE-LISBON
SITUATION

Corner Stones of Foreign Policy Cooperation

Heinrich Neisser

The concept of the starting-period (1952-1958)

The first period of the European integration process comprises the establishment of three economically oriented communities: the European Coal and Steel Community established by the treaty of Paris (1951) and the European Economic Community and the European Atomic Energy Community both established by the treaties of Rome (1957). These three communities have been the fundament of an economic integration process characterized by deepening and enlargement. Economic goals and economic interests determined the activities and intentions of the Single Member States. The European Communities – since 1986 the European Community – developed common external economic policies in parallel to the development of internal economic integration. To promote Communities economic interests in the global economy the European integration developed three types of external economic policy (Hix 2005: 378):
- a single set of rules on the importation of goods;
- Bilateral and multilateral trade agreements between the Community and other states or blocs (GATT, WTO);
- trade, aid and cooperation policies with developing countries.

Among these policies the Common Commercial Policy (CCP) is particularly important. She has an underlying liberal objective and promotes "the harmonious development of world trade, the progressive abolition of restrictions on international trade and on foreign direct investment as well the lowering of customs barriers and other barriers." (now Art. 206 Treaty on the Functioning of the European Union). The decision-making rules of the Common Commercial Policy give a strong role to the Commission. The Commission has a monopoly of legislative initiative and is also responsible for managing the execution of CCP. She negotiates all external trade agreements related to goods and areas where the EU has competence, on behalf of the Council. Moreover the Commission has the power of executive decree: to adopt anti-dumping measures, countervailing duties and other important restrictions, which have to be reviewed by the Council after a set time (Hix 2005: 382).

Ideas for an intergovernmental cooperation (1958-1969)

A new period in developing foreign policy and security matters began at the end of the fifties of the 20th century. General De Gaulle came to power in France on 1 June 1958. He insisted that Europea should acquire an independent political authority capable of asserting itself in the world. The goal of the European unification should be achieved by cooperation between the Member States and regular consultations among governments. The idea of intergovernmentalism gained momentum.

In February 1961, a study committee of national diplomats was created to discuss French ideas. The French Ambassador in Copenhagen, Christian Fouchet, chaired this committee. His name was given to the proposals later to be presented by France. In contrast to the supranational structures of the Communities the Fouchet plans aimed at an intergovernmental cooperation in foreign policy and defense as well as science and culture. The Fouchet plan outlined an institutional framework that included a ministerial council, a commission of senior foreign ministry officials preparing and implementing the Council's decisions and a consultative assembly of delegated national parliamentarians.

The Fouchet Plan was indoubtly incompatible with European integration as envisioned by the founding fathers of the European integration process. Monnet himself feared French or Franco-German hegemony in a putative European organization that lacked the safeguards of supranationalism. Other member states resisted the idea. In early 1962 the Fouchet Committee collapsed (Diran 1994: 43).

De Gaulle brought a rest of the ideas of Fouchet into the Elysée treaty, signed at the Elysée Palace in January 1963. This Franco-German Treaty of Friendship and Reconciliation was an essential step in the process of "rapprochement" between France and Germany. In this treaty both sides pledged "to consult each other, prior to any decision, on all questions of foreign policy (…) with a view to reaching an analogous position." (Dinan 1994: 43) The Elysée Treaty was a cornerstone of closer political and economic integration. The relations between France and Germany improved rapidly and both became a major driving force of European Integration.

After De Gaulles resignation in April 1969 Pompidou became a successor as president of France. He did not share the rooted objection of De Gaulle to British membership; his positions were more flexible and pragmatic. He advocated a system of foreign policy cooperation through regular meetings of foreign ministers and the establishment of a secretariat in Paris.

European Political Cooperation (EPC) 1969-1992

Davignon-Report

The resignation of President De Gaulle and the impending enlargement of the Community gave a new impetus to the debate about the coordination of foreign policy issues. Particularly the accession of the United Kingdom would enhance the political weight of the European Community in such way that a coordination also of foreign matters became inevitably (Luif 1995: 29).[1]

The Community's Hague Summit in December 1969 invited their foreign ministers to make proposals for a 'political unification', in the sense of foreign policy cooperation. Following this invitation a committee of senior officials chaired by Vicomte Etienne Davignon of the Belgian foreign ministry (and later a Member of the European Commission) drafted a Report, the so called Davignon Report. This Report was submitted to the governments of the six Member States and to those of the four applicant states (Denmark, Ireland, Norway, United Kingdom). The European Parliament also debated the Davignon Report, which was adopted in its final form by the foreign ministers on 27 October 1970. The Report made four basic recommendations:

firstly that foreign ministers should meet every six month in a Conference of foreign ministers meetings of political cooperation (not as a meeting of Foreign Affairs Council);

secondly the heads of foreign ministries of member States should form a 'Political Committee'; every six month a 'colloquy' should be held with the Political Affairs Committee of the European Parliament;

thirdly an annual report on political cooperation should be submitted to the European Parliament by the president in office of the Council of Ministers;

fourthly the presidency should coordinate a regular exchange of telegrams which ensures a copious flow of information between foreign ministries.

This system was called COREU (Correspondance europenne). It was a network by which the foreign offices of the member states of the European Union exchanged information in the form of circulated telegrams, telex messages and faxes, under the overall supervision of the political directors and their assistants ('European correspondents'). This network was an essential tool of European Political Cooperation, it has been maintained as part of the Common Foreign and Security Policy.

---

1   In the first enlargement round UK, Ireland and Danmark became new members of the European Union.

Two years later, 1972, a second Davignon Report increased the frequency of ministers to four times a year and improved the involvement of embassies of member states, including those accredited to international organizations.

The main objectives of the European Political Cooperation were laid down in the Report:
- to ensure, through regular exchanges of informations and consultations, a better mutual understanding on the great international problems;
- to strengthen governments solidarity by promoting the harmonization of their views, the coordination of their positions, and, where it appears possible and desirable, common actions.

The Davignon Report determined a broad range of subjects of foreign policy: "All important foreign policy questions [which] concern European interests whether in Europe itself or elsewhere where the adoption of a common position in necessary or desirable" (para 11 Report).

The European Political Cooperation was the first attempt in the European integration process to set up a system of cooperation in foreign policy. It was an intergovernmental cooperation that means
- no right of initiative of the Commission;
- the decision making procedure was outside of the procedure laid down in the Treaty for the Council;
- no recourse to the Court of Justice.

The Council presidency chaired EPC meetings at all levels. There was no voting: the fundamental rule of decision making was the consensus. Following the opinion of majority was an increasing tendency (Hix 2005: 54).

In December 1973 the nine Member States of the European Communities made an interesting statement about their role in the world. They published a 'Document on the European Identity' which should give a better definition of the relations with other countries and the place which the Communities occupy in world affairs: In this document the nine member states laid down three principles which are relevant for a common policy vis-à-vis third countries:
1. The Nine, acting as a single entity, will strive to promote harmonious and constructive relations with these countries. This should not however jeopardize, hold back or affect the will of the Nine to progress towards European Unions within the time limits laid down.

2. In future when the Nine negotiate collectively with other countries, the institutions and procedures chosen should enable the distinct character of the European entity to be respected.
3. In bilateral contacts with other countries, the Member States of the Community will increasingly act on the basis of agreed common positions (Luif 1995: 31).

In the early 1980s the East-West tensions grew up and tested the European Community's ability to act internationally. But the EPC proved a weak mechanism especially in response to sudden and unexpected wises.

The so-called London Report on EPC, adopted in October 1981, made some improvements to the procedures:
▪ a swifter response to crises;
▪ a stronger involvement on the part of the Commission;
▪ the creation of the troika;
▪ the establishment of a small secretariat based in Brussels.

The London Report mentioned 'security' first time in the context of EPC and limited EPC discussions to "the political aspects of security".

Few months later an interesting initiative was made by Genscher, Germany's foreign minister, and Emilio Colombo, Italy' foreign minister (so called Genscher-Colombo plan). In November 1981 these two ministers started a joint initiative to strengthen the institutional structure and to extend European Community competence in external relations. The Genscher-Colombo plan (called 'Draft European Act') contained a proposal to end the distinction between European Political Cooperation and the external economic policy of the European Community and to make it possible for member states, "to act in concert in world affairs so that Europe will increasingly be able to assume the international role incumbent upon it." (Hix 2005: 512)

In the negotiations between Member States the Genscher-Colombo proposals have not been accepted. The outcome was only a declaration adopted at the Stuttgart summit in June 1983. It was a classic compromise, a 'Solemn Declaration on European Union' which was a vague proclamation of the EC's international identity.

Practical Issues

Practically viewed, the EPC was not really effective. It was an early success in the first round of the Conference on Security and Cooperation in Europe, concluding with the Helsinki Final Act in 1975. The EC presented a common front in the negotiations at this Conference in the early 1970s. The EPC put Human rights on the agenda and made a contribution to a development that led into political chances in Central and Eastern Europe. However the inadequacy of the EPC became obvious when the EC attempted to negotiate a broad political and economic agreement with the USA. The EPC was insufficiently flexible to enable the USA to take part in the Intra-European negotiations on the future of Western European Security. Moreover the EPC prevented the EC from negotiating with its partners with a single voice. Many foreign ministers of the member States and EC officials made a series of visits in Washington. And the US Secretary of State made his legendary remark: "Who speaks for Europe?"

Another issue where the EPC failed to organize an effective coordination was the question of economic sanctions against the apartheid regime in South Africa. In 1977 the EC adopted a code of conduct to regulate the employment practices of European firms with subsidiaries in South Africa. Sanctions on trade between EC Member States and South Africa followed. However towards the end of the 1980s internal disputes occurred over the fact how to tackle best the South African regime and the EC lost its leading role over the global anti-apartheid movement.

Single European Act – Art. 30

At the beginning of the 1980s a lot of initiatives and activities have been developed to deepen the European integration process. The pressures for reform led to an intergovernmental conference aiming to 'achieve concrete progress on European Union'. Especially a treaty on a Common Foreign and Security Policy was considered.

The result of this intergovernmental conference was the 'Single European Act' (SEA). Signed by the Member States in February 1986 the SEA was the first and essential and comprehensive revision of the founding treaties. It was the first legal basis of the EPC and codified the existing practice. The SEA entered into force in 1987 and centred on the economic goal of establishing a Single Market by 31 December 1992. It also introduced provisions for intergovernmental cooperation in foreign policy. The aim was defined "to formulate and implement a European foreign policy". The EPC ministries established a secretariat on the occasion of the signing of the SEA with the main task to "assist the Presidency in the organi-

zation of European Political Cooperation meetings, including the preparation and circulation of documents and the drawing up of minutes". The personal equipment of this secretariat was relatively small. Only 17 officials worked as staff members. The EPC depended much on civil servants in the EC countries foreign ministries and on their embassies in non-EC countries (Luif 1995: 34).

The SEA stressed the intergovernmental aspect of the EPC. The aim of the EPC seemed to be far-reaching. The member states should "endeavour jointly to formulate and implement a European foreign policy". But Nuttall gave a clear statement what a 'European foreign policy' meant:

> "It was to be 'a' policy because there might be others, it was to be 'European' because there was no agreement that it should be 'common', and it was to be 'foreign' because if it hat been 'external', that might have implied that EPC with its intergovernmental procedures also governed the external [economic] relations of the community". (Nuttall 1992: 249)

The need for a change

The year '1989' is mentioned as 'annus mirabilis'. It was really a miraculous year in a period which fundamentally changed the political landscape in Europe. In the former satellites of the Soviet-Union a process of transformation launched towards democratic political systems and to an order of market economy. The revolution in Central and Eastern Europe in the course of 1989 and the rapid moves towards German unification which followed in 1990 forced foreign and security policy up the EU's agenda.

In April 1990 the French and German governments proposed, that the planned intergovernmental conference should formulate a Common Foreign and Security Policy (CFSP) as a central feature of the EU. The two governments however had different concepts of CFSP (Giegerich/Wallace 2010: 434). The negotiations took time and showed different lines: Britain, France, and Germany were the key players in moves toward a more effective CFSP.

The Treaty on European Union, signed at Maastricht on 7 February 1992, underlined in its preamble to reinforce "the European identity and its independence in order to promote peace, security and progress in Europe and in the World."

The European Union was aiming to build up an "identity should be the implementation of a common foreign and security policy". Therefore Art J of the Maastricht Treaty on European Union stated: "a Common Foreign and Security Policy is hereby established".

The pillarization – CFSP in the Treaty of Maastricht

The Treaty on the European Union of February 1992 introduced a system of pillarization. The European Union was based on three pillars:

- First pillar: the European Community, embracing the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community. The European Community was a supranational one. A concept of an economic and monetary union has been established;
- Second pillar: the Common Foreign and Security Policy (CFSP), subject to intergovernmental agreement;
- Third pillar: police and judicial cooperation in criminal matters, also based on intergovernmental cooperation.

The whole system of the European Union was a mix between supranationality and intergovernmentalism. As far as the CFSP was concerned the Treaty of Maastricht brought new goals, a new decision-making structure and new instruments.

Objectives of the CFSP (Art J. 1(2))

Within the objectives the dimension of a common defense was mentioned (Article B TEU):

> "to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defense policy, which might in time lead to a common defense."

The objectives of the CFSP pointed out in the TEU are a framework of common values, they were also a program binding all the external activities:

- to safeguard the security of the Union and its Member States in all ways;
- to strength the security of the Union and its Member States in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charta as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international Cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

The Treaty of Amsterdam – a step forward

Reform of CFSP

The Treaty of Amsterdam was signed by the foreign ministers of Member States at a special meeting of the General Affairs Council in Amsterdam on 2 October 1997. After the ratification process the Treaty finally came into force on 1 May 1999.

The Treaty introduced the following elements of the CFSP:
- the instruments of CFSP (especially common strategies, joint actions);
- a High Representative for the CFSP as well as a Policy Planning and Early Warning Unit; both capable to guarantee more efficiency;
- the decision making process has been eased up by the introduction of the 'constructive abstention', which permits Member States to allow others to proceed while the abstaining state remains unbound;
- the possibility of taking a political decision concerning the Petersberg tasks, i.e. humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacekeeping.

The Treaty of Amsterdam brought an essential innovation of the institutional framework of CFSP by establishing a 'High Representative'. The Maastricht Treaty failed to prove for the institutional leadership over an extended period necessary for on-the-ball policy formulation and effective implementation. The EU's external representation has suffered mainly from three weaknesses: the lack of visibility, continuity and coherence (Griller 2000: 392). Therefore the Treaty of Amsterdam introduced the 'High Representative for the CFSP', a function to be fulfilled by the Secretary-General of the Council. It should have been a new figure in the external representation of the EU. This function was discussed over years in the idea for a "Mr. or Ms. CFSP", a high-ranking and special appointment to entrance Union's visibility on the international scene. The Treaty of Amsterdam defined the role of High Representative for the CFSP as primarily assisting the Council in matters within the scope of the CFSP, in particular through contributing to the formulation, preparation and implementation of policy decisions and, when acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties (Article 26 TEU).

An other innovation setup by the Treaty of Amsterdam was the 'Policy Planning and Early Warning Unit'. The CSFP needed a long-term planning capacity which should provide a common basis for the preparatory work. The Policy Planning and Early Warning Unit was established in the General-Secretariat of the Council under the responsibility of its Secretary-General. Its duties were monitoring and analysing developments in areas relevant to the

CFSP and providing assessments of the Union's foreign and security policy interests and identifying areas on which the CFSP should focus on in the future providing timely assessments and early warning of events or situations that may have significant repercussions for the Union's foreign and securing policy, including potential crisis; producing policy options papers, to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council, and which may contain analyses, recommendations and strategies for the CFSP (Griller et al. 2000: 397). The Unit had the task to prepare long-term study papers. It was first of all a network, linking the planning staffs of the foreign ministries, the institutions of the Union and other organisations who had contributed to formulating study papers for the CSFP. The Unit had a preparatory role, delivering professional expertise including substantial incentives.

The Unit should have provided better institutional bridges between the Union institutions and the Member States. It should have improved the cooperation and coordination between the High Representative and especially the Commission's Vice-President responsible for external relations.

"Mister CFSP" – Solana period

The High Representative for the CSFP started his office immediately after finishing the ratification process of the Treaty of Amsterdam. Much was depending on the personality chosen, his authority and skills. The Cologne European Council on 3./4. June 1999 designated the former NATO Secretary-General Javier Solana for the new post of Secretary-General of the Council and High Representative of the Common Foreign and Security Policy. Solana was acting as Secretary-General of the Council of Minister, with a deputy to take charge of day-to-day management, and had at his disposal a new Policy Planning and Early Warning Unit. Solana who was also the Foreign Minister of Spain for three years (1992 to 1995), where his reputation as a discreet and diplomatic politician grew, had the mandate of the High Representative for the CFSP for ten years (1999-2009). In June 2004 Solana was designated to become the EU's first "Union Minister for Foreign Affairs", a position created by the Treaty establishing a Constitution for Europe combining the Head of the CFSP with that of the European Commissioner for External Relations. The European Constitutional Treaty had not been ratified and Solana announced that he would step down at the end of his term.

The appointment of Solana gave a new impetus to the development of CFSP. Solana quickly established a high profile on the international stage. He played an active part in the Middle East Peace-Process and in the resolution of the conflict in Former Yugoslavia. He played an important and driving role in elaborating the European Security Strategy (ESS); he drafted

and negotiated this document which has been approved by the Foreign-Ministers of the Member States 2003. The ESS was a response to the Bush' administrations 2002 National Security Strategy and was stimulating an EU wide debate of security affairs. The ESS made a clear difference from the Bush administrations 'pre-emptive strike' security doctrin. The so called 'Solana doctrine' focused on 'effective multilateralism' and containing proliferation through export controls and other political pressures.

Solana gave many incentives to the CFSP from 25 November 1999 he was also appointed Secretary General of the Western European Union (WEU) overseing the transfer of responsibilities from that organisation to the CFSP. This mandate had been renewed 2004. He also became president of the European Defence Agency. In the ten years of Solanas function as High Representative of the CFSP the EU embarked upon no fewer than 22 overseeing operations of military or civilian nature.

Solana played an important role working toward a resolution to the Israeli-Palestinian conflict. He was a primary architect of the "Road Map for Peace", along with the UN, Russia and USA in the Quartet on the Middle East.

Solana negotiated several Treaties of Association between the European Union and Middle Eastern and Latin American countries. He was also involved in unifying the former Yugoslavian federation. He proposed that Montenegro form a Union with Serbia instead of heaving full independence.

In November 2004 he assisted the United Kingdom, France and Germany in negotiating a nuclear material enrichment freeze with Iran. And on 21 January 2005 he invited Ukrain's new President Yushchenko to discuss the future relations between Ukraine and EU. Looking back at the first ten years of the High Representative for the Common Foreign and Security Policy one can say it was "Solana's period". Solana worked particularly behind scenes and was a successfull consensus-builder. He was very ambitious, many European politicians appreciated his efforts. Solana himself defined his role to support the Presidency and the Member States. Therefore he avoided a controversial debate about the role of these institutions and other institutions involved in Foreign Policy matters like the Commission or the European Council. During Solana's period a growing perception and a better visibility of foreign policy issues has been developed. Solana himself gave a good example how important a personal engagement is in making progress in Foreign and Security policy.

CFSP and the Treaty on the European Constitution

The discussions of the Constitutional Treaty started with the 'Future of Europe' debate set in motion by the Nice European Council in 2000 and furthered by the Laeken Declaration adopted in December 2001. The Laeken Declaration planned to establish a 'Convention on the Future of Europe'. This 'European Convention' comprised representatives of national governments, members of national parliaments and the European Parliament as well as representatives from the Commission and the thirteen candidate countries, along with observers from other institutions. The Convention was chaired by a presidium led by former French President Giscard d'Estaing.

The Convention produced a single text of a Treaty on the European Constitution and presented its draft to the European Council in June 2003. At the end of September 2003 negotiations of the Intergouvernemental Conference (IGC) opened. The draft submitted by the Convention was discussed, the IGC made 80 amendments but 90 percent of the text which had come from the Convention draft became part of the Constitutional Treaty which was signed on 29 October 2004 at a ceremony in Rome.

The Treaty establishing a Constitution for Europe was rejected by two referendums: in a French referendum on 29 May 2005 53.3 percent of votes against the Treaty, in Dutch three days later 61.07 percent. Therefore the ratification of the Constitutional Treaty failed. After a reflection period the EU started new negotiations. Finally a new treaty – the Lisbon Treaty – has been signed on 13 December 2007 and entered into force on 1 December 2009.

Final Remarks

I have tried to show in my contribution the historical perspectives of a Common Foreign and Security Policy. The Maastricht Treaty established a Common Foreign and Security Policy as a system of intergovernemental cooperation. The main actors in the field of foreign and security policy remain the European Council and the Council of Ministers. The European Parliament was not given a role in CFSP decision making; the High Representative of Foreign and Security Policy is required to regularly consult and inform the European Parliament on main aspects of the CFSP. He shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament. The European Parliament may ask questions of the Council and of the High Representative or make recommendations to them. Twice a year it shall hold a debate on progress in implementing the Common Foreign and Security Policy, including the Common Security and Defence Policy (Art 36 TEU).

Summarizing the role of the CFSP in the Pre-Lisbon era one can say: the pre-Lisbon-European Foreign Policy had neither adequate instruments, political ambitions nor sufficient financial means to give Europe a strong position on the international scene. Foreign policy was an example of a policy of 'the smallest common denominator', where the general European interests have been overshadowed by national, often short-sighted interests.

References

Dinan D. (1994) *Ever closer Union. An introduction to European Integration.* Hampshire: Palgrave MacMillan.

Dover R. (2010) *From CFSP to ESDP. The EU's Foreign, Security, and Defence Policies*, in M. Cini/N. Pérez-Solórzano Borrogán (eds.): *European Union Politics.* Oxford: Oxford University Press.

Giegerich B./W. Wallace (2010) *Foreign and Security Policy. Civilian Power Europe and American Leadership*, in H. Wallace/M. A. Pollak/A. Young (eds.): *Policy-Making in the European Union.* Oxford: Oxford University Press.

Griller St. (et al.) (2000) *The Treaty of Amsterdam. Facts, Analysis, Prospects*, Wien: Springer Verlag.

Hix S. (2005) *The Political System of the European Union*, Basingstoke: Palgrave MacMillan.

Luif P. (1995) *On the road to Brussels. The Political Discussion of Austria's Finland's and Sweden Accession to the European Union*, Wien: Braumüller.

Nuttall S. (1992) *European Political Co-operation*, Oxford: Clarendon Press.

The Diplomatic System of a non-state actor: the Commission's entry into the diplomatic scene

Caterina Carta

Introduction: the Commission's entry into the diplomatic scene

The Treaty of Lisbon placed a strong emphasis on the need to establish a sound diplomatic system for the European Union (EU). The new profile of the High Representative/Vice President of the Commission (HR/VP) and the establishment of the European External Action Service (EEAS) show the intention of setting up a more coherent institutional framework to consistently bridge external and foreign policies.

Yet, for over fifty years, the Commission performed diplomatic activities on behalf of the European Economic Communities (EEC) and the EU. As it is still the case for the EEAS and other International Organisations (IOs), the Commission's diplomacy rested on delegated functions and worked in coordination with other European actors. However, in difference to other IOs, the array of functions that the Commission performed was much larger. Once a transfer of competences occurred, the Commission acted on behalf of the EECs/EU as 'organiser, developer, negotiator' (Dupui, 1963: 787).

In external affairs, the Commission has always faced the necessity to ensure consistency between the interlinked activities of different corporate units (Directorates General, DGs) and to navigate the different preferences of the member states. Divisions and absence of a clear perspective among the member states have been widely recognised as the main cause for an evolutionary path marked by constant reforming (Dimier, 2003, 2004a, 2004b), a legacy that still characterises the EEAS' institutional and political evolution. This adaptation has involved both the structure and division of work within the Directorates General dealing with external relations and the network of delegations.

This chapter offers a historical recognition of the Commission's diplomatic system before the entry into force of the Lisbon Treaty. As such, it complements other contributions in this volume by highlighting the main evolutionary patterns that preceded the current architecture to deal with external affairs. The analysis of the evolution of the Commission's diplomatic system shows the difficulty to navigate among oft-conflicting national and institutional inte-

rests as well as the organisational dilemma that both national and non-national actors face in setting up a sound diplomatic system.

The EU External Service: from reform to reform

In organisational terms, external policies have always been a turbulent area for the Commission. Over the years, numerous organisational and operational reforms have been pursued. This inherent dynamism partly depends on the fact that the Commission evolves following the 'evolutionary character' of the overall EU's *acquis* (Grenon, 1975: 72).

External policy, however, is also a highly complex policy field. In terms of policy processes, it is dissected by various 'boundary' problems: between domestic and external policies; between commercial, foreign and security policies; and between responsibilities of various institutional actors. The difficulty to define the borders of what foreign policy imposes formidable organisational challenges, whereas policy domains are not "legally recognised entities whose membership criteria are clear-cut and enforced by a central authority", but rather "[...] more or less fuzzy and porous [domain boundaries] allowing various participants, problems and policy proposals to enter and leave in a disorderly fashion" (Knoke et al 1996: 10).

In this regard, the need to reform is not only characteristic of the EU, but also of national Ministries of Foreign Affairs (MFAs). Adaptation is a common feature of diplomatic systems, as MFAs have geared up to cope with 'increasing demands against a background of diminishing resources, internal bureaucratic reorganisations, expanding policy tasks, a revolution in communications and information technology and, not least, the expectations generated by the transnational civil society organisations and the business community' (Hocking, 2002: 5).

These boundary problems suggest that there is no clear-cut way in which the Union and, on its behalf, the Commission or the EEAS, should be organised to achieve maximum effectiveness (Nugent and Saurugger, 2002: 351). From the organisational point of view, also is the national case (Hocking and Spence, 2002), the blend of functional and geographical criteria permeates the logic of organisation and reorganisation of MFAs over time.

Before the entry into force of the Lisbon Treaty, four DGs and two offices belonged to the so called 'RELEX Family', that is, the group of DGs which systematically contributed to the making of external policies: DG External Relations (RELEX), DG Development (DEV), DG Trade, DG Enlargement (ELARG), EuropAid and ECHO. Due to the crosscutting nature of policy dossiers, other DGs have always intervened both in the management of the Exter-

nal Service (e.g. DG ADMIN and DG BUDGET) and in the making of external policies (e.g. DG ENV, DG MARE and DG AGRI).

In the framework of the so-called RELEX Family, DG RELEX was tasked to ensure the 'identity' and the coherence of the Commission in external relations. It led the Commission's work in matters of external relations and guaranteed due cooperation with other Commission departments and other European institutions (Carta, 2012). This division of powers recalls the model employed by several national governments (Lamy, 2000: 343), with a 'Foreign Ministry' holding general responsibility for external relations and some specialised ministries.

Before Lisbon, DG RELEX/K (a unit of DG RELEX, created in 1993) was the main administrator of the Delegations throughout the world, while their instruction and management rested with the operational departments of the RELEX Family. The External Service was therefore the link between diplomatic headquarters in Brussels and the delegations in the field. In the management of the Delegations, the External Service was in charge of coordinating the different DGs of the RELEX Family. The UES managed to solve many inefficiencies linked to the plurality of directive centres and partially made up for the difficulty of providing coordination between headquarters and delegations. Yet some problems still remained in relation to the rigid control imposed on Delegations and to the ranking of priorities stemming from multiple centres of direction.

While the practice of reforming also characterises the evolution of MFAs, the Commission's system represented an emblematic case, as its organisation has been in an almost constant state of flow. In the case of the Commission, the need to elaborate organisational arrangements did not result in unanimous agreement on how that reform should be realised (Nugent and Saurugger, 2002). Despite some analogies with MFAs, the Commission is a non-state diplomatic actor characterised by the existence of specific sources of conflict (apart from the sectoral, ideological and personal rivalries common to all MFAs), such as those stemming from the need to reconcile different constituencies, administrative cultures and strategic priorities in the management of external relations.

From the légion étrangère to the network of Delegations

Since their creation, the constitutive Treaties have expressively conferred legal personality to the three European Communities (article 6 Treaty ECSC; article 210 Treaty EEC; article 184 Treaty EURATOM), by attributing competences in the field of external relations. However, despite the recognition by the treaties of International Legal Personality (ILP) and

powers in the matter of external relations, no clear indication was given regarding the impu-
tation of the right of legation – that is, the right to install and receive embassies (Reichling,
1964:34-35).

During the late 1950s and 1960s, the Commission organised its own external relations on
the basis of a separation of competence among the DGs dealing with External Relations.
The first distribution of powers was based on the work of two Directorates General (DG):
the DG for External Relations (DG I) and the DG Development (DG VIII). DG I and DG
VIII started opening the first Delegations in parallel. DG I mainly opened its delegations in
major commercial partners; while DG VIII initially focused on opening delegations mainly
in former French and Belgian colonies and a few former Dutch and Italian territories.

After the opening of the first ECSC Delegation in London, in 1956, DG I delegations were
opened in major commercial partners, such as Washington and Tokyo (European Commis-
sion, 1988) and in International Organisations. The delegations opened in the framework of
DG I were isolated quasi-diplomatic outposts upholding the mandate to represent the Com-
mission in its field of powers. Hence, the idea of giving the Commission diplomatic attribu-
tions was not contemplated, nor was there any political intent to establish a Commission's
diplomatic network of any kind.

The 'idea' of a diplomatic network incubated in the framework of the common development
policy. Since the early 1960s, DG VIII ran aid programmes in overseas territories. DG VIII
had a legal basis in the Treaty of Rome, which, as a concession to France, contained a chap-
ter on *association* for EU members' overseas territories (Dimier, 2003). Through the policy
of association, France was able to carry on pursuing its privileged relationship with former
colonies while sharing with the other Member States the financial burden of development
(Dimier, 2003). In exchange, France would open its market in overseas territories to the
products and enterprises of other Member States.

While the Commission's role in development policy has always been controversial among
the Member States, the outpost model of DG VIII became a template for the opening of new
Commission's delegations. The signing of the Yaoundé Convention gave the Commission
a great opportunity to participate in the new development programme through the financial
management of the European Development Fund (EDF).

Responding to Member States' – in particular German – concerns over the disbursement
and monitoring of funds, the Commission proposed the establishment of *contrôleurs dé-
légués*, officials of the Commission under contract, hired to help African States to prepare
their projects and to control their implementation (Dimier, 2003). Thus, despite profound

disagreements among the Member States, the Commission found a mechanism to manage and control the execution of projects on the spot through the establishment of its first external bureaux in Africa. The *contrôleurs* belonged to a non-profit-seeking organisation, the *Agence de Coopération Européenne* (AEC), whose Board of Directors was nominated by the Commission and chaired by the Director General of DG VIII, Jacques Ferrandi (Dimier, 2003, 2004a). But the AEC was still formally independent from the Commission. The *contrôleurs*, the main interface of the Commission on the spot, were therefore not an integral part of the Commission's structure.

By the early 1970s, the recently installed 'technical' or quasi-diplomatic offices abroad were acquiring the scope of a network. With few quasi-diplomatic representations and a large number of technical offices, the network of delegations was an expanding experiment in search of a definition. The civil servants working in the Delegations experienced a kind of *légion étrangère*: they were cut off from career possibilities within the Commission, untrained for the job and suffered extreme difficulties in communication with Headquarters in Brussels. In that period, therefore, these civil servants engineered diplomacy in a makeshift manner (Carta, 2012).

The entry of the United Kingdom in the Community in 1973 brought about some important changes both in the evolution of the former Commission's external service, and in the general conception of the Community's aid to development. The UK was a former colonial power, which aimed for its own purposes to support German and Dutch claims for a wider intervention in developing countries (Dimier, 2003). Until that moment, with the support of Belgium, France was able to reserve development programmes – and, therefore, EDF budget – nearly exclusively to former French and Belgian colonies. The entry of the UK implied that its former colonies in black Africa and the Caribbean were associated under the new Lomé Convention. The entry of new civil servants and new management philosophies also marked a profound administrative and managerial reorganisation of EDF procedures in the style of the Commonwealth development and Welfare Act (Dimier, 2004a).

This wave of enlargement also represented a marked expansion of the network of ACP delegations: during the mid-1980s, in the framework of the Lomé III, there were already some 47 delegations and 13 antennas in ACP Countries (European Commission, 1986). Yet, no proper organisational structure was in place for this rapid expansion. As the Fortescue Report made clear in 1982, the condition of staff and its independent management on the part of the three relevant DGs – DG VIII, DG I and DG X, this latter mostly managing information offices – was a major obstacle to the building up of a coherent system of representation. The fact that, at the time, 75% of external service was employed in the ACP Countries (European Commission, 2004) meant that most of those working for the Commission's External

Service were not an integral part of the institution of the EEC. To make up for this atypical situation, the Commission decided to cover, through its own budget, the costs of these external bureaux and to recruit their personnel (Dimier, 2004a).

Through the new Annex X to the Staff Regulation in 1986, the Commission was for the first time allowed to gain formal control over the nascent network and to proceed with the organisation and management of a single statutory staff. Annex X set forth the Special and Exceptional Provisions applicable to officials serving in third countries (Council, 1986) establishing the rights and obligations of officials working in Delegations, as well as the provisions relative to 'mobility procedure', assignment, recruitment and remuneration.

In parallel to the titularisation of AEC staff, for the first time the Single European Act (SEA) of 1987 mentioned the active right of legation, even if not specifying clearly who was entitled to this right (Sobrino Heredia, 1993:487-88). Further, Article 30 called for cooperation among Member States' embassies and Commission's Delegations on the ground. The importance of this first mention is undeniable, above all if one considers that, for the first time, the Commission was recognised by the Treaties as being associated to the works of the European Political Cooperation (EPC). Since the early 1970s, therefore, the Member States emphasised the need to improve connections among Member States' embassies in third party states and to establish a system of EPC briefing involving their Embassies (Council of the European Union, 1971). However, neither the Commission nor its Delegations were included in the EPC machinery and cooperation.

A more coherent system of representation and a better arrangement for the Commissions' External Service were also urged upon by the Communities pursuit of a widened scope of external action. The opening of new delegations has tended to follow the signing of new protocols of cooperation as a base for regional or bilateral relations. The further differentiation among host countries was accompanied by a differentiation of functions to be performed. This confirmed the need for extending the model of Delegations opened by DG I, and for giving a homogeneous status to the network.

The need to reform and homogenise the External Service was further reinforced by the 1986 wave of enlargement. With the entry of Spain and Portugal, the push to extend aid and programs to countries other than Africa – such as Latin America and Mediterranean countries – became stronger. Undeniably, during the 1980s, rather than following a homogeneous development from one region to another, the opening of the first delegations in the Mediterranean region, South East Asia, Latin America, followed a parallel development. In stark contrast to what happened during the 1960s and 1970s, ever since, the network of delegations developed *a tache de léopard* (European Commission, 1995).

The network of Delegations started therefore to further expand and homogenise its status to that of the quasi-diplomatic missions headed by DG1A, by taking on more responsibilities and holding a more generalist vocation. Yet, the lack of training was an additional element making an atypical situation worst: not all the Commission civil servants were professional diplomats. This was accompanied by a further recognition on behalf of third party states, which often conceded to the Heads of Delegation the courtesy title of Ambassadors. Even if the Heads of Delegation were recommended to use the title with care, this external recognition imposed an additional acceleration towards a more coherent training and profile, in order to cope both with new functions and with expectations of third parties.

A better arrangement for external relations was further hastened by the collapse of the Soviet bloc, when issues of reconstruction began to arise. The 1989 Arch G7 Summit represented a key turning point as it assigned to the Commission the task of coordinating assistance and aid for development. In turn, the fall of the Berlin Wall in 1989 imposed a reflection on the shape that the Commission's External Service was to assume.

When the Maastricht Treaty came in force in 1993, the Delegations of the Commission were included in the Title V, within the framework of the newly established CFSP. In institutionalising the Pillar Structure, the Maastricht Treaty confirmed the participation of the Commission in CFSP meetings with the Ambassadors of the Member States on the spot, and a closer collaboration with the Embassy holding the Presidency of the EU on all subjects in order to ensure coherence of the EU external action.

The inclusion of the Delegations under Title V of the Maastricht Treaty brought about a major change in the organisation of the Commission's system. One sign of this development was the creation of the External Unified Service (EUS), promoted by the Commissioner for External Relations of the third Delors Commission, Hans van der Broek (1993-1995). The Service allowed for the unification of administrative management, and represented a step towards the better management of the network, both in terms of staff's career and instructions and in terms of external representation.

In 1996, the External Service was further reformed through the creation of the RELEX Commissioners 'family', under the direct authority of the President of the Commission. In parallel, as an effect of the reorganisation of the DGs dealing with External Relations, during the 1990s and the early 2000s, the Commission established, under Prodi's Commission, new central offices to give a coherent frame to the so-called RELEX Family. In 1992, the European Office for Emergency Humanitarian Aid (ECHO) was created, followed in 1998 by the creation of the Common Service for External Relations (SCR), which was later replaced by the EuropAid office in 2001. According to the Commission, the creation of the

two new Offices had a precise goal: that of rationalising the system in order to establish a more systematic approach and a unitary and coherent decision-making centre to ensure the administration and co-ordination of aid.

In parallel, since March 1996, the Commission undertook measures concerning the reform of the External Service, aiming at "regionalising the current network of Delegations, rearranging personnel, balancing the posts of civil servants working in Brussels and personnel assumed within a Delegation, training, career planning, cooperation with Member States' diplomatic services, and relations among delegations and parliamentary representations" (European Commission, 2000a). In 1998, there were already some 126 Commission delegations, spread in a balanced way between ACP and non-ACP countries: 60 Delegations in non-ACP countries and the other 66 in ACP countries, and the whole EUS consisted of some 637 civil employees and 1800 local staff.

The reform of staff policy was a main feature of the overall process of Commission reform, and, at the same time, a precise path for the evolution of the whole diplomatic network. The new system for the nomination of personnel posted in the Delegations started to be based on a rotation procedure (European Commission, 1996).[1] This simple change was a major step in the evolution of the External Service. Indeed, the division of careers among officials working in the Delegations and Headquarters signalled not just a difference in the treatment of staff, but also the marginal importance attributed to the role of the Delegations in the overall external strategy of the Commission (Carta, 2012). In this sense, the principle of rotation, contemplated in all national diplomatic services, signalled will to give continuity and rationality to the work of the External Service.

The Delegations were an integral part of the process of Commission reform even in relation to the human resources, bureaucratic and administrative reorganisation. As was the case for the overall reform of the Commission one of the aims was "to create a new atmosphere within the RELEX family and to foster a common administrative culture" (European Commission, 2000b). Several measures were introduced in order to rationalise both the action and the budget of the External Service. In particular, the Prodi Commission paid great attention to the rationalisation of the External Unified Service, and promoted deconcentration of aid.

---

1   The legal basis of the rotation procedure is set up in the Commission Communication 'on the Development of the External Service', D(97)10416, Brussels 10 April 1997, which replaced the Commission Decision, 23 July 1975, Article 2 and 3 of Annex X to the Staff Regulations (Council Regulation No 3019/87 of the 5 October 1987).

The 1990s and 2000s have been, therefore, characterised by an intense work of reforming the External Service, mainly aimed to upgrade the quality of disbursement of aid and to refine the structure of the Delegations, through a massive devolution of competences from the headquarters to the Delegations.

The continuous process of reforming that invested the Delegations throughout the years has mostly been led by a managerial, rather than diplomatic culture (Spence, 2006:414). However, the previsions of the Maastricht Treaty concerning the Delegations' involvement in CFSP matters implied not only a deepening and improvement of existing functions, but also the widening and upgrading of these functions. Since the late 1990s, therefore, a claim for a better coordination between Delegations and Member States' Embassies emerged not only from the Commission, but also from the Council and Parliament and the High Representative for CFSP (Spence, 2006).

Several considerations seemed to converge in these claims. Other institutions of the Union, the High Representative and the members of the European Parliament, have for long relied on the Delegations for both information and logistic support for their missions abroad. The importance of the Commission's network was progressively acknowledged also by the Member States. Since the entry into force of the Maastricht Treaty, in CFSP matters the Union was represented on the spot by the Embassy of the state holding the rotating Presidency. In practice, this implied the extension of the Troika system in third countries and a mechanism of replacement for ensuring due representation in those countries where an Embassy of the state holding the Presidency was not represented. Over the years, this situation came to verify often. Future waves of enlargement – and the prevision of a Union with a high ratio of small member states – may have an impact and urge upon a new strategy.

But above all in foreign and security matters, the Commission proved not to be equipped to meet up the challenge. As in 2003, Delegations' staff already amounted to 4.751 people – of which 954 Commission's officials and 26 National Seconded Experts, the remaining being national experts and local agents. However, the number of staff devoted to political affairs on this overall share was tremendously low (Barnier and Vitorino, 2003). Accordingly, since 2000, a flow of internal documents was circulated within the Commission's services in matters of political reporting and political cooperation in the attempt of instructing Heads of Delegation in foreign policy matters.

All these considerations converged in the effort of upgrading the External Service throughout the 2000s, in parallel to managerial-oriented reforms occurring in the same years. On the 15th December 2001 the leaders of the EU Member States' governments issued a Declaration at Laeken which set up an ambition plan to make the European Union more democratic

and efficient, in the light of the imminent process of enlargement. This was to be pursued through the establishment of a Convention, gathering members of the European and national parliaments, EU officials and members of national governments to draft a Constitution for Europe.

Questions on how to reform the rotating Presidency and to bridge first and second pillar competences were objects of the efforts of the Working Group dealing with External Action of the EU in the framework of the European Convention. In September 2002, the European Convention started its works in paving the way for the institutional arrangements resulted in the Lisbon Treaty.

Although leaving mainly untouched the CFSP decisional structure and its separateness from the Community method, the Convention elaborated several proposals to bridge the distance between the two methods and give more coherence to the structure of external relations. The rejection of the Constitution in the French and Dutch referenda in 2005 gave birth to a period of reflection which lasted until 2007. Intense efforts brought about the draft of a new Treaty, the Treaty of Lisbon, which was finally signed in December 2007. With the establishment of the EEAS, the Commission underwent a further institutional restructuration and arguably saw its grip over the External Service reduced, as shall be argued in other contributions to this volume.

Conclusions: A long and winding road

With the entry into force of the Lisbon Treaty, the EU's diplomatic landscape still reflects the fragmented character of foreign-policy-making system at the EU level. A plurality of subjects is still entitled to speak on behalf of the Union. In diplomatic terms, the EU is still represented by a constellation of diplomatic actors, rather than a single diplomatic star. Yet, although limited and imperfect, the achievements of Lisbon represent only a small step of a long and tortuous evolution.

The organisation of the Commission's system of external representation has always embodied the anomalies arising from its status as a non-state diplomatic actor. This anomalous model of diplomacy can be exemplified by saying that the Commission, as the EEAS today, possessed a 'quasi-diplomatic' service that served common, rather than individual, interests but nonetheless possesses fewer, rather than more, resources as a result of this. This condition still helps to define the Union's diplomacy: a model in which authority is dispersed, interests are diffuse and often conflicting, and international political identity is blurred (Carta,

2012). The ways in which these anomalies were translated into practice were peculiar to the Commission's position in the EU institutional framework.

This continuous process of reform reflects the Commission's attempt to set up command and control mechanisms in order both to be accountable towards Member States and to systematically organise the work of the Delegations. This process of adaptation tackled by both headquarters and Delegations since their inception also signals that their expansion had been very much influenced by events and by the meanings that third parties have attributed to this unusual diplomatic phenomenon. The range now covered by the network, the large amount of money allocated for cooperation, the awareness of a progressive internationalisation of Community internal policies and the consequent expansion of the concept of cooperation to development were all elements contributing to a redefinition of the role and tasks of the Service.

The attention given by the review process to the way of organising the services dealing with external affairs witnesses that this process of adaptation and reform is not over yet.

References

Barnier M. and Vitorino A. (2003) Contribution *Joint External Action Service,* CONV 839/03, Brussels, 30 June 2003.

Carta, C. (2012) *The European Union Diplomatic Service: Ideas, Preferences and Identities*, London: Routledge.

Council of the European Union (1971) Procedure d'information reciproque RM 71/3, adopted by the Ministries of Foreign Affairs, Paris, 13 May 1971.

Council of the European Union (1986), Council of the European Union (1986) Council Regulation (EEC, Euratom, ECSC) No 3855/86 (OJ L 359, 19 December 1986).

Dimier, V. (2003) 'L'institutionnalisation de la Commission Européenne (DG Développement): du rôle des leaders dans la construction d'une administration multinational 1958-1975', *Revue Études internationales*, 34 (3): 401-27.

Dimier, V. (2004a) 'Préfets d'Europe: le rôle des Délégations de la Commission dans les Pays ACP (1964-2004)', *Revue française d'administration publique*, 3 (111): 433-45.

Dimier, V. (2004b) 'Administrative reform as political control: lessons from DG VIII, 1958-75', in D.G. Dimitrakopoulos (ed.) *The Changing European Commission*, Manchester: Manchester University Press, 74-85.

Dupui, R. J. (1963) 'Du caractère unitaire de la Commission Européenne dans ses relations extérieures', *Annuaire français de droit international*, 9: 779-825.

European Commission (1986), Communication de la Commission au Conseil, 'Représentation Extérieure: Evolution et Consolidation du Réseau, Bruxelles', COM(86)227 final, Brussels, 11 April 1986.

European Commission (1988), Document Interne par la Commission des Communautés Européennes, *Evolution des Délégations Extérieures*, Bruxelles, SEC(88) 405 final, Brussels, 3 June 1988.

European Commission (1995), 'Communication of the Commission to the Council and Parliament', COM (95)255 def, Brussels, 7 July 1995.

European Commission (1996) Williamson Report on the 'Longer Term Requirements of the Commission's External Service', SEC(96)554, Brussels, 27 March 1996.

European Commission (2000a), 'Communication of the Commission on the Development of the External Service', COM(2000)456, Brussels, 18 July 2000.

European Commission (2000b), 'Communication on the Reform of the Management of External Assistance', Brussels, 16 May 2000.

European Commission (2004) *Taking Europe to the World: 50 Years of the European Commission's External Service*, Luxembourg: Office for Official Publications of the European Communities, 2004.

Grenon, J.Y. (1975) 'Le droit des relations extérieures de la CEE et le Canada', *International Law*, 1961: 61-96.

Hocking, B. and Spence, D. (eds) (2002) *Foreign Ministries in the European Union: Integrating Diplomats*. Basingstoke: Palgrave MacMillan.

Knoke, D., Pappi, F. U., Broadbent, J. and Jutaka, T. (1996). *Comparing Policy Networks: Labour Policy in the US, Germany and Japan*, Cambridge: Cambridge University Press.

Lamy, P. (2000a) 'L'administration extérieure de la Communauté et les défis de la mondialisation'. *Revue française d'administration publique,* 95:339-348.

Nugent, N. and Saurugger, S. (2002) 'Organisational structuring: the case of the European Commission and its external responsibilities', *Journal of European Public Policy*, 9 (3): 345-64.

Sobrino Heredia, J.M. (1992) 'La actividad diplomatica de las Delegationes de la Comision en el exterior de la Comunitad Europea', *Rivista de Istituciones Europeas*, 20(2): 485-532.

Reichling, C. (1964) *Le droit de légation des Communautés Européennes*, Heule: Edition UGA.

Spence, D. (2005), 'The Commission's External Service', in D. Spence and G. Edwards. (eds) *The European Commission*, 3rd Edition, London: John Harper Publishing:, pp. 396-425.

Spence, D. (2004) 'The European Commission External Service', *Public Policy and Administration*, 19(3): 61-76.

A COMMON EU EXTERNAL ACTION AND FOREIGN POLICY?

Shaping the Institutional Set-up of the EEAS

Doris Dialer

Introduction

The final creation of the EEAS has to be seen as the outcome of an inter-institutional bargaining struggle which goes hand in hand with the ratification process of the Treaty of Lisbon (April 2009 – July 2010). The negotiations were mainly determined by the following actors mentioned in Article 27(3) TEU: the organisational framework of the European diplomatic corps shall be established by a decision of the Council acting on "a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission".

Different views among those actors of the appropriate institutional affiliation of the European External Action (EEAS) reflected primarily the old controversy between intergovernmentalism and supranationalism. The Swedish Presidency report on the EEAS sought to solve this problem by defining the EEAS as of '*sui generis* nature' separate from the Commission and the Council (Council, 2009: 6). HR/VP Catherine Ashton later was asked by the European Council to present her proposal on the basis of this document. She was aided by a steering committee of thirteen officials from the Commission (5), the Council (4) and the Member States (4).[1] Yet, despite Ashton's promise to involve the European Parliament closely in the drafting process not a single Member of European Parliament was welcomed.

Spain was the first member country to hold the rotating Council presidency under the post-Lisbon rules. During that transition period, the Spanish Prime and Foreign Minister had to negotiate the EEAS, cooperate with the President of the European Council, help Ashton to chair the new Foreign Affairs Council and – last but not least – convert the Commission delegations into EU Delegations (Molina and Sorroza, 2012: 43 f.). In Madrid on June 21, 2010 political agreement among institutions and Member States was reached. The agreed upon package included, alongside amendments to the March proposal, the text of two Declarations by the HR/VP: the Declaration on Political Accountability and the Declaration on the

---

[1] It was comprised of her head of Cabinet, the Secretaries-General and heads of the legal services of CSG and the Commission, the Director-General of DG RELEX, the Director of Council's Directorate E, the head of Commission delegations in third countries, the Director of Council's Policy Unit and four representatives of the Trio-Presidency (Spain, Belgium and Hungary).

Basic Structure of Central Administration. The Service was finally established by Council Decision 2010/427/EU, adopted on July 26, 2010.

This paper is supposed to focus on the partly informal negotiation process leading up to the creation of the EEAS. How can the positions of the HR/VP, the European Commission, the Member States and the 'empowered' European Parliament being characterised? Reynaert (2012: 214 f.) qualified the negotiations among these actors as 'hard bargaining' rather than as 'problem-solving' or 'supranational-bargaining' partly due to the fact that a strong supranational policy entrepreneur (in our case chief negotiator 'Ashton') was missing.

Bargaining power of the European Parliament

Since the EEAS is neither a service of the Commission nor of the Council, but rather an independent body, the European Parliament tried hard to counter-balance this institutional non-attachment as far as accountability is concerned. It has consistently called for the setting-up of a diplomatic service that is *sui generis* from an organisational and budgetary point of view, but incorporated into the Commission's administrative structure, as this would ensure full transparency (European Parliament, 2009: 7).

Formally, by the consultation clause, the Treaty invited the European Parliament to act as kind of a new player in a pre-defined executive-driven negotiation process. Since the Parliament was eager to gain ground in external policies it played a proactive and progressive role in the EEAS' nascent phase. Indeed, the Parliament has a long tradition of claiming more powers and influence through budgetary means. By its procedural involvement, the European Parliament's role has gradually evolved along legislative, supervisory and budgetary powers (Dialer, Lichtenberger and Neisser, 2010). Within the European Parliament's political groups the three main negotiators – the two rapporteurs Elmar Brok (EPP – European Peoples Party, Foreign Affairs Committee), Guy Verhofstadt (ALDE - Alliance of Liberals and Democrats for Europe, Constitutional Affairs Committee) and Roberto Gualtieri (S&D – Progressive Alliance of Socialists and Democrats, Budgetary Committee) – had of course different priorities. Substantial consensus existed on the staffing and budgetary regulations. Hence, staffing the EEAS was one of the central arguments the European Parliament used to effectively extend its budgetary control over the composition of the new diplomatic service.

In accordance with Art 36 TEU and the EEAS Decision, the Declaration on Political Accountability (DPA)[2] clarifies the relationship between the European Parliament, the HR/VP and the EEAS. In particular the DPA ensures the organization of hearings for newly appointed the later and the appearance of Heads of Delegation, EU Special Representatives (EUSRs), Heads of CSDP missions and senior EEAS officials in relevant parliamentary committees and subcommittees in order to provide regular briefings (Point 7 DPA). Concerning access to classified documents and CFSP information, it remains open to MEPs to rely on Regulation No 1049/2001 which also applies to the EEAS.[3]

In additional the DPA provides for the practice of Joint Consultation Meetings with the Bureaus of the Committee on Foreign Affairs (AFET) and the Committee on Budgets (BUDG) to be enhanced. In those cases the HR/VP cannot be present in a debate in committee or in plenary of the EP, the DPA calls for a political 'deputisation', either by a Commissioner or a Member of the Foreign Affairs Council (FAC) for CFSP issues. Due to the general workload of the HR/VP, a permanent deputy to HR/VP in parliamentary settings should be considered (Wouters et al, 2013: 58-61).

Importantly, Article 10 of Protocol No. 1 to the Treaty 'on the role of National Parliaments in the EU' opens the floor for inter-parliamentary external relations cooperation and trans-parliamentary suggestions in CFSP/CSDP. Scholars and Parliamentarians argue that inter-parliamentary foreign policy exchange will finally strengthen parliamentary accountability. This argumentation also implies that security and defense decisions should feed back to the vital interests of the European demos. Raube and Wouters (2012: 160 f.) emphasize the complementary roles of National Parliaments and the European Parliament in this context.

Obviously, the Treaty has substantially extended European Parliaments powers in the field of EU external relations. Moreover, the EEAS' democratic legitimation is supposed to be secured by a periodical debate between the HR and the European Parliament on CFSP/CSDP matters (Article 36 TEU): the EP's written or oral questions as well as recommendation have to be 'formally' taken into account (Raube, 2012: 67).

Members of Parliament point out that the new service must also be fully accountable to parliament in political terms – being not the case yet. According to Raube and Wouters (2012: 150 f.) a clear distinction must be made between 'parliamentary control' on the one hand and

---

2   Draft Declaration by the HR/VP on Political Accountability, OJ C 210, 3.8.2010, p. 1-2.
3   Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission document, OJ L 145, 31.5.2001, p. 43-48. See also Decision of the HR/VP of 19 July 2011 on the rules regarding access to documents, OJ C 243, 20.8.2011, p. 16-18.

'parliamentary scrutiny' on the other, whilst the later entails regularly working level based consultation of the EP on the main aspects of the CFSP/CSDP (Council, 2009: 5).

European Commission losing ground?

In contrast to the Commission, the EEAS is neither an EU institution nor a policy-making body but rather a *'humble servant'*. In this context, presenting her draft proposals on the organisation and functioning of the EEAS on 25 March 2010, Ashton said: "The EEAS is called a service for a reason. It is there to work for the President of the European Commission and the other European Commissioners, for the President of the European Council and Member States, and for the members of the European Parliament too. I have agreed with President Barroso and Commissioners Piebalgs and Füle on how we will manage the different development and cooperation programmes and that the EEAS will be our common service in this respect."[4]

Thus, negotiation success from a Commission perspective had been judged first and foremost by the EEAS' capacity not to interfere with competences and interests of the Commission. The EEAS's intention to coordinate some of the Commission 'external' services was generally met by opposition. Arguing with Helwig, Ivan and Kostanyan (2013: 30-32) many officials in the Commission feared the influence of national governments and a politicisation of their work. While the DG Trade and DG Enlargement are still under the Commission's roof, former DG RELEX (Commission's External Relations Directorate General) was nearly totally absorbed within the EEAS, but maintained the management of financial instruments via the creation of the new Commission unit 'Service for Foreign Policy Instruments' (SfFPI). Thus, several units from the DG RELEX were transplanted in the months preceding the creation of the EEAS to the two new Commission DGs Energy and Climate.

The Commission was and still is eager to keep responsibility over prominent aspects of EU external relation, notably with respect to neighbouring Eastern European and Mediterranean countries as well as trade and development policies. Above all responsibility over crucial policy fields, such as development and crisis management, is divided between the Institutions. Not surprisingly, the Barroso II Commission (2010-2014) took office on 9 February 2010 with reshuffled portfolios and not less than five Commissioners all in charge of external relations and foreign affairs:

---

4   'HR/VP Catherine Ashton presents vision for European External Action Service', EU Press Releases Rapid (Reference: IP/10/373), 25 March 2010, http://europa.eu/rapid/press-release_IP-10-373_en.htm (last retrieved on 16 February 2013).

- Commissions Vice-President, High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton (Britain)
- Commissioner for Enlargement and European Neighbourhood Policy (ENP) Štefan Füle (Czech Republic)
- Commissioner for Development Andris Piebalgs (Latvian)
- Commissioner for International Cooperation, Humanitarian Aid and Crisis Response Kristalina Georgieva (Bulgaria)
- Commissioner for Trade Karel De Gucht (Belgium)

Development and poverty reduction should be a priority of European external affairs, according to the EU's Lisbon Treaty. The European Commission's Directorate-General for Development and Cooperation-EuropeAid (DEVCO) as well as the EEAS have a say when it comes to planning aid. Article 3(3) of the July 2010 Council decision allows the EEAS to negotiate "service-level arrangements with relevant services of the General Secretariat of the Council, the Commission, or other offices or inter-institutional bodies of the Union".[5] While the EEAS formally leads on aid programming, it has not captured control of development policy and funding. Andris Piebalgs, the Commissioner for Development, has joint authority. In practice, he has over-arching responsibility for all aspects of development policy, including the coherence of policy on trade, agriculture, migration and climate change (Maxwell, 2011: 11).

Thus, the HR/VP was called to coordinate the work of her formal deputies, the Commissioners for Enlargement and ENP (European Neighbourhood Policy), Development, and International Cooperation, Humanitarian Aid and Crisis Response. The Trade Commissioner was implicitly exempted from such coordination due to the fact that the EC holds considerable power over trade policy in contrast to other policy fields, especially in terms of negotiations, cooperation with the trade policy committee and implementation. As a kind of compensation to that the HR/VP 'is allowed' to participate in meetings of the Relex Group of Trade Commissioner and the Commissioner for Economic and Monetary Affairs (EEAS Mid-Term Review 2013: 8).

Looking at horizontal coherence, Hartman (2010: 5) argues, that the HR's coordinating role as Vice-President of the Commission will gain more momentum in Community policies

---

5   On 13 January the working arrangements setting out the modalities for cooperation between the EEAS and DEVCO were finally signed by the EC's Secretary General and the EEAS' Chief Operating Officer. While this non-binding agreement is a confidential, internal document, a DEVCO representative outlined its main aspects to the EP's Development Cooperation Committee reacting to a written question posed by a MEP (Julian 2012).

such as trade and agriculture. Duke (2012: 53) underlines the HR/VP's role as *primus inter pares* when a Group of Commissioners in external relations was created by the Barroso II Commission in April 2010, chaired by Ashton.

In order to clear undesirable inter-institutional frictions and confusions the Commission issued a first 'Vademecum on Working Relations with the European External Action Service' at the beginning of 2010, followed by an updated and more inclusive version in 2011[6]. Since then, the Commission and the EEAS have negotiated more detailed working arrangements.[7]

Bone of contention: composition of staff

The reform of staff[8] policy was a main feature of the overall EEAS creation process and, at the same time, established a precise time frame for the evolution of the diplomatic service. The new system for the nomination of personnel was based on EEAS Staff Regulations which set out the rule for staff from national diplomatic services, from the Council and the Commission to work together in this new service on an equal footing.

Pursuant to recitals 11 and 12 of Regulation No 1080/2010 and Article 6 paragraph 9 of Council Decision 2010/427/EU establishing the organisation and functioning of the EEAS (the 'Decision'), the staff at AD level shall, when the EEAS has reached its full capacity, be composed of at least one third of staff from national diplomatic services of EU member states and of at least 60% permanent officials of the EU institutions. Officials from national diplomatic services will be temporary agents for a term of up to eight years with a possible extension of two years.

It was clear from the Staff Regulations (Article 98.1) that the EEAS will recruit – in a first step – officials exclusively from the Commission and the Council Secretariat. At the time of the creation of the EEAS more than 20 AD posts were retained by the Council Secretariat for residual external policy tasks (EEAS Mid-Term Review, 2013: 10). One rather obvious implication of this arrangement was that officials of the Commission's former DG RELEX

---

6   European Commission (2011) Vademecum on Working Relations with the European External Action Service (EEAS), SEC(2011)1636.
7   European Commission (2012) Working Arrangements Between Commission and the European External Action Service (EEAS) in Relation to External Relations Issues, 13 January 2012, SEC(2012)48.
8   In general, one has to distinguish between Cabinet members and EEAS staff. The HR/VP has a larger cabinet than the other Commissioners due to her/his multiple tasks. Ashton's Cabinet is a relatively young one, with many officials under the age of 40. Almost half of its members came straight from Ashton's office as former Commissioner for Trade (Hemra, Raines and Whitman, 2011: 3).

comprised the majority of the initial appointments. Broadly speaking, the EEAS inherited the gender and geographical imbalances evident in the Commission and the Council Secretariat in terms of male and pre-2004 member states numerical dominance at AD grades. This meant that any potential to achieve some form of balance have to rely on the one-third of EEAS staff at AD level deriving from the national foreign ministries. This would also explain why appointments of Heads and Deputy-Heads of Delegation as well as senior positions at headquarters and management positions ('Managing Directors) have raised such interest (Duke and Lange, 2013: 47).

The EEAS forms part of the Union's open, efficient and independent European administration as provided for in Article 298 TFEU. It is treated, for matters related to staff, as an institution within the meaning of the Staff Regulations and as such EEAS staff is bound in its duties, *inter alia*, by the principle of independence. The respect for the principle of independence is also enshrined in the provisions of the EEAS Council Decision and Regulation No 1080/2010.

In this regard, the current practice of representatives of member states being present in the selection panels for management posts contradicts the principle of independence and should not be maintained. On the other hand new Member States have constantly criticized their under-representation within both pools of recruitment the Commission and the Council. Besides issues of equality of access, legitimate concerns aroused on the consociational, rather than meritocratic assignment of AD-level posts.

Furthermore, recruitment to the Service shall be through a transparent procedure 'based on merit' with the objective of securing the highest standard of ability, efficiency and integrity (European Parliament 2009). Both the EEAS Council Decision (Article 6 paragraphs 6 and 8) and Regulation No 1080/2010 (Recital 14) provide that the EEAS staff be adequately balanced in terms of gender and geography. Moreover, recital 15 of the Regulation No 1080/2010 obliges the HR to take appropriate measures to promote equal opportunities for the under-represented gender in certain function groups, more particularly at AD level, within the EEAS. Recital 11 of the EEAS Council Decision provides that, after 1 July 2013 "all officials and other servants of the European Union should be able to apply for vacant posts in the EEAS".

Not yet at full capacity, the EEAS employs by July 2013 a total staff of 3,417 people divided between headquarters (1,457) and EU Delegations (1,960). An additional 3,500 Commission staff is working in the EU Delegations. Progress has been made in reaching the 173 target for temporary agents from national diplomatic services in AD posts. In July 2013 the overall

figure was 32.9% with 23.8% in HQ posts and 46.2% in EU Delegations (including 44 % Heads of Delegation) (EEAS Mid-Term Review, 2013: 14).

From an organizational point of view, the EEAS seems to be a 'work in progress' with a not-yet fostered administrative culture, a fact that has consequences for an efficient collaboration with relevant DGs, units in the Council and EP committees. The next priority should therefore be the consolidation of the EU staff within the EEAS and the career perspectives of EU officials within the EEAS.

Conclusion

The key challenge for the early days of the EEAS was to cope with inter-institutional competition on the one hand and to coordinate the external policies of the Commission, the Council and Member States on the other. The controversy about whether the new 'diplomatic service' should be more affiliated with the Council or the EC reflects the rather confusing triple-hated status of the HR/VP.

Yet, European politics seem to be a balancing act, between the mighty Member States and the political groups in the Parliament and in between, stands the Commission. However, Ashton's position was from the beginning a weak one. Considering her delayed nomination in November 2009 (designated in December) she had a clear information deficit. Both the Member States and the Commission had already limited the scope of the EEAS, thus affecting the negotiation power and role of the HR/VP.

The Lisbon Treaty delivered the idea and the vision for a more active external role of the EU and for a service to support it, but no blueprint of how this might all be negotiated and established. Neither offers the Lisbon Treaty a solution to end inter-institutional struggles by stating far too many actors representing the EU externally: the European Commission on non-CSFP matters (Art. 17(1) TEU), the President of the European Council and the HR/VP on CSFP issues (Art. 15(6) TEU and Art. 27(2) TEU respectively), and EU Delegations on both CFSP and non CFSP issues (Art. 221(1) TEU). Only formally, the HR is now an autonomous player amongst those other players who can submit proposals[9] and fulfills an implementing, mediating and representational role.

---

9   In the area of CFSP, the HR/VP shares the right to submit proposals with the EU member states (Art.1, TEU). In other 'external' policy fields the HR/VP can put forward joint proposals together with the European Commission (Art. 22.2, TEU).

According to Art 13(3) of Council Decision 2010/427/EU of 26 July 2010 establishing, the organisation and functioning of the EEAS the HR/VP has to provide a mid-2013 review of the EEAS, which shall include, 'if necessary', appropriate proposals for the revision of the Decision. Blockmans and Hillion (2013: 77) doubted that the reviewing process would lead to a fully-fledged revision of Council Decision 2010/427/EU and as we learn from the recently published EEAS review they have been proven right. In any case, short-term priorities (e.g. staff issues) must be finished before the revision of the EEAS' mandate. Thus, the implementation of long-term priorities or more ambitious proposals to improve leadership, cooperation and coherence will fall under the responsibility of the new EU heads of the 8th Legislative Period 2014 – 2019.

References

Blockmans, S. (2012) *EEAS reloaded: Recommendations for the 2013 review,* Brussels: CEPS.

Blockmans, S and Hillion, C. (ed.) (2013) *EEAS 2.0. A legal commentary on Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service,* Brussels: CEPS.

Council of the European Union (2009) Presidency Report to the European Council on the European External Action Service, No. 1430/09, 23 October.

Dialer, D., Lichtenberger, E. and Neisser, H. (2010) *Das Europäische Parlament. Institution, Vision und Wirklichkeit*, Innsbruck: Innsbruck University Press.

Duke, S. (2012) 'The European External Action Service: Antidote against Incoherence?' European Foreign Affairs Review 17 (1): 45-68.

Duke, S. and Lange, S. (2013) 'Achieving Geographical and Gender Balance in the European External Action Service', European Parliament, Directorate-General for External Policies of the Union, January 2013.

EEAS Mid-Term Review 2013: http://eeas.europa.eu/library/publications/2013/3/2013_eeas_review_en.pdf (last retrieved on 13 September 2013).

European Commission (2011) *Vademecum on Working Relations with the European External Action Service (EEAS)*, SEC(2011)1636.

European Commission (2012) *Working Arrangements Between Commission and the European External Action Service (EEAS) in Relation to External Relations Issues*, 13 January 2012, SEC(2012)48.

European Parliament (2009) *Report on the institutional aspects of setting up the European External Action Service,* 2009/2133(INI), Committee on Constitutional Affairs, Rapporteur: Elmar Brok, 20 October.

Hartmann, S. (2010) 'Synthesising European External Functions: Reflections on a Multilayer Merger and its likely Impact on European Development Policy', ÖFSE Briefing Paper 4.

Helwig, N., Ivan, P. and Kostanyan, H. (2013) *The New EU Foreign Policy Architecture: Reviewing the first two years of the EEAS*, Brussels: CEPS.

Herma, S., Raines, T. and Whitman, R. (2011) 'A Diplomatic Entrepreneur. Making the Most of the European External Action Service', *A Chatham House Report*, London: The Royal Institute of International Affairs.

Julian, M. (2013) *Spotlight on the division of labour between the EEAS and DG DEVCO,* Brussels: ECDPM Talking Points (Blog), 3 February.

Maxwell, S. (2011) 'A development path for the Commission', *EuropeanVoice* 17 (6): 10-16.

Molina, I. and Sorroza, A. (2012) 'The Impact of the European External Action Service on Spanish Diplomacy', in *Reviewing Member States' Commitment to the European External Actions Service,* Brussels: EPIN Working Paper 34, November.

Murdoch, Z. (1202) 'Negotiating the European External Action Service (EEAS): Analysing the External Effects of Internal (Dis)Agreement', *Journal of Common Market Studies* 50 (6): 1011-1027.

Raube, K. (2012) 'The European External Action Service and the European Parliament', *The Hague Journal of Diplomacy,* 7 (1): 65-80.

Raube, K. and Wouters, J. (2012) 'Seeking CSDP Accountability through Interparliamentary Scrutiny', *The International Spectator: Italian Journal of International Affairs,* 47 (4): 149-163.

Reynaert, V. (2012) 'The European Union's Foreign Policy since the Treaty of Lisbon: The Difficult Quest for More Consistency and Coherence', *The Hague Journal of Diplomacy,* 7 (1): 207-226.

Wouters, J., De Baere, G., Van Vooren, B. and Raube, K (2013) 'Organisation and Functioning of the European External Action Service: Achievements, Challenges and Opportunities', European Parliament: Directorate-General for External Policies of the Union, February 2013.

The EEAS: Legal Basis – State of Affairs – Perspective

Jochen Rehrl

When the EU Member States decided to incorporate a Common Foreign and Security Policy within the Treaty of Maastricht[1] on an intergovernmental basis in 1992, the establishment of a 'European Ministry of Foreign Affairs' was only a question of the right timing. With the inclusion of the so-called 'Petersberg-tasks' in the Treaty of Amsterdam 1997[2] and later on in 1999 with the development of a Common European Security and Defence Policy within the framework of the Common Foreign and Security Policy, some politicians thought that the time was right to create this post of an 'Union Minister for Foreign Affairs' in the margins of the 'Treaty establishing a Constitution for Europe' (TCE)[3]. "The Union Minister for Foreign Affairs shall conduct the Union's common foreign and security policy. He or she shall contribute by his or her proposals to the development of that policy, which he or she shall carry out as mandated by the Council. The same shall apply to the common security and defence policy."[4] Already then, an External Action Service was foreseen to support the Union Minister for Foreign Affairs. "In fulfilling his or her mandate, the Union Minister for Foreign Affairs shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a European decision of the Council. …"[5]

On 29 October 2004, the Treaty of Rome was signed by twenty five Member States in the capital of Italy. In theory, the set-up of the European External Action Service should have started with that date. The 'Declaration on Article III-296' was crystal-clear in this regard: "The Conference declares that, as soon as the Treaty establishing a Constitution for Europe is signed, the Secretary-General of the Council, High Representative for the common for-

---

1 For the consolidated version, see Official Journal of the European Communities. C 224. Volume 35. 31 August 1992. Notice Number 92/C224/01. Title V: Provision on the Common Foreign and Security Policy. pp 94 – 96.
2 For the consolidated version, see Official Journal of the European Communities. C 340. 10 November 1997. Notice Number 97/C340/02. Title V: Provision on the Common Foreign and Security Policy. pp 155 – 162.
3 See Official Journal of the European Union. C 310. Volume 47. 16 December 2004. Treaty establishing a Constitution for Europe.
4 Art. I-28 (2) TCE.
5 Art. III-296 (3) TCE.

eign and security policy, the Commission and the Member States should begin preparatory work on the European External Action Service."[6] But nobody started with the preparatory work as envisaged by the Treaty. Paper does not blush.

As history has taught us, the Constitutional Treaty was refused by French (May 2005) and Dutch (June 2005) referenda and thereby stopped abruptly the ratification process. At that time, already eighteen EU Member States (in other words roughly two-third of the countries) have ratified the legal document.

A long 'reflection phase' followed which lasted – more or less – until the signing of the Treaty of Lisbon. In the negotiation-process leading to this treaty, the United Kingdom[7] stated that the establishment of a 'Union Minister for Foreign Affairs' would be too far reaching and hence rejected. This result was reflected in the Presidency Conclusions of the European Council of 21/22 June 2007 in which the Heads of State and Government gave the mandate for the Intergovernmental Conference: "The TEU and the Treaty on the Functioning of the Union will not have a constitutional character. The terminology used throughout the Treaties will reflect this change: the term "Constitution" will not be used, the "Union Minister for Foreign Affairs" will be called High Representative of the Union for Foreign Affairs and Security Policy …"[8] The European External Action Service remained unquestioned.

The Treaty of Lisbon

The Treaty of Lisbon[9] amending the Treaty on European Union and the Treaty establishing the European Community was signed in the Portuguese capital on 13 December 2007 by the representatives of the twenty-seven Member States. It entered into force on 1 December 2009, after being ratified by all the Member States.

---

6   Ibid p 462. Declaration on Article III-296 TCE.
7   See e.g. Traynor, Ian: Poland invokes Nazi occupation to bolster EU case. Online version of The Guardian (theguardian.com), 21 June 2007. *"On the proposed European foreign minister, which is to be given another undecided title, the government is looking for a tighter definition of the official's powers and is worried about a possible "slippery slope" that might see the EU supplant Britain in its seat at the UN security council."* http://www.theguardian.com/world/2007/jun/21/eu.poland. 29/08/2013.
8   Council of the European Union: Brussels European Council – 21/22 June 2007 – Presidency Conclusions. 11177/1/07 REV 1. CONCL 2. Brussels, 20 July 2007. ANNEX I. IGC Mandate, p 15.
9   For the consolidated version of the Treaty of Lisbon, see The Official Journal of the European Union. C 306. Volume 50. 17 December 2007. Notice Number 2007/C 306/1. Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007.

Art. 27 (3) TEU makes the first (and only) reference to the European External Action Service: "In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission."[10]

Before the entry into force of the Lisbon Treaty, the Presidency sent a report[11] to the European Council and the Council on the subject 'European External Action Service'. This report was aiming at giving guidelines for the High Representative in the preparation of the draft Council decision on the organisation and functioning of the EEAS. This paper stated, that the EEAS should firstly serve the HR to fully carry out the mandate as defined in the Treaty, but secondly also to assist the European Council and its President, the Members of the Commission in their respective functions in the area of external relations as well as to cooperate as closely as possible with the Member States. In this report, it was also stated that enlargement, trade and development should remain in the responsibility of the European Commission.

In March 2010, the High Representative proposed her draft Council decision establishing the organisation and functioning of the European External Action Service to the Council. The European Parliament was included in this process.[12] In response, a strong-point was that the political accountability vis-à-vis the European Parliament remained and that the EEAS is mandated to assist the HR in all functions, namely as High Representative of the Union for Foreign Affairs and Security Policy, as Vice-President of the Commission and as President of the Foreign Affairs Council.

---

10 Official Journal of the European Union. C83. Volume 53. 30 March 2010. Notice Number 2010/C 83/1. Art. 27 (3) TEU. p 32.

11 Council of the European Union: Presidency Report to the European Council on the European External Action Service. 14930/09 (Public). POLGEN 163. 23 October 2009.

12 See European Parliament: Position of the European Parliament adopted on 8 July 2010 with the view to the adoption of Council decision establishing the organisation and functioning of the European External Action Service. P7_TC1-NLE(2010)0816 and European Parliament legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service (08029/2010 – C7-0090/2010 – 2010/0816(NLE)). P7_TA(2010)0280.

After having received the feedback and having revised the proposed Council Decision of March, the Council adopted the Council Decision on 26 July 2010[13].

Council Decision 2010/427/EU

As stated in Art. 1 of the reference document: "This Decision establishes the organisation and functioning of the European External Action Service ("EEAS")". The service includes one headquarters ('central administration') and the Union Delegations both to third countries and to international organisations.

The main task given to the EEAS is to support the High Representative in fulfilling all her mandates. Additionally, the EEAS shall assist the President of the European Council, the President of the Commission, and the Commission in the exercise of their respective functions in the area of external relations, specifically in the area of trade, enlargement and development.

Throughout the Decision, the close cooperation between the EU Member States on the one and EEAS structures on the other side is highlightened several times (e.g. staffing of the EEAS, complementing the diplomatic services of the Member States). The Decision gave also power to the High Representative to lead the EEAS, recognising that the management will be conducted by an Executive Secretary-General (Art. 4 (2)). Inter alia, the HR shall
- designate the chairpersons of the Council preparatory bodies, including the chair of the Political and Security Committee (PSC) – Art. 4 (4),
- open or close a Union Delegation – Art. 5 (1),
- adopt rules under which seconded national experts (SNE) are put at the disposal of the EEAS – Art. 6 (3) 2,
- instruct the Head of Union Delegations – Art. 5 (3),
- establish the selection procedures for EEAS staff – Art. 6 (8),
- adopt the internal rules for the management of the administrative budget lines – Art. 8 (1).

Additionally, the HR plays a key role in the selection process of the Directors/Heads/Chief Executive of the three CSDP agencies (EU Institute for Security Studies in Paris, EU Satellite Centre in Torrejon, European Defence Agency in Brussels) and the European Security

---

13   See Official Journal of the European Union: Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU). L201. 3 August 2010. pp 30 – 40.

and Defence College (ESDC). These bodies have a supportive role for the EEAS and specifi-cally for its 'Security Policy and CSDP structures*'*.

Simplified structure of the European External Action Service

Corporate Board

EU Special Representatives

High Representative / EC Vice President

Security Policy and CSDP structures

-Chair EUMC
-CMPD, EUMS, CPCC
-Security policy and conflict prevention
-Activated EU Operation Centre

Political Affairs Department

-Chairs PSC, CIVCOM, PMG
-Policy co-ordination
-Strategic Planning

Chief Operating Officer

Executive Secretary

Deputy Secretary General/Political Director

Deputy Secretary General

Crisis Response and Operational Coordination

EU Intelligence Analysis Centre

Geographical and thematic managing directorates

Asia and the Pacific	Africa	Europe and Central Asia	North Africa, Middle East, Arabian Peninsula, Iran and Iraq	Americas	Global and Multilateral Issues

The EEAS staff shall include officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents. The staff can be, in specific cases, increased by a limited number of specialised seconded national experts.

The budget of the EEAS is covered in one section of the general budget of the European Union. The EEAS manages the administrative budget whereas the operational budget re-mains within the Commission.

Due to the fact that the HR shall ensure unity, consistency, effectiveness and overall political coordination of the Union's external action, the EEAS shall contribute to the programming and management cycle for instruments such as Development Cooperation Instrument, Eu-ropean Development Fund and Instrument for Stability. The Service is also tasked with pre-

paring decisions for the Commissions regarding the strategic, multiannual steps within the programming cycle. All these decisions will be prepared by following the procedures of the European Commission and will be presented to the Commission for adoption. Finally, the Council Decisions demands that the HR shall provide a review of the organisation and functioning of the EEAS by mid-2013. Consequently in July 2013, this nineteen pages strong report ('EEAS Review'[14]) was published.

The EEAS Review of July 2013

The review contains besides a stocktaking aspect a number of proposals and recommendations how to further improve the work and structure of the EEAS. Already on page 3, the HR draws the EEAS-self-image as follows: "The EEAS seeks to add value by being more than a foreign ministry – combining elements of a development and of a defence ministry. The EEAS can be a catalyst to bring together the foreign policies of Member States and strengthen the position of the EU in the world."[15] Being more than a foreign ministry reflects the fact that the HR is also presiding the Foreign Affairs Council (FAC). This Council configuration deals explicitly with foreign affairs, development and defence issues. Hence, the conclusion that the EEAS is more than a national ministry of foreign affairs is correct, having in mind the task to "ensure overall political coordination of the Union's external action, in particular through the […] external assistance instruments"[16] which have a focus on development aspects. In general, a positive picture of the past three years is drawn. The EEAS established its structures and the key elements became clearer.

Although the structure of the EEAS works fine, there is a need to fine-tune and adaption. Especially, the number of high-ranking officials (AD 15/16) should be reduced. Some adjustments related to the twelve EU Special Representatives (EUSR) must be done; in concretu a closer link to the EEAS structures has to be created by transferring the staff and the associated budget to the EEAS.

The internal crisis management structures with a crisis management board and a crisis management platform were valued as a success. Nevertheless, the creation of a 24/7 Emergency Response Centre (ERC) could result in a unnecessary duplication if there is no co-location with the EEAS Situation Room. Bringing these two bodies together could create synergies and generate savings.

---

14 European External Action Service: EEAS Review. Brussels, July 2013. http://eeas.europa.eu/library/publications/2013/3/2013_eeas_review_en.pdf, 05/09/2013.
15 Ibid p 3.
16 Art. 9 (2) Council Decision 2010/427/EU).

The EEAS with its unique position within the EU institutions has delivered "a strong and well-coordinated response to foreign policy challenges."[17] Nevertheless, EEAS policy planning capability should be reinforced and the decision making process optimised.

The review also highlights the good cooperation with the Commission. However, proposals are made on how to bring together closer the Commission led 'Service for Foreign Policy' with the relevant EEAS structures while respecting the administrative and functional terms; the same goes for considerations concerning 'a transfer of responsibilities and associated staff for implementing measures for the EU sanctions regime from FPI into the EEAS or a joint unit.'[18]

Another issue concerns the collaboration with other EU Institutions, such as
- the Parliament, for which it is only stated that "The EEAS review provides an opportunity to take stock of progress …"[19] and
- the Council Secretariat, for which an observer gets the impression that the Council Secretariat and the EEAS are competing organisations.

The role and responsibility of the 139 EU delegations worldwide can be improved by "the debate on the interaction between EU Delegations and national embassies, including innovative approaches to burden sharing and resource allocations. … The growing opportunities for pooling activities and sharing resources should be exploited to the full."[20]

The review closes with a 'staffing' chapter, stating that the 3417 EEAS staff is divided between headquarters (1457) and EU Delegations (1960). The ratio of one third each from Commission, Member States and Council Secretariat is close to be reached. Since 1 July 2013, vacant posts are published wider than the traditional Treaty sources, also going beyond career diplomats on the national side.

Room for improvement observed by 'outsiders'

Before the EEAS Review was published, academics and officials ventilated their ideas and proposals on how to improve the performance of the European External Action Service. All

---

17 EEAS Review. P 7.
18 Ibid p 9.
19 Ibid p 9.
20 Ibid p 11.

reports[21] had in common, that the establishment of this service must be assessed as a success. The main critics were formulated,

- that the Member States were not represented accordingly;
- that important external action baskets are not under the control of the EEAS and were left on the Commission side, such as trade, development and energy;
- that there is too little effort – also hindered by the inter-institutional struggles (e.g. different working cultures) – to effectively implement the comprehensive approach to foreign policy;
- that the challenge of re-nationalisation of foreign policy (e.g. Syria) exists and must be tackled via more strategic guidance and stimulation of out-of-the-box thinking of the EEAS;
- that EU Delegations should play a more prominent role, maybe even taking over some functions which are currently managed by the 28 individual national embassies.

Conclusion

The European External Action Service was born in 2004 with the signing of the Treaty of Rome, legally established with the Treaty of Lisbon in 2009, implemented with the Council Decision 2010/427/EU and staffed with national experts according to the Decision of the HR of 23 March 2011[22]. Already after four years of its existence, a positive change in the foreign policy performance of the European Union can be observed:

- The EU is represented worldwide with around 140 EU Delegations and takes the lead when co-ordination is needed;
- The EU gets heard in international organisations such as the United Nations and the foreign actions are more coherent than in the past;
- The new structure also facilitates the implementation of an integrative approach, allowing closer co-ordination and co-operation between the various actors, programmes and projects including missions and operations.

---

21 Besides others, see Wouters (et al.): The Organisation and Functioning of the European External Action Service: Achievements, Challenges and Opportunities. Study requested by the European Parliament's Committee on Foreign Affairs. Brussels 2013.; Lehne: More Action, Better Service. How to Strengthen the European External Action Service. Carnegie Policy Outlook. Brussels, December 2011.; Balfour, Bailes and Kenna: The European External Action Service at work. How to improve EU foreign policy. EPC Issue Paper no. 67. Brussels, January 2012.
22 Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 23 March 2011. http://www.esteri.it/mae/opportunita/Nella_UE/Nelle_istituzioni/Esperti_Nazionali_Distaccati/20110419_EEAS_Decision_governing_SNEs.pdf; 11 09 2013.

But, at the end of the day and regardless of the intention of the EU bureaucracy and the legal basis, the European Union's external action will only be as good, coherent and credible as the Member State's allow it to be.[23]

---

23 See also Balfour and Raik (eds.): The European External Action Service and national diplomacies. EPC Issue Paper no. 73. Brussels, March 2013.

Legitimacy of the EEAS

Niklas Helwig

The basis and extent to which the European External Action Service (EEAS) has the legitimacy to get active is an important factor for the success of the new European Union (EU) foreign policy architecture. This chapter concludes that the EEAS is in an ideal position to improve the input as well as output legitimacy of EU external action. However, the EEAS has to resort to a 'fix it approach' as the legitimacy for a fully-fletched European foreign policy is not yet in sight.

While member states mostly have the sovereignty to decide about their foreign policies, the division of competences of EU external policies is more complex. The EEAS was built-up in a jungle of diverse actors with different competences and first had to claim legitimacy to influence the actions of the Union. The new actors in town did not automatically get the necessary authority to influence and represent EU foreign policy, but had to gradually build up credibility and trust (see also Vanhoonacker & Pomorska 2013).

Gaining legitimacy was a crucial challenge for the new structures. The HR/VP received a "coherence mandate" (Blockmans & Hillion 2013, p.10) to coordinate the various, often inconsistent external activities of the Union. The new post included the role of the High Representative, as well as of the permanent CFSP Presidency and of the 'primus inter pares' Commissioner for external relations. However, the new post lacked to some degree the formal authority to enforce the coordination of external action as the competences were still spread across actors. Without "buy-in" (Lehne 2011) and "national ownership" (Drieskens & Schaik 2010) of the member states, the EEAS and the HR/VP could not fully realise the potentials of the Lisbon treaty. The political will of all member states in the end determines, if the gap between the expectations created by the Lisbon treaty and the actual capabilities of the post can be closed (Helwig 2013).

This chapter explores how the EEAS claimed legitimacy in its first years of existence in order to establish its authority in this challenging environment. It thus examines the capability of the EEAS to get the member states 'on board'. While there is no doubt that the almost 140 EU delegations around the world are an integral part of the new service, this chapter will only focus on the structures and processes in Brussels.

Two faces of EEAS legitimacy

The analytical framework used for the purpose of this chapter is inspired by the concept of legitimacy developed by Fritz Scharpf (1970; 1999). According to the framework, legitimacy – commonly defined as the acceptance of an authority – can be considered from two perspectives. Political choices are legitimate if they reflect the preferences of the constituent parts of a community (input legitimacy), or they gain legitimacy if they provide an added value for the community (output legitimacy). The governance of the European Union and here particularly the EEAS is thus seen as a political system that acts on the demand and support of its members and produces actions and decisions on this basis (Easton 1965).

The input perspective takes a closer look at how the structure of the EEAS ensures the participation of the member states in the process of its EU foreign policy formulation and representation. As far as the scope of this chapter allows, it will be examined how the EEAS structured and created formal and informal channels to ensure *an external action by the Union.* The majoritarian character of EU foreign policy, manifested through the predominant unanimity rule in treaties, already ensures that the policy choices of the community do not largely contradict the individual preferences of its members. However, for the evaluation of the legitimacy of a governance structure, there is a demand to look at the daily interaction and processes that guarantee transparency and inclusiveness (Schmidt 2013). The analysis looks thus at the ability of the structure of the new service to respond to changes in the environment.

The output perspective on legitimacy assesses the problem-solving ability of the new service. Scharpf (1999) argues that output legitimacy is especially crucial in the EU context, as the Union is missing a collective identity on which the common European governance can rest its legitimacy. The EEAS thus has to proof that its activities provide a solution to a common problem which could not necessarily have been solved by individual member state actions alone. The EEAS has to develop *an external action for the Union.* The analysis thus focuses on the ability of the structure of the service to provide new foreign policy solutions for the member states.

External action by the Union

While setting up the EEAS, the HR/VP and her team had to make a number of decisions on the institutional structure of the new administration (see chapter 3). Many of them concerned the relations of the EEAS to other EU players and the procedures of their cooperation. From the treaty and earlier preparatory work, it was clear that the EEAS would be a 'sui generis'

body and located neither in the Commission nor in the Council. Nevertheless, the concrete institutional balance was crucial regarding the legitimacy of the new structures. Would it still guarantee the participation of the member states' administrations, or be a detached agency-like body?

The significance of the ownership-concern becomes more obvious, when looking at the situation before the Lisbon treaty. In the old system, matters of CFSP were clearly in the hands of the member states. The rotating Presidency chaired the foreign ministers meetings and set the agenda for its 6 months term. High Representative Solana was known for not always asking member states for permission (Aggestam et al. 2008, p.46), yet member states knew that they could trust his decisions (EEAS official 2011a; Council official 2013a). The national ownership of Solana's policies was ensured through the institutional design of his office: the High Representative's 'Policy Unit' consisted of a diplomat from each member state (Duke 2011). First designed to keep Solana under control, this setup became one of his biggest assets. The usually high ranked diplomats with good connections to the national foreign ministers became the 'seismograph' of Solana to ensure actions that member states trusted (Council official 2013a).

To some degree this was bound to change with the new EEAS. Not only was the chair of the Foreign Affairs Council and most of its preparatory groups transferred to the EEAS, also the flat hierarchy of Solana's office grew immensely into a large administration. With the decision of transferring Commission's DG Relex as a whole to the new service, the EEAS was burdened with the hierarchies of the Commission system and its technical working culture. Officials from all parts of the EU foreign policy architecture were sceptical about how the new bureaucracy would be able to plan and carryout an agenda in the same fashion like the engaged rotating Council Presidency and keep up political drive over a longer period of time. As the Chief Operating Officer of the EEAS, David O'Sullivan (2011) put it, "it is not a sprint, as it was for the rotating Presidency, it is a marathon for the EEAS."

However, a number of management choices of the EEAS leadership prevented the service from becoming an alien institution that lost the legitimacy towards the member states. The closest link to the member states in the new system were the permanent chairs of the working groups, which under the new system became part of the EEAS. The working groups that prepare the meetings of the foreign ministers, are crucial in the consensus building practise and characterised by a high degree of socialisation (Juncos & Pomorska 2006). Participants reported that the new system in general improved the functioning of the groups (Member state officials 2011a, b, c). Without the rotation, the chairing was more continuous and the chairpersons invested more into contacts with the member state representatives. A Political and Security Committee (PSC) ambassador described the new system as follows: "we are

constantly in touch with the chair, if something happens he calls us, he lets us know what is going on before the meetings. That was not the case during the rotating Presidency, they did not have time. Now that the chair has his own staff, he is more engaged with the members of the committee" (Member state official 2011b). Especially in cases where the chairperson was a former member of the group, the transition was seamless. The close link on working group level, nevertheless, did not necessarily bring the whole service closer to the member states. The working group chairs were attached to the specific regional or thematic desks and spread across the hierarchical structure of the service. Because of the decentralised organisation of the working group chairs, the EEAS was not as responsive to member state preferences as the former non-hierarchical permanent representations of the rotating Presidency (EEAS official 2011b).

In order to provide the service with a centralised policy planning 'brain', the organisational chart featured a Political Affairs Department. Directly under the authority of the Political Director of the service, Helga Schmid, the department combined under one roof a unit for policy coordination, strategic planning, as well as the office of the chair of the Political and Security Committee. The department was also linked to the working group chairs. It thus provided the service with the necessary non-hierarchical structure that increasingly provides an up- and downstream link to the member states. The contacts are various: the PSC chair is in contact with the PSC ambassadors from all permanent representations, the EEAS European Correspondent communicates with his counterparts in the capitals via the COREU/ CORTESY network,[1] the head of the strategic unit organises meetings of member states' policy planners and Helga Schmid meets regularly with the national political directors.

At the same time the Political Affairs Department aims at steering the activities of the service. The Policy coordination unit of the department is the coordination hub. It coordinated up to 1200 briefings per year for the HR/VP, other Commissioners and members of the EEAS corporate board. It managed, checked or wrote the declarations on behalf of the EU as well as the statements of the High Representative and her spokespersons. A Foreign Affairs Coordination team managed the agenda of the Council meetings and supported the High Representative in this regard. The Political Affairs Department had the ambition to become the new CFSP Presidency and to pull the loose ends within the service and of the member states together (EEAS official 2013a).

---

1   The COREU network is the official communication network, which connects the European Correspondent in the EEAS with the counterparts in the foreign ministries in the national capitals. It is used for the exchange of reports, the approval of CFSP declarations, and the preparation of the Foreign Affairs Council, PSC and working groups.

An important forum to legitimise international activities was the PSC. The link of the EEAS to the 27+ member states of the Union was actively used and the frequency of meetings increased under the new system. The much acknowledged chair of the PSC, Olaf Skoog, was in permanent contact with all ambassadors. When EEAS officials came for briefings to the ambassadors, they did not only see that as a monitoring exercise, but used the occasion to get the backing from the member states. In turn, they could reinforce their actions on the ground and say, "this is not only the position of the EEAS and the Commission, this is the position of all 27 member states" (Member state official 2011b).

Nevertheless, there were some unwanted side effects of the new system. The planning of the Foreign Affairs Council agenda was almost too receptive to the suggestions of the member states. It became a new ritual of the foreign ministers to write letters to the HR/VP and ask for additional agenda points for the meetings (Council official 2013b). While the EEAS planned the tentative agenda, member states could always add points to it in Coreper. Via this and other channels, they had the possibility to "upload" (Balfour & Raik 2013) their preference. As a consequence the agenda often became overcrowded, not allowing for the necessary prioritisation of the meetings. The focus on claiming legitimacy through incorporating wishes of the member states came at the cost of unfocused an ineffective discussions. A high ranked participant of Foreign Affairs Council meetings pointed out that "the meetings are too ritualistic now. The Foreign Affairs Councils are not an interesting place to be" (Council official 2013a). A similar situation, where a member state would ask the fellow member states holding the rotating Presidency to add a discussion point to the agenda, was unimaginable in the pre-Lisbon system.

Another constraint of the EEAS and its ability to provide for the necessary input legitimacy was connected to the yet unclear and not streamlined internal division of competences. Catherine Ashton explained in her EEAS review that the structure was provisional and had to be understood against the background of the merging of the two organisational structures of the Commission and the Council Secretariat (Ashton 2013). As a consequence the service inherited the Relex structures and became top-heavy with a high number of management posts and levels. As a top EEAS official put it: "You do not fire heads of units" (EEAS official 2011a). An unclear or at least unusual division of labour was obvious for example in the structure of the EEAS cooperate board in which political affairs were not centralised in the post of the political director Helga Schmid, but divided among the board members (e.g. the Chief Operating Officer was also responsible for relations with Asia, Central Asia and for Neighbourhood Policy). Ashton's review paper proposed a streamlining of the structure, shrinking the corporate board and cutting the number of managing directors. These measures might make the EEAS system more responsive to the input from member states, as everything will run through the political director and the Political Affairs Department.

Member states were still the main source to legitimise foreign affairs activities. More and more, however, the European Parliament was seen as necessary to justify policy choices. From the start, the EEAS management was of the opinion that the service had to invest in good relations with the directly elected members of the European Parliament (MEPs). While there were several disagreements on policy content, the MEPs valued the relationship with the EEAS (MEPs 2011a, b, c, d). Catherine Ashton herself, met the MEPs as much as her busy schedule allowed for: she agreed to be inter alia six times a year in the plenary, two times in the committee on foreign affairs and one time in the development committee. In her absence, a system of deputies was informally put into place, with either the rotating Presidency or a Commissioner (mostly Füle for Neighbourhood Policy) taking over her place. More importantly, the openness towards the European Parliament concerned all levels of the service. MEPs held exchanges of views with invited heads of delegations, EEAS managing directors briefed MEPs on their portfolio and the EEAS staff was encouraged to go to committee meetings (Helwig et al. 2013).

The EEAS leadership had recognised the importance of inclusion and transparency towards the member states and the European Parliament. This was not clear from the start as the EEAS was a new, large-sized and hierarchical bureaucracy. Nevertheless, the organisational decision pointed out above were clearly aimed at increasing the input legitimacy of the common foreign policy – or at least keeping it at the pre-Lisbon level.

External action for the Union

Ensuring the participation of the member states was not enough to legitimise the activities of the EEAS. Without providing an added value for the member states, the EEAS could hardly legitimise its existence. Its output had to reflect an external action *for* the Union, which would not have been achieved through individual member state action alone. The reason why the new EU foreign policy architecture was created in the first place was to achieve more coherence between different policy fields and a better external recognition of the EU as an international actor.

At the centre of the Lisbon treaty reform was unarguably the aim to make EU foreign policy more coherent. The post of the High Representative therefore was anchored in the Commission and the EEAS and its delegation centralised thematic and geographical resources of the foreign policy apparatus. This would bring the added value of an EU external action that could draw on a wide range of instruments reaching from crisis management operations to trade relationships in a coherent manner. The implementation of this idea, however, did not take place to the extent that it was initially hoped. As Vice-President of the Commis-

sion, the High Representative did not play the 'primus inter pares' role that was expected. A lot of that had to do with the organisational culture of the Commission. The Commission system under Barroso was already in his first term centred on him as Commission President. The various groups of Commissioners that clustered thematic issues played a minor role. As a consequence, the Relex group of Commissioners[2] under the chairmanship of Ashton never was really implemented in the new system (Commission official 2013, EEAS official 2013b). Only few meetings took place, most of them under the chairmanship of the Commission President and – towards the end – in the form of breakfast meetings. The support of the Commission Secretariat to the High Representative's role as Vice-President was little, so that one of the suggestions of the EEAS review was to have a joint Commission-EEAS secretariat for the organisation of the Relex group (Ashton 2013). Despite the dysfunctional Relex group of Commissioners, Ashton was able to build up good individual working relationships with Piebalgs and Füle. Especially the 'Füle-Ashton tandem' was effective, with the Commissioner being informally her deputy: internally in the Commission and externally in EU's neighbourhood (Kostanyan 2013). While the tandems worked on Commissioner level, a "coordination reflex" had not trickled down to the administrative level (Wouters et al. 2013). It appeared to be a challenge for the EEAS to coordinate DGs of the Commission from the outside.

It was thus widely acknowledged in Brussels that the coordination between the EEAS and the Commission had to be improved. The problem featured prominently in Ashton's review paper. The 'buzzword' in Brussels is the 'comprehensive approach', which tries to bring an answer to the coherence problem and how to make better use of the various instruments already at the disposal of the Union. The yet unpublished communication on the approach[3] takes the perspective of a crisis cycle and outlines step-by-step how the different instruments of the Union can work hand in hand in assisting and building a partnership with an instable country or region. A focus is on the seamless transition from crisis management efforts, stabilisation, and peace building to longer term measures such as development and trade partnerships. Naturally the approach also touches on the coordination between the Commission and the EEAS to effectively use and combine these instruments (Member state official 2013).

To what degree is the EEAS capable of providing a better international presence? The big advantage of the EEAS compared to the previous system is that it can plan and represent

---

2   The Relex group consists in the present time of commissioners responsible for 1) Development (Piebalgs), 2) Enlargement and Neighbourhood Policy (Füle), 3) International Cooperation, Humanitarian Aid and Crisis Response (Georgieva), 4) Trade (De Gucht) and 5) Economic and Monetary Affairs (Rehn).
3   At the time of writing (end of August 2013) the communication on the comprehensive approach was not published yet.

the activities of the EU on a long-term basis. Partners around the world were not confronted with a changing presidency every 6 months but had a permanent contact point that in theory can speak for all 27 member states. In this regard, one of the priorities of Catherine Ashton was to improve the relations with EU's strategic partners.[4] After insufficient use of the partnerships in the past and with the new possibilities of the EEAS, the issue of strategic partnerships was high on the agenda in 2010 and pushed by Catherine Ashton as well as Hermann van Rompuy.[5] Close observers said that the strategic partnership were the ideal tool to showcase the strength of the new system, because the HR/VP and the EEAS had the possibility to pull together different policy areas and translate them into long-term planning (Commission official 2011). Finally, the EU would have the possibility to systematically engage with partners around the world and punch in its weight class. However, in 2013 the issue of strategic partnerships were off the radar and not among the five top priorities of the EU anymore (Member state official 2013). What happened?

Two reasons can be identified. First, many of the close observers and the participants said that the review was poorly executed. People from the Commission were concerned that their views were not taken into consideration, especially on core issues of some of the partnerships, such as trade and energy relations (Commission official 2011). The discussion among the foreign ministers in the Gymnich meetings were also insufficiently prepared, which lead to unfocused discussions without tangible results (Member state official 2012a). The second reason however may weigh heavier. While the heads of state and government initially planned to follow up the review of the strategic partnerships, the European Council – as well as the member states in general – got more and more disengaged from the process. With the Eurocrisis as the most salient issue for their citizens, heads of state and government hardly put discussion on strategic partnerships on their agenda (Member state official 2013, EEAS official 2012). As a consequence, this instrument so far remained undefined and the post-Lisbon structure did not bring the intended added value.

The problems of the strategic partnership exercise exemplify a wider restriction of the EEAS to provide added value. Without delegation of tasks and subsequent engagement of the member states the EEAS could not deliver. The environment has changed since the early 2000s, when the idea of the common service came up, and a common foreign policy was seen as Europe's next project. In the current environment, member states are hesitant to delegate authority to the EEAS and to develop the common foreign policy project further. The best

---

4   In the September 2010 European Council meeting the High Representative presented a list of 10 strategic partners: Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa and the US.

5   Catherine Ashton announced that strategic partnership would be one of her top priorities of her term. In the following the issue was inter alia on the agenda for the September and December 2010 European Council and the Gymnich meeting in September 2011.

example of the lack of political will was the debate on updating the European Security Strategy. Even though, some member states pushed the idea of a new EU foreign policy strategy[6], the big three were hesitant to start this exercise. The reason according to close observers was clear: a serious EU foreign policy project would mean that member states had to define clear policy areas and actions where the EEAS is in charge – a price of sovereignty loss that they were not willing to pay (Member state official 2012b, c, EEAS official 2012).

In the end, the scope of the EEAS to provide added value was limited. The High Representative and the service could work in their sphere of responsibility to provide an added value, however they had to live with the fundamental limitation that most of the countries wanted to keep the independence of their foreign policy. Some interviewees thus gave a rather negative mid-term outlook for the EEAS. It has to resort to what is possible, which is to deal with issues and crises that the member states are less inclined to deal with (Council official 2013a, b, Commission official 2013, Member state official 2012c). This 'fix it approach' explains, why the EU is less effective when dealing with important strategic partners, but more effective when dealing with isolated problems such as the security issues in the Horn of Africa.

Conclusions

Without a European identity and demos, the EU is often criticised for its lack of legitimacy. More than sovereign member states, it has to claim the legitimacy of its actions through the quality of its output that provides an added value for the community of states. This general logic applies to the activities of the EEAS as well. However, given the intergovernmental character of EU foreign policy, the HR/VP and the EEAS cannot rely solely on output legitimacy. For every activity, they have to ensure the transparency, participation and ownership of the member states. The EEAS recognised this and tried to open its doors for the member states. Trust and support of the member states is the fuel the service runs on.

The EEAS is in theory in a good position to ensure legitimacy of external action, as it has the potential to combine the different instruments of the Union to provide added value, while at the same time its 'sui generis' character ensures transparency towards the member states. Nevertheless, teething problems were unavoidable: the domination of the Commission in the setup of the EEAS came as a surprise for the member states and the EEAS first had to establish procedures and structures to deal with its new role such as the presidency for CSFP. Towards the end of the first term of the High Representative, the service learnt to walk. The

---

6   Among the supporters of a new EU foreign policy strategy were Sweden, Spain, Italy and Poland and their
     foreign ministers initiated a think tank process which came up with elements of a European Global Strategy.

review document of Catherine Ashton (2013) showed that the service has a thorough picture of its institutional shortcomings and how to improve them. In 2013, activities such as the Kosovo-Serbia deal and diplomatic activities in Egypt, were generally evaluated as positive and widened the base of legitimacy of the High Representative and the EEAS (Techau 2013).

What does that mean for the potential of the EEAS and the EU foreign policy project? The EEAS increasingly does a more effective job in applying the EU toolbox to particular crisis situations. A genuine common EU foreign policy however requires that the EEAS can develop and work on important portfolios more exclusively and independently on EU level. Towards that end, member states would have to set certain priorities and strategies on which the EEAS can base its activities – maybe even exclusively. However, in the medium term, a further widening of the room of manoeuvre for the EEAS is not realistic. On the contrary, the economic crisis as well as the challenging setup of the service created in the transition period an incentive for the member states to handle important foreign policy questions outside the EU framework. In addition, the necessary EU level legitimacy stemming from a European demos and a collective identity does not yet exist. So far, the member states are indispensable and essential partners for EU's international activities.

The EEAS will have to continue the path of gradually building up the trust of the member states and to provide comprehensive policy solutions. The EEAS review goes into the right direction, as it might improve coordination with the Commission and the member states. In addition, the comprehensive approach, pushed forward by the HR/VP, has the potential to concretely advance the cohesiveness of the EU foreign policy toolbox. For many commentators, this is not the kind of 'European international actorness' that they expected when the Lisbon treaty rules were written. However, the following years at least might see the development of a legitimate and coherent EU foreign policy toolbox that provides answers to concrete problems whenever applied by member states.

Interviews

Commission official 2011, Interview 2 August 2011.
Commission official 2013, Interview 9 July 2013.
Council official 2013a, Interview 12 July 2013.
Council official 2013b, Interview 11 July 2013.
EEAS official 2011a, Interview 4 May 2011.
EEAS official 2011b, Interview 14 July 2011.
EEAS official 2012, Interview 8 May 2012.
EEAS official 2013a, Interview 9 July 2013.

EEAS official 2013b, Interview 8 July 2013.
Member of the European Parliament 2011a, Interview 22 June 2011.
Member of the European Parliament 2011b, Interview 14 July 2011.
Member of the European Parliament 2011c, Interview 14 July 2011.
Member of the European Parliament 2011d, Interview 28 September 2011.
Member state official 2011a, Interview 30 May 2011.
Member state official 2011b, Interview 9 June 2011.
Member state official 2011c, Interview 20 September 2011.
Member state official 2012a, Interview 15 March 2012
Member state official 2012b, Interview 2 July 2012.
Member state official 2012c, Interview 11 July 2012.
Member state official 2013, Interview 2 August 2013.

Literature

Aggestam, L. (et al.) (2008) Institutional Competences in the EU External Action: Actors and Boundaries in CFSP and ESDP. *SIEPS Report*, (6-7). Available at: http://www.sieps.se/sites/default/files/70-20086-7.pdf.

Ashton, C. (2013) *EEAS Review*, Brussels. Available at: http://eeas.europa.eu/library/publications/2013/3/2013_eeas_review_en.pdf.

Balfour, R. & Raik, K. (2013) The European External Action Service and National Diplomacies. *EPC Issue Paper*, (73). Available at: http://www.epc.eu/documents/uploads/pub_3385_the_eeas_and_national_diplomacies.pdf.

Blockmans, S. & Hillion, C. (2013) *EEAS 2.0. A legal commentary on Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service*, Brussels: Centre for European Policy Studies. Available at: http://www.ceps.eu/book/eeas-20-legal-commentary-council-decision-2010427eu-establishing-organisation-and-functioning-e.

Drieskens, E. & Schaik, L. Van (2010) The European External Action Service : Preparing for Success. *Clingendael Paper*, (1). Available at: http://www.clingendael.nl/sites/default/files/20110200_clingendael_paper_1.pdf.

Duke, S. (2011) Under the Authority of the High Representative. In G. Müller-Brandeck-Bocquet & C. Rüger, eds. *The High Representative for the EU Foreign and Security Policy - Review and Prospects*. Baden-Baden, pp. 35–64.

Easton (1965) *A Systems Analysis of Political Life*, New York.

Helwig, N. (2013) EU Foreign Policy and the High Representative's Capability-Expectations Gap: A question of Political Will. *European Foreign Affairs Review*, 18(2), pp.235–254.

Helwig, N., Ivan, P. & Kostanyan, H. (2013) *The New EU Foreign Policy Archiecture: Revieing the first two years of the EEAS*, Brussels: Centre for European Policy Studies. Available at: http://www.ceps.eu/book/new-eu-foreign-policy-architecture-reviewing-first-two-years-eeas.

Juncos, A. & Pomorska, K. (2006) Playing the Brussels game: strategic socialisation in the CFSP Council working groups. *European Integration online Papers (EIoP ...*, 10.

Kostanyan, H. (2013) Don't fix what ain't broke. A German-led proposal to change how the neighbourhood policy is managed is misguided. *European Voice*. Available at: http://www. europeanvoice.com/article/imported/don-t-fix-what-ain-t-broke/76821.aspx.

Lehne, S. (2011) More Action , Better Service : How to Strengthen the European External Action Service. *Carnegie Europe - Policy Outlook*. Available at: http://carnegieendowment.org/files/ CEIP_Outlook_EAS-Lehne_C.pdf.

O'Sullivan, D. (2011) The European External Action Service. *presentation given at the Irish Institute of International & European Affairs*. Available at: http://www.youtube.com/watch?feature=player_ embedded&v=JCJoq7DNQzk.

Scharpf, F.W. (1970) *Demokratietheorie zwischen Utopie und Anpassung*, Konstanz.

Scharpf, F.W. (1999) *Governing in Europe: Effective and Democratic?*, Oxford.

Schmidt, V. (2013) Democracy and Legitimacy in the European Union Revisited: Input, Output and "Throughput." *Political Studies*, 61(1), pp.2–22.

Techau, J. (2013) At Long Last , a Sign of Leadership From Ashton. *Carnegie Europe - Strategic Europe*. Available at: http://carnegieeurope.eu/strategiceurope/?fa=52524.

Vanhoonacker, S. & Pomorska, K., 2013. The European External Action Service and agenda-setting in European foreign policy. *Journal of European Public Policy*, (June), pp.1–16.

Wouters, J. (et al.) (2013) *Organisation and functioning of the European External Action Service: Achievements, challenges and opportunities*, Brussels. Available at: http://www.europarl.europa. eu/committees/en/studiesdownload.html?languageDocument=EN&file=90650.

THE EEAS´ LEADERSHIP – BRUSSELS BASED AND ABROAD

The HR/VP and the Organisation of the EEAS' Senior Management

Martin Schmid

Introduction

Already during the Convention on the Future of Europe, launched out in February 2002 (Nugent, 2010: 87), the introduction of the office of the High Representative of the Union for Foreign Affairs and Security Policy and the Vice President of the Commission (HR/VP) was considered "a major institutional innovation in the sphere of external action" (Eeckhout, 2012: 491), which was finally brought into being by the Treaty of Lisbon (Treaty on European Union [(TEU)], 2012: art. 18).[1] This office combines the pre-Lisbon post of the High Representative for Common Foreign and Security Policy, played by Javier Solana, with "that of a Vice-President of the Commission in charge of external relations […] and the role hitherto played by the Foreign Minister of the country holding the rotating EU Presidency"[2] who chaired the Foreign Affairs Council (FAC) (Kaczynski & al., 2010: 142-143). Due to this pooling of competences on one person, this position is often considered as "triple-hatted" in academic language (Piris, 2010: 243).

The rationale behind its creation was to bridge the "institutional gap between the CFSP and other areas of EU external action", due to which "the EU had developed parallel administrations in the Council and the Commission dealing with external policies" (Eeckhout, 2012: 492). It aims to enhance the coherence as well as the efficiency in this field by making better use of the "synergies on the ground, between the main thrusts of CFSP and CSDP, trade, development aid, humanitarian assistance and crisis management" (Howorth, 2011: 304). Additionally, treaty drafters hoped to provide the EU with a "single voice representative", who would "significantly improve the EU's profile in the world" (Helwig, Ivan & Kostanyan, 2013: 235).

This contribution departures from the basic fact that both, the implementation of the HR/VP's competences as well as the process of framing today's structure and "diplomatic and bureaucratic processes" (Erkelens & Blockmans, 2012: 5) of the EEAS were determined

---

1   This contribution refers to the Consolidated Version of the Treaty on European Union, Official Journal of the European Union, C 326/13, 26 October 2012.
2   Hereafter, 'rotating Presidency'.

by the political interests of the other actors of the EU institutional environment to maintain control over the HR/VP and his (or, as the first incumbent is female, her) service. In this context, it attempts to provide an insight in the discussions on the EEAS senior management's design and organisation from the first steps of the setting-up of the service to the present. Moreover, it aims to provide a political and legal analysis of the way the HR/VP and her senior management assure the responsibilities attributed to the position of the HR/VP by the Lisbon Treaty outside the EU and internally in cooperation with the other actors of the EU institutional architecture. In addition, it assesses, to what extent, these working relations can be considered as efficient and discusses measures for their improvement. In this context, a particular focus will be on those recommendations presented by the mid-2013 EEAS review as well as by EU member states and the European Parliament, as these actors will be largely responsible for implementing innovations.

In order to avoid misunderstandings concerning the concepts used for the study, the term senior management of the EEAS denotes "the four members of the Corporate Board (the Executive Secretary General, Chief Operating Officer and two Deputy Secretaries General), eight Managing Directors with specific geographic or thematic responsibilities, the Director General of the EU Military Staff (EUMS) and the directors of the other CSDP departments reporting directly to the High Representative" (High Representative, 2013: 4).

To provide an answer to the research aims, the next part will briefly sum up the most important responsibilities[3] of the HR/VP's position in the Lisbon Treaty, pointing out, which tasks are performed under which 'hat'. In a third chapter, the role of the HR/VP herself as well as her cabinet in the process of setting up the EEAS will be described. While focusing on the structure of the EEAS senior-level governance, it will also shed light on the discussions about eventual deputies since this question is closely linked to the senior level's design of the service. A fourth part will then analyse the functioning of the working relations of the HR/VP and the EEAS senior management with the other actors in and outside of the EU institutional environment with a particular focus on who represents the HR/VP in these arenas.

These working relations comprise notably her function as chair of the Foreign Affairs Council (FAC), her role within the Commission as Vice President and her representational tasks towards the EP as well as third countries. Finally, a last section will present the relevant measures with regard to the improvement of these working relations.

---

3   Given the limitation of this contribution in terms of length, only the tasks essential for understanding the analysis for answering the research aim at hand are detailed. For a comprehensive summary of the Treaty provisions, please consult the references of the next subchapter.

The tasks of the High Representative / Vice-President[4]

Concerning the HR/VP's High Representative-'hat', 18 (2) TEU tasks her to "conduct the Union's common foreign and security policy […as well as] the common defence and security policy" (TEU, 2012: art. 18 (2)). She does so by "[submitting] proposals […] to the Council or European Council" (Chalmers, Davies & Monti, 2010: 64) and "[carrying] out" decisions taken "by the Council" (TEU, 2012: art. 18 (2)). Furthermore, when "[putting] into effect" (TEU, 2012: art. 24 (1) par. 2) the CFSP, she is responsible for "[ensuring] the unity, consistency and effectiveness" of the Union's action (TEU, 2012: art. 26 (2) par. 2).

Moreover, she "conduct[s] political dialogue with third parties" (TEU, 2012: art. 27 (2) par. 2) and is called to "take part in the work [of the European Council]" (TEU, 2012: art. 15 (2)), although she is not a member of it and is not entitled to cast a vote (Wouters, Coppens, & De Meester, 2008: 148).

Unlike the Treaty of Nice before, the Lisbon Treaty now calls the HR/VP to "represent the Union for matters relating to the common foreign and security policy" (TEU, 2012: art. 27 (2))[5], to "express the Union's position in international organisations and at international conferences" (TEU, 2012: art. 27 (2)) and to "negotiate international agreements relating exclusively or principally to CFSP matters on behalf of the Union" (Piris, 2010: 246). In addition, she has to perform consultation and information duties on CFSP matters towards the EP (TEU, 2012: art. 36 par. 1).

As to her Council-'hat', art. 18 (3) TEU determines that she "shall preside over the [FAC]". In respect of her 'hat' as Commissioner, the Treaty provides that the HR/VP "shall be one of the Vice-Presidents" (TEU, 2012: art. 18 (4) s. 1) of the Commission. Within this institution, she is responsible for "handling external relations" (Kaddous, 2008: 212) and "for coordinating other aspects of the Union's external action" (TEU, 2012: art. 18 (4) s. 3). Although the HR/VP is thus expected to fulfil a bridge-building function between those Commissioners "dealing with external policies", the TEU doesn't equip the HR/VP with procedural prerogatives (e.g. "a formal hierarchy among Commissioners") to facilitate this task. Hence, it is ultimately up to "the President of the Commission (and the College as a whole)" (Kaczynski & al., 2010: 144-145) to effectuate consistency of all EU external policies (Furness, 2013: 112).

---

4   The information in this chapter is based on the comparable overview in the author's contribution to the EU Diplomacy Paper series, no. 2/2011, entitled "The Deputisation of the HR/VP of the Commission: Making the Impossible Job Work".
5   Before the Lisbon Treaty, this responsibility was assumed by the "[…] rotating Presidency of the Council" (Piris, 2010: 244).

Given the concentration of these numerous tasks in one single person, the EEAS 2013 review more or less confirmed the many commentators, who had judged the job description as impossible from the outset by stating that "it generates a huge and relentless workload for one person" (High Representative, 2013: 13).

Setting up the EEAS: the role of the HR/VP and the quest for the design of the EEAS senior management

In order to enable the HR/VP, to fulfil the ambitious mandate, the Treaty of Lisbon provides for the EEAS, "placed under the authority of the" HR/VP and mandated to assist her in regard to all of her tasks (Council, 2010: 32). At the same time, the Treaty does not further specify the concrete structure of the service (Helwig, 2013: 242) but leaves this task to a decision by the Council – based on a proposal by the HR/VP and subject to negotiations with the Commission and the EP) – which determines the EEAS' organisation and functioning (TEU, 2012: art. 27 (3)). This decision was finally enacted on 26 July 2010 (Council, 2010).

The drafting of the proposal laying down the "central foundations" (Blookmans & Laatsit, 2012: 152) of the service's structure, the respective negotiations, as well as the setting up of the EEAS were among the main challenges, the first incumbent of the HR/VP's – position, Catherine Ashton, faced "in the first half of her time in office" (Helwig, 2013: 242).[6] Interestingly, even before she took office on 1 December 2009, a report drafted by the Swedish Presidency and endorsed by the European Council already contained so-called 'guidelines', defining "the main parameters of the future service", and inviting the HR/VP to come up with a proposal (Erkelens & Blockmans, 2012: 10).[7] In line with this Report, Catherine Asthon in 2009 created "a small preparatory team" under her authority and "composed of representatives of Member States, Commission and [General Secretariat of the Council]", which should prepare the draft for the Council decision (Council, 2009a: 10). As this group, however, did not live up to its expectations, the HR/VP mandated Poul Skytte Christoffersen as her special adviser with this task, while she and her Head of Cabinet focused on reaching consensus with the Commission on issues of working relations between the EEAS and the Commission. Together with his own task force and in consideration of the comments provided by the HR/VP, he delivered the draft for a proposal of the HR/VP.

---

6   See also: Wisniewski, E., 2013: 85; 'The Influence of the European Parliament on the European External Action Service', European Foreign Affairs Review, vol. 18, no. 1.
7   They consider that these 'guidelines' "pre-empted the prerogative [stipulated in Art. 27 (3) TEU] of the HR/VP to formulate a proposal" and question the conformity with the respective treaty provision.

After the adoption of this proposal by the Council on 25 March 2010, the EP, who had criticised its limited involvement in the consultation process "threatened to veto the financial and staff regulations if their views were not taken into consideration" (Helwig, 2013: 243). With regards to the position of the HR/VP and the EEAS senior management, the EP requested to provide the HR/VP with "politically legitimized deputies" (Brok, 2010), who would also represent the HR/VP the EP (Helwig, 2013: 244). Ashton's proposal on the contrary foresaw "a pyramidal hierarchy headed by a powerful Secretary General" (Howorth, 2011: 316).

The idea of deputies, however, had already been discussed without any result before during the Convention on the Future of Europe, in particular in its Working Group VII, dealing with External Action. This Group deliberated amongst others ways to upgrade the then High Representative/Secretary General's (HR/SG) position as well as to reflect on adequate "human and financial resources […] to match the scale of the [HR/SG's] task" (European Convention, 2002a: 5, 7).

Already in the second meeting the question of deputies was directly addressed, when concerns about the manageability of a double-hatted HR were raised, a position created by combining the post of the HR with that of the RELEX Commissioner. This entailed a debate among members of the working group about how such a position could be designed and notably supported (European Convention, 2002b: 5, 7). In the end, the Working Group's final report presented four options for the possible, institutional relation between the HR and the RELEX Commissioner (European Convention, 2002c: 19-23). Only one of these options provided for the creation of a 'European External Representative' and the setup of a deputisation system, for which two alternative designs were suggested:

On the one hand, it was suggested to put into place "a number of deputies/assistants for CFSP […] who would be nominated by the Council on [… the HR's] proposal and work under […] her authority". At the same time, this scenario did not allot deputies to the Commission-hat. One the other hand, there was the idea of the HR having exactly 'two deputies', one of them being responsible for CFSP matters while the other one for tasks relating to her Commission-hat (European Convention, 2002c: 20-22).

In the ensuing plenary session, this option was discussed (European Convention, 2002d: 3), however, with regard to the questions of the minister's functions and its eventual deputies, preference was given to the conceptualization of a so called 'Union Minister of Foreign Affairs', which in fact comes closest to the present position of the HR/VP in terms of responsibilities, and for which no deputisation arrangement was foreseen (European Convention, 2003: 23).

Also in the more recent debate about deputies in 2010, the demand for political accountable deputies by the EP could not be considered. Especially the unclear legal situation of their status vis-à-vis the Commissioner's "raised concerns on the side of the Council Secretariat" (Helwig 2013, 244). In the compromise, adopted in mid-June 2013 (Howorth, 2011: 316), the EP achieved to codify comprehensive information and consultation duties notably for the HR/VP and the EEAS in the "Declaration by the High Representative on Political Account-ability" (Helwig, 2013: 244),[8] the content of which will be described in the next section 4.

In addition, consensus on the top-level governance structure could be achieved through attenuating the pronounced hierarchy by "the appointment of a number of co-equal Directors General" (Howorth, 2011: 316). In late October 2010, Ashton announced the appointment of her top-level management team, which is headed by the former French Ambassador to the US, Pierre Vimont as the Executive Secretary General and complemented by David O'Sullivan, former Secretary General of the European Commission, as the Chief Operating Officer. They are supported by Helga Schmid, as the Deputy Secretary General for Political Affairs and Maciej Popowski, as the Deputy Secretary General for Interinstitutional Affairs (EEAS, 2010: 1). "Together, they form the Corporate Board of the EEAS, headed by the HR/VP" (Blookmans & Laatsit, 2012: 153) and "responsible for the smooth functioning of the service" (Duke, 2012: 57). In combination with those senior posts specified above in section 1 – notably the eight Managing Directors as well as the Director General of the EUMS and the directors of the other two CSDP departments – it constitutes the senior management, comprising 16 positions in total (High Representative, 2013: 8).

Although this comprehensive senior management structure reflects well the EEAS's aim to provide a comprehensive approach by the EU to today's external challenges, certain observers question "how the five geographical divisions and the Global and Multilateral Issues division [would] relate to one another". In addition, the link between this division and the crisis management bodies (notably the Crisis Management and Planning Directorate, the Civilian Planning and Conduct Capability and the EUMS) was not evident either (Duke, Pomorska & Vanhoonacker, 2012: 3, 6).

Also within the EP Committee on Foreign Affairs (AFET), the rapporteurs Elmar Brok and Roberto Gualtieri in their report on the 2013-EEAS review consider the "hierarchical struc-ture of the Managing Directorates" as excessive and too complex (AFET, 2013: 6), which is also a concern of certain Member States (Ministries of Foreign Affairs (MFA) Non-pa-per, 2013: 2). Moreover, given that the service's current structure was "too top-heavy and marked by too many decision-making layers", the EP recommends inter alia "to review the

---

8   See: High Representative, 2010: 3-4.

current structure based on the Corporate Board" (AFET, 2013: 3, 6). As it was demonstrated, the structures of the EEAS senior-level governance, have so far been subject to constant discussions and are far from being set in stone and also the question of deputies is likely to be back on the negotiation table in the context of the midterm review, as will be shown in the following section 5.

Managing 'triple-hatting': supporting the office holder of the impossible job

The underlying rationale for the drafters of the Lisbon Treaty to install the HR/VP as permanent chair of the FAC was to strengthen continuity in the EU foreign policy's strategic action. In the before system, such an objective had been undermined as the rotating Presidencies had regularly been tempted to neglect a long term approach for the sake of pursuing their national priorities within their short 6-month periods in office (Duke, Pomorska & Vanhoonacker, 2012: 1).

However, the rotating Presidency still chairs FAC-meetings when trade-related issues are discussed (Helwig, Ivan & Kostanyan, 2013: 11). In addition, the Council Rules of Procedure determine expressly in its art. 2 (5) par. 2 that in the event of her impediment, the HR/ VP is to be 'replaced' by the rotating Presidency (Council, 2009b: 38), which in practice is also applied that way (EEAS official, 2011a). Although such an arrangement obviously "runs contrary to the intention to create permanency at the helm of the FAC" (Erkelens & Blockmans, 2012: 12), officials report that the EEAS forwarded her priorities and agenda to the rotating Presidency and that there was usually a considerable degree of respect towards the HR/VP's position on the part of the replacing Presidency in order to ensure continuity (EEAS official, 2011b).

That the EU has until now not measured up to the expectation of a long-term strategic approach is explained by commentators not with the mentioned replacement of the HR/VP in the FAC. According to them, it is rather due to "the absence of a[n] [strategic] overall grand design" (Helwig, 2013: 248), and difficulties in the "formulation and implementation of the agenda" resulting from a "lack of clear priorities on which the EU could focus its activities" as well as "the necessary preparation to ensure a goal-oriented conduct" (Helwig, Ivan & Kostanyan, 2013: 12). Finally, the idea of getting rid of the rotating system entailed the unintended downside that the new system is "missing the drive […] in its agenda management" as there are no half-yearly deadlines or "domestic, historical [or] geographical preferences", which may bring about a certain dynamic in the setting of the agenda. Thus, it can be concluded that there is a need for clear procedures for a stable agenda management (Helwig,

Ivan & Kostanyan, 2013: 13) as well as more entrepreneurial spirit with regards to policy formulation on the part of the HR/VP and the EEAS.

With regard to her role as Vice-President of the Commission, in which she is called to coordinate and ensure the consistency of the EU's external action (TEU, 2012: art. 18 (4)), this task is impeded by several aspects. First, the HR/VP lacks of a procedural prerogative that would enable her to enforce this coordination authority (Helwig, 2013: 34). The instructions issued by Commission President Barroso in the mission letters to the Commissioners for Humanitarian Aid, Development and Enlargement and Neighbourhood Policy, according to which they would have to work in cooperation with the HR/VP and in accordance with the Treaties (Barroso, 2009), would suggest a superordinate position of the HR/VP. Yet this is not the case in practice as she exercises her authority only among equals (Helwig, 2013: 34).

Second, together with the mentioned Commissioners and the Commissioners for Trade and Economic and Monetary affairs, the HR/VP forms the RELEX Group of Commissioners, chaired by herself (Duke, 2012: 53) and responsible for coordinating overlapping portfolios. However, the output of this grouping is quite limited due to the facts that it doesn't have any decision making powers but only "prepare[s] papers for collegiate discussion" (Erkelens & Blockmans: 2012, 7). Moreover, it has in practice only managed to meet five times during the Barroso II Commission given the time scarcity faced by these Commissioners due to their travel-intense portfolios (Helwig, 2013: 34). These aspects in combination with the low attendance rate of the HR/VP in College meetings[9] because of the tasks under her other two 'hats' (European Commission official, 2011; EEAS official, 2011b) and the impossibility for the EEAS to effectively deputise for her in this body (European Commission, 2010: 62)[10] led to the result that the coordinating role of the HR/VP has not been realised so far.

Concerning the reporting engagements of the HR/VP and the EEAS towards the EP, art. 45 (2) of the Inter-institutional Agreement between the EP and the European Commission states that Members of the Commission "shall ensure [their presence] at plenary sittings for agenda items falling under their responsibility whenever the Parliament so requests" (European Parliament & European Commission, 2010: 47).

---

9   See the relevant figure in Helwig, 2013: 36.

10   Art. 10 (2) of the Commission Rules of Procedures states that "in the absence of a Member of the Commission, his Chef de cabinet may attend the meeting and, at the invitation of the President, state the views of the absent Member"; see: European Commission, 2010: 62.
      In practice, this means that this person, however, could only rise to speak if he was asked to do so and if he was admitted to the floor, he would only stick precisely to a note-sheet rather than expressing himself freely; European Commission official, 2011.

In addition, the provisions of the HR/VP's 'Declaration on Political Accountability', mentioned in section 3 also apply to the HR/VP – EP interaction, which give more leeway to the HR/VP in terms of replacement and deputisation than likewise provisions for the relations with the aforementioned institutions. Its (6) determines that if the HR/VP should be unable to attend a plenary session she is supposed to, it is left to Ashton's discretion to decide whom to send to the EP. This discretion is only restricted by the issue in question in so far as replacement will be assured "by a Commissioner for issues falling exclusively or prevailingly into Commission competence". In case the issue "[falls] exclusively or principally in the area of CFSP", it is either "the rotating presidency" or one of the other two Ministers forming together with the rotating presidency the "trio [presidency]" (High Representative, 2010: 4).

In practice, the commitment of the HR/VP and the EEAS top-level governance towards the EP plenary is high as it is agreed "that the HR/VP will speak to the plenary six times a year" and that she shall be accompanied by "at least one member of the EEAS corporate board and two Managing Directors of the EEAS" (Helwig, 2013: 52).

Finally, in her capacity as President of the FAC, the HR/VP is equally subject to art. 26 par. 2 of the Council Rules of Procedures, which tasks her to "represent [the FAC] before the [EP] or its committees". While for plenary meetings of the EP, the HR/VP can ask the rotating presidency to ensure her replacement, she can "[instruct]" "senior officials of the [EEAS] or […] the General Secretariat" to "represent" the FAC in "committee meetings" (Council, 2009b: 50).

The question of who should ideally debrief the AFET committee about FAC meetings in case of the HR/VP's absence has always been and still is subject to changes, given that since 2010 different systems were tested: while there was no orderly approach in the first year, all debriefings except one performed in the first half of 2011 were performed by the Commissioner for Enlargement and Neighbourhood Policy, which implied the disadvantage that he had to reply on CFSP issues without being involved in relevant discussions. Therefore, since the second half of 2011, this function was handed over to the foreign ministers of the rotating presidencies, who, however, often delegated it to state secretaries or ministers of European affairs (Helwig, 2013: 53). For both, MEPs as well as the EEAS, an ideal interlocutor for the AFET committee would be the Secretary-General of the EEAS, who already assists the rotating Presidency regularly in the Committee debriefings. According to an EEAS official, the facts that he was directly responsible to Ashton and thus institutionally closer to her than the rotating presidency and that he regularly attended the FAC meetings beside Ashton, made him particularly suitable for this task (EEAS official, 2011b). The only shortcoming for the EP in this constellation lies in the fact that the Secretary-General, like any EEAS official, is

not politically accountable, as requested by the EP (Furness, 2013: 113) given that he is only appointed by the HR/VP but not mandated by the Council (Helwig, 2013: 53).

Finally, with regard to political dialogue with third parties, it is obvious that the HR/VP is unable to fully live up to Art. 27 (2) given that she cannot assure her presence at the more than 80 dialogues a year that take place on ministerial level (High Representative, 2011: 5). Currently, her replacement runs on a case-by-case basis, which has the disadvantages of being non-transparent to third parties and of leading to potential inter-institutional turf-wars for the right to representation. Therefore, according to an official, the EEAS had elaborated a comprehensive political supporting arrangement for the HR/VP that should ensure her replacement in these meetings (EEAS official, 2011b), which however – given the corresponding recommendations in the actual 2013 EEAS review (High Representative, 2013: 13, 18) – still needs to be formally adopted. This blueprint aimed to enhance the EU's predictability in its third country representation by establishing four different options for the HR/VP's replacement, among which the most suitable could be chosen according to its suitability in individual cases:

The first option consisted in the replacement by a Commissioner (notably for Neighbourhood or Enlargement) together with the rotating Presidency. Second, a MS's minister of Foreign Affairs other than the rotating presidency replaced Ashton if it was particularly suitable in the given situation (e.g. close ties between the third party and the respective MS). Third, in relations, which included a strong supranational policy dimension (e.g. development, neighbourhood) it was up to the respective Commissioner, who was flanked with a senior EEAS official (notably Vimont). Finally, a decision could also be made in favour of pure deputisation, by leaving the task of conducting third party dialogue entirely to the EEAS Executive Secretary-General (EEAS official, 2011b).

In the course of this contribution, which discussed the organisation of the EEAS senior management, as well as the functioning of the working relations of the HR/VP and her top-level management with other actors, four areas were highlighted that show room for improvement. These are notably, the rather complex senior administrative structure that raises the question of a clear division of responsibilities, the agenda-setting process in the FAC, the HR/VP's available means to ensure her coordination role in the Commission and the question, who represents her in the different EU institutions and towards third countries.

The HR/VP, the EEAS senior management and the 2013 review: which way forward?

In the debate about expedient reforms to improve the functioning of the EEAS in the forefront of the EEAS mid-2013 review, certain EU Member States proved to be particularly active. Even before the release of the HR/VP report on the functioning of the EEAS in late December 2011, a group of 12 MS presented their proposals in a non-paper (Joint Letter, 2011). This was followed by two further documents adopted by a grouping of 11 Member States in September 2012 (Future Group, 2012) as well as a group of 14 MS in February 2013 (MFA Non-paper, 2013). In addition, the EP's AFET committee under the rapporteurs Elmar Brok and Roberto Gualtieri also issued its recommendations (AFET, 2013).

With regard to the position of the HR/VP and the organisation of the EEAS senior management, the recommendations in these documents can be summarised as follows:
- While one MS non-paper called for a review of the EEAS senior-level governance in general "with a view to ensuring clear reporting lines and division of tasks" (MFA Non-paper, 2013: 2), the EP's recommendations are quite precise in this regard. In particular, they suggest to modifying the current structure of the corporate board through strengthening the role of the EEAS Secretary-General by establishing a clear chain of command.[11] Moreover, the posts of the Chief Operating Officer and the Managing Director for Administration should be rationalised and "the relevant competences within the management structure" clearly defined (AFET, 2013: 6).
- Albeit partly couched in diplomatic language, basically all MS non-papers argued for a more focused and strategic identification of political priorities in the FAC, notably by the introduction of a six-monthly or yearly agenda planning (Future Group, 2012: 7; Joint Letter, 2011: 1).
- Moreover, the strengthening of the HR/VP's institutional coordinating capacity within the Commission is an issue advocated unanimously by both, the EP and MS. While the EP simply urges to see her role strengthened within the RELEX Group (AFET, 2013: 6), EU MS are more concrete. They recommend making the HR/VP also responsible for Neighbourhood (MFA Non-paper, 2013: 14) and Development Policy as well as to introduce "clear rules on cooperation between the HR/VP and other Commissioners" in charge of policies with an external dimension (Future Group, 2012: 6; MFA Non-paper, 2013: 2), which would allow for better coordination. Interestingly, certain MS could see this implemented within the framework of a Commission college consisting of 'senior'

---

11 Interestingly, this runs contrary to the EP's earlier position in the quadrilogue, were – as demonstrated – it argued against a powerful role of the Secretary-General at the top of the EEAS hierarchy; see: Erkelens and Blockmans, 2012: 27.

and "junior" Commissioners, thereby obviously having in mind a reduction of the num-ber of Commissioners (Future Group, 2012: 6, 7-8). Although not mentioned explicitly, this seems to suggest an enforcement authority for the HR/VP, providing her post would be the one of a "senior Commissioner", which is very likely.

▪   Finally, as to the question of deputies, it is notably the EP, which – in line with its tra-ditional position – requests the designation of one or more deputies that are politically accountable to the EP. In addition other RELEX Commissioners should also be able to "represent the HR/VP for [both], parliamentary matters and internationally" and even MS' foreign ministers should be foreseen for taking over "specific tasks" (AFET, 2013: 6). Thus, this ambitious proposal basically calls for a comprehensive system of repre-sentation in- and outside the EU institutional arena. EU MS, in contrast, take a more moderate stance in so far as only one non-paper briefly touches upon the issue of repre-sentation (MFA Non-paper, 2013: 2).

According to article 13 (3) of the 2010 Council Decision on the EEAS, the HR/VP presented the official EEAS Review in July 2013. With a view to demonstrate "what works and what doesn't" the report also addresses a wide range of issues, including those examined in this contribution and closes with a list of recommendations classified as either short- or long-term.

Regarding the structure of the EEAS senior management, the report stresses the importance of having had two posts at the very highest level during the setting-up period of the service in form of an Executive Secretary General and a Chief Operating Officer given the chal-lenges this process brought about. As this duality would "be less compelling" in the upcom-ing phase (High Representative, 2011: 4), the HR/VP recommends to "streamline EEAS top management" in the medium-term by concentrating these two posts into a "single post of Secretary General" and reducing the number of Managing Directors.[12] Thus, it can be concluded that opinions of stakeholders, notably the EP, and commentators were well taken into account on this issue.

While the difficulties in the formulation and implementation of the agenda in the FAC, are not detailed in the report, it is suggested among the proposals that the "EEAS should present medium-term strategies for specific regions or thematic issues in line with the established policy priorities for discussion in the Council according to an agreed agenda" (High Rep-resentative, 2011: 16). Although this proposal still leaves open the process how exactly MS

---

[12]   Contrary to the EP-proposal, the EEAS review provides that the Secretary General could be supported on organisational issues by the MD for Administration as necessary; see: High Representative, 2011: 18.

can contribute to the formulation of the agenda, it delineates a way towards a more stable, focused and longer-term agenda management.

As to her 'hat' as Vice-President of the Commission, the HR/VP addresses the challenges identified in this institutions in the short term in various ways. Most importantly and in line with certain MS and the EP, the report puts forward the necessity to "confirm [the] lead coordinating role of the HR/VP […] for all external relations issues", still without detailing the "internal organisational changes" or legal or institutional modifications required, a task from which the review refrains explicitly. Besides, meetings of the RELEX Group should be chaired by the HR/VP and held on a regular basis (High Representative, 2011: 16). This measure is certainly well-founded given the rather limited output of the Group, which is why this issue was brought up by MS as well as observers (MFA Non-paper, 2013: 2; Helwig, Ivan & Kostanyan, 2013: 35). Another quite innovative idea to avoid the HR/VP's absence in Commission College meetings is to allow for video-conferencing (High Representative, 2011: 16), which however features only in the report's analysis but is not tabled as a recommendation. In the long-term, a modification that should be respected inter alia in the context of the future allocation of Commission portfolios is to "clarify the HR/VP's lead responsibility for relations with Western Balkans and ENP countries" as the designation of a Neighbourhood Commissioner "risked confusion", "when the geographic responsibility for these countries" (High Representative, 2011: 8) lies with the HR/VP. Read together with the corresponding, explaining part in the analysis, this would suggest a streamlining of the Commission structure by not nominating an own Commissioner for the neighbourhood anymore. This proposal would certainly make for intense discussions on the political top-level, not least because certain MS equally considered a reduction of the number of Commissioners.

Finally, an issue also linked to the aim of strengthening her Vice-President role is the question of deputising for the HR/VP. As demonstrated above, "current arrangements for other EU representatives to deputise for the HR/VP" (High Representative, 2011: 13) either work on an ad-hoc basis, like in the case of third country dialogue or are inefficient, as it is the case in the Commission. Based on a similar appraisal, the report – in line with the EP – recommends on the one hand to "clarify a system of political deput(ies) for the [HR/VP] either within EEAS structures or through [a] clearer [coordination] responsibility for the HR/VP over other Commissioners." At the same time, those existing practices in place, where Foreign Ministers, members of the Commission and senior EEAS officials deputise should be formalised (High Representative, 2011: 18), like presented by the blueprint discussed in the chapter before relating to third party dialogue. A point where the HR/VP and the EP hold diverging views are notably her representation in the EP plenaries. The review report proposes to allow also senior EEAS officials to represent her in the plenary, which would necessitate a revision of the Declaration on Political Accountability. Yet, as senior officials

are not politically accountable to the EP, this runs contrary the EP's official position. An interesting compromise presented in this respect would be "an agreement between the Council and the [EP] that an EEAS representative is mandated by the foreign ministers to report on their meetings under the political responsibility of the HR/VP" (Helwig, Ivan & Kostanyan, 2013: 54). The creation of "new formal deputy HR/VP position(s)" is well mentioned by the report. Yet the feasibility of this measure is rightly questioned given "the absence of a clear legal basis in the Treaty" (High Representative, 2011: 13).

In summary, as the contribution has identified a number of unanimous recommendations made by the HR/VP, MS and the EP on the HR/VP's role and the EEAS senior management, it is well likely that the EEAS and the EU institutional setting will undergo appropriate reforms, in particular with the beginning of the new HR/VP's mandate in 2014. The chances that the streamlining of the EEAS top management structure and the establishment of a longer-oriented agenda-management as well as systematic arrangement for the HR/VP's replacement are implemented in the foreseeable future are certainly high. Yet, other modifications, especially those that require profound changes in the Commission working arrangements or the creation of deputies for the HR/VP will be difficult to put into action due to likely political opposition or limitations in form of legal provisions.

References

Barroso, J. M. (2009) Mission letters from President Barroso to the Commissioners designate 2010-2014.

Blookmans, S. & Laatsit, L. S. (2012) 'The European External Action Service: Enhancing Coherence in EU External Action?' in EU External Relations Law and Policy in the Post-Lisbon Era, ed PJ Cardwell, T.M.C. Asser Press, The Hague.

Brok, E. (2010) *EEAS unacceptable to the European Parliament,* press release, 25 March 2010.

Chalmers, D., Davies, G. & Monti, G. (2010) *European Union Law*, 2nd edn., Cambridge University Press, Cambridge.

Council of the European Union (2010) 'Council Decision 2010/427/EC of 26 July 2010 establishing the organisation and functioning of the European External Action Service', *Official Journal of the European Union*, L 201/30, 3 August 2010.

Council of the European Union (2009a) 'Presidency report to the European Council on the European External Action Service', 14930/09.

Council of the European Union (2009b) 'Council Rules of Procedure', 2009/937/EU, *Official Journal of the European Union*, L 325/35, 11 December 2009.

Duke, S. (2012) 'The European External Action Service. Antidote against Incoherence?', *European Foreign Affairs Review,* vol. 17, no. 1.

Duke, S., Pomorska, K. & Vanhoonacker, S. (2012) *The EU's Diplomatic Architecture: The Mid-term Challenge*, The Diplomatic System of the EU Network.

EEAS (2010) *High Representative Catherine Ashton completes the EAS top management team*, press release, 29 October 2010.

EEAS official (2011a) interview, Warsaw, 3 March 2011.

EEAS official (2011b) interview, Brussels, 1 April 2011.

Eeckhout, P. (2012) *EU External Relations Law,* 2nd edn., Oxford University Press, Oxford.

Erkelens, L. & Blockmans, S. (2012) *Setting up the European External Action Service: An institutional act of balance*, Centre for the Law of EU External Relations (CLEER), The Hague, no. 1.

European Commission official (2011) interview, Brussels, 11 March 2011.

European Commission (2010) 'Commission Decision (2010/138/EU, Euratom) of 24 February 2010 amending its Rules of Procedures', *Official Journal of the European Union*, L55, 5 March 2010.

European Convention (2002a) *Mandate of Working Group VII on External Action,* CONV 252/02.

European Convention (2002b) *Summary of the meeting of Working Group VII held on 8 October 2002,* CONV 342/02.

European Convention (2002c) *Final Report of Working Group VII,* CONV 459/02.

European Convention (2002d) *Summary Report on the Plenary Session held on 20 December 2002*, CONV 473/02.

European Convention (2003) *Draft Treaty establishing a Constitution for Europe,* CONV 850/03.

European Parliament & European Commission (2010) 'Framework Agreement on relations between the European Parliament and the European Commission', *Official Journal of the European Union*, L 304, 20 November 2010.

European Parliament Committee on Foreign Affairs (2013) Recommendation on the 2013 review of the organisation and functioning of the EEAS, 2012/2253(INI).

Furness, M. (2013) 'Who contols the European External Action Service? Agent Autonomy in EU External Policy', *European Foreign Affairs Review*, vol. 18, no. 1.

Future Group (2012) *Final Report of the Future Group of the Foreign Ministers of 11 EU Member States*, 17. September 2012.

Helwig, N. & Ivan, P. & Kostanyan, H. (2013) *The New EU Foreign Policy Architecture – Reviewing the First Two Years of the EEAS*, Centre for European Policy Studies, Brussels.

Helwig, N. (2013) 'EU Foreign Policy and the High Representative's Capability-Expectations Gap: A question of Political Will', *European Foreign Affairs Review*, vol. 18, no. 2.

High Representative (2013) EEAS Review, Brussels.

High Representative (2011) Report by the High Representative to the European Parliament, the Council and the Commission, 22 December 2011.

High Representative (2010) 'Declaration by the High Representative on Political Accountability', Official Journal of the European Union, C 210/1.

Howorth, J. (2011) 'The 'New Faces' of Lisbon: Assessing the Performance of Catherine Ashton and Herman van Rompuy on the Global Stage', *European Foreign Affairs Review,* vol. 16, no. 3.

Joint Letter (2011) *Joint Letter of the Foreign Ministers of 12 EU Member States to the High Representative,* 8 December 2011.

Kaczynski, P. M. & o Broin, P. & Dehousse, F. & de Schoutheete, P. & Heremans, T. & Keller, J. & Emmanouilidis, J. & Missiroli, A. & Stratulat, C. (2010) *The Treaty of Lisbon: A Second Look at the Institutional Innovations*, Centre for European Policy Studies, EGMONT Institute & European Policy Centre, Brussels.

Kaddous, C. (2008) 'Role and Position of the High Representative of the Union for Foreign Affairs and Security Policy under the Lisbon Treaty' in *The Lisbon Treaty: EU Constitutionalism Without a Constitutional Treaty?* eds S Griller & J Ziller, Springer, Vienna.

Nugent, N. (2010) *The Government and Politics of the European Union,* 7th edn., Palgrave Macmillan, Basingstoke.

Ministries of Foreign Affairs Non-paper (2013) *Strengthening the European External Action Service*, Ministries of Foreign Affairs of 14 EU Member States, 1 February 2013.

Piris, J.-C. (2010) *The Lisbon Treaty. A Legal and Political Analysis*, Cambridge University Press, Cambridge.

Treaty on European Union, European Union (2012) *Consolidated Version of the Treaty on European Union,* Official Journal of the European Union, C 326/13, 26 October 2012.

Wisniewski, E. (2013) 'The Influence of the European Parliament on the European External Action Service', *European Foreign Affairs Review*, vol. 18, no. 1.

Wouters, J., Coppens, D. & De Meester, B. (2008) 'The European Union's External Relations after the Lisbon Treaty' in *The Lisbon Treaty: EU Constitutionalism Without a Constitutional Treaty ?,* eds S Griller & J Ziller, Springer, Vienna.

Giving the EU One Voice Abroad:
The European Union Delegations

Doris Dialer / Frauke Austermann

Introduction

Almost four years after its inception, the evaluations of the European External Action Service (EEAS), in giving the European Union 'one voice' have been rather pessimistic (see for example Barber 2010; Dworkin, Korski, and Witney 2011). Considering the uncertainties about the division of labour and responsibilities, which have led to genuine 'turf fights' among the different EU institutions and divisions, some of the criticism is justified. Analysing the headquarters in Brussels of the new foreign service at EU-level is however only part of the story. Just like any other foreign service, the EEAS consists of a central office in the 'capital city' Brussels and a network of diplomatic antennas, called 'European Union Delegations' (EUDs), that are located in capital cities of non-EU countries all over the world.

Most research on the EEAS has focused on the leadership structures in Brussels. Meanwhile, the EU's diplomatic system of European Union Delegations has so far received surprisingly little attention. First analyses draw a positive picture: Wouters and Van Vooren call the EUDs "the most conspicuous success of the new set-up" (2013, 4. July, 20). Rosa Balfour agrees by claiming that the "Delegations are saving EU foreign policy" (Balfour 2013a). Nonetheless, one should be cautious. As Hayes points out, despite their decisive role in instilling coherence, effectiveness and continuity in EU external relations, scholarly analyses and explanations for the apparent success of the EUDs are still rare (Hayes 2013, 27-39).

This chapter attempts to contribute to filling this research gap. Based on a Principal-Agent (PA) approach, our central message is that the EU Delegations have contributed to strengthen the EU's voice in global politics. There are three main reasons for this: first, the historical development of the EU Delegations; second, the institutional make-up of the post-Lisbon EU Delegations in relation to their headquarters; and third, the pressure of external actors on the EU to integrate its diplomatic system.

We will unpack this central message as follows: after setting the theoretical framework, we first give a short historical background of the dynamics of the EU Delegations network. We will then turn to the mandate and the current role of the EUDs. The pivotal role in external representation of the Union by EU Delegations finds its basis in Art 221(1) TFEU, which was

newly inserted into the Lisbon Treaty. The purpose of this Treaty provision is to strengthen the potential to speak with one external voice on behalf of a single legal entity (Blockmans and Hillion 2013, 56). Duke highlights that the European Union Delegations are still in a learning process regarding their exact role but are becoming increasingly important in the eyes of third countries and other EU partners. Given their practical role they can already be considered in many ways to be prototype EU 'embassies' (Duke 2012, 45-68). Finally, we will substantiate our central claim with a closer investigation of the EU Delegation to China. Since the EU is regularly criticised for not speaking with one voice towards Beijing, China is a strong case to test the effectiveness of the EUDs. In contrast to the critical voices, we find that the EUD in Beijing is quite apt to help strengthening a one-voice policy towards China. In addition to the historical development, and the institutional make-up, the case of China also reveals the influence of external actors on the EU to integrate its diplomatic system. Such impact is commonly known under the notion of 'externalization' (Schmitter 1969, Haas and Rowe 1973). This concept helps explain the impact of outside stimuli on the development of EUDs as emerging political actors within the EEAS institutional framework.

Theoretical Framework

'Delegation' is a phenomenon that is no longer exclusively common in Economics and Management studies but increasingly in International Relations. In the course of globalisation which leads to an extreme complexity of issues and politics that are difficult to handle by nation-states alone, states increasingly decide to delegate certain tasks to agents such as international organisations. Needless to say, the nation-states as the principals expect such agents to execute the tasks delegated in their (the principals') best interests. Finding covering laws under which circumstances agents would act in their principals' best interests and under what conditions they are rather able to put their own preferences into practice is what scholars who are working on and with Principal Agent (PA) theory seek to find out (see for example Pollack 1997, 2000, 2007; Blom-Hansen 2005).

In the discipline of IR, the European Union is an interesting case study for PA theory. After all, considerable tasks and competences have been delegated to the EU by its member states in the course of the past decades. This is why the PA approach has experienced a rapid ascent in the study of EU institutions, for example the European Commission (Pollack 2000), the EU Council Presidency (Tallberg, 2003), the European Parliament (Hix et al 2007), and recently the EEAS (Furness 2013). When it comes to the example of the EEAS as and external diplomatic service, there are methodological concerns with regard to the specification of multiple PA relationships due to the fact that most of PA-based EU studies are only concerned with the autonomy of the EU Institutions vis-à-vis the Member States.

Applying the PA approach to the topic of this chapter, the European Union Delegations, illustrates the advantages of this approach as a heuristic device. It offers a theoretical framework for interpreting the concept of delegating external tasks to EUDs. As their name already implies, authority is meant to be 'delegated' from the principals to the EUDs. Yet, the notion of 'delegation' in this case accommodates much of the institutional complexity of the EEAS and with its EUD network. There are methodological concerns which are linked directly to the complex structure and the amount of tasks of the EEAS set out in the Decision to establish the EEAS: first, the EEAS is supposed to 'support the HR in fulfilling her/his mandate' (Art 2(1) EEAS Decision); second, it must 'assist the President of the European Council, the President of the Commission, and the Commission (Art 2(2) EEAS Decision); third, it has to 'support, and work in cooperation with, the diplomatic services of the member states [...] in order to ensure consistency between the different areas of the Union's external action and between those areas and its other policies' (Art 3(1) EEAS Decision; also Art 21(3) TEU).

This is not only stipulated in the Treaty but also reflected in the human resources of the EEAS which have been merged from departments of three different institutions: the Commission, the Council, and the national diplomatic services, too. By extension, this gives the EU Delegations a special role in the EU's institutional architecture: they are sub-agents of the EEAS headquarters as well as of the Commission.[1] At the same time they directly provide services to the member states.

This sub-agency of the EUDs hence results in a hyper-complex PA interconnection. When it comes to the degree of autonomy of agents in relation to their principals, collective agents like the EUDs are quite comfortably positioned: Furness has shown that the autonomy of a sub-agent is greater when there are several principals (Furness 2013). Moreover, taking into account the so-called centre-periphery model, the sheer geographical distance between the sub-agents and the principals may significantly enhance the sub-agents' autonomy.

In this regard, third countries should not be neglected. Countries that are not part of the EU may foster or weaken the European integration process. The role of the United States in helping set up the European integration process in the first place is the prime example (Dedman 2009, 54). Vice-versa, the UK has sought to slow down the integration process when it was not yet a member. Theoretically, such influence of actors that are outside of the European integration process has been conceptualised by Philippe Schmitter as 'externalisation' (Schmitter 1969, 165). Applied to the EUDs, and as we will see in this chapter, third countries may foster or limit the autonomy of the EUDs vis-à-vis their various principals,

---

1   In addition, according to Art 3(4) EEAS Decision, the EEAS must 'extend appropriate support and cooperation to the other bodies of the Union, in particular to the European Parliament'.

such as by turning towards them rather than the MS' embassies or by treating them as proper diplomatic missions.

The challenge is therefore to make the EUDs remain loyal towards the member states as principals as well as to the EEAS Headquarters and the Commission who are themselves agents to the member states—and this endeavour is all the more challenging given the geographical distance of EUDs from Brussels and the MS' capital cities as well as the potential impact of third countries.

Theoretically, Blom-Hansen (2005, 629) focuses on four possible control mechanisms to influence agents' behaviour which fit to the analysis of the EUDs: first, the agents have to be selected carefully; second, the principals can set up contracts and agreements; third, the principals can monitor agent performance; and fourth, the principals can apply sanctions. To ensure that agents comply with the 'framework agreement' the principals may set up an oversight mechanism. McCubbins and Schwartz (1984, 166) distinguish between two classic forms of oversight: police-patrol and fire-alarm. While police-patrol comprises centralised and regular scientific studies and field observation, which is quite costly and cumbersome, the decentralised fire-alarm approach enables the public, NGOs and other stakeholders to hold the agents accountable. In the following section, we will examine how the EU Delegations have managed to increase their autonomy and hence their influence over time—and how the member states and other principals have sought to keep them in check.

Historical Background of the Delegations

Today, the Delegations are supposed to be the eyes, ears and mouthpiece of the EU and its member states towards the authorities and the population in their host countries. Although they are not a new invention, this has not always been the case. Over the last decades, the Delegations have increased their field of competence from being mere information offices in the 1950s to prototype 'European embassies' after Lisbon. This section uncovers this increase in delegating authority from principals to agents accompanied by a growing autonomy of Delegations.

Before the Lisbon-era, only the European Commission maintained representative offices in capital cities spread around the world, the so-called 'European Commission Delegations' (ECDs). Functionally, the ECDs served the European Community/Union as a whole even before the Lisbon-era. Nonetheless, they could not formally be considered representations of either the Community or the Union. Tying up to Blom-Hansen, one reason for this autonomy of the agent may have been the lack of a formal agreement/contract up until the 1980s (2005,

629; cf. Austermann 2013, 76). In any event, officially, the responsibility to represent the Union as a whole was assumed by the embassy of the EU member state holding the rotating Council Presidency. When the EU member state in charge of the Presidency was not represented in a particular third country, the member state holding the previous or following Council Presidency took up the task (Comelli and Matarazzo 2011, 3).

In organisational terms, external diplomatic representation was by no means the original idea of the Commission Delegations. Just as the European integration project evolved over time, both in terms of 'deepening and widening', the Delegations' role and tasks evolved accordingly, that is in an incremental way. Apart from informing key allies, such as the US or the UK about the European integration project, the original idea of a network of physical representations was linked to the decolonisation period, when Commission Delegations started to proliferate in the 1960s and 1970s mainly in former French and British colonies. The main task of these Delegations was to implement EC development aid. In the 1960s, ten out of twelve Delegation offices were located on the African continent (Austermann 2013, 65). Due to the Delegations' long-term presence in developing countries, they have developed a local expertise upon which national embassies rely—and which has given the Delegations further leeway of action (European diplomats 2010).

Given the on-going economic integration process, Commission Delegations were also opened in the capital cities of the EU's key trading partners, such as Japan and later in China. With the accession of Portugal and Spain the network was expanded to Latin American and Mediterranean states. Almost going hand in hand with the Iberian enlargement of 1986, the member states started to rely on the Delegation's expertise in EC policy, especially in trade disputes (Moran and Ponz Canto 2004, 24; 47). While the Delegations' work was generally appreciated, the local national embassies also regularly performed the function of monitoring bodies. If they felt that the Delegations' Heads or other officials overstepped their mandate, such as by entering policy domains where the EU had not (yet) acquired official competence, they would set up a 'diplomatic fire-alarm' and remind the Delegations discretely but clearly to stay in their terrain (Duchâteau 2004, 11). However, such monitoring was still limited. After all, the Delegations did not have a legal base up until the mid-1980s. Applying proper sanctions to keep the agent in check was hence not an option.

Thus, despite the exponential increase of the number of Delegation offices in the 1960s and 1970s, it was only with the Single European Act (SEA) of 1987 that the Delegations were for the first time included in the framework of the treaties and called for cooperation among the MS' embassies and the Commission Delegations (SEA Art. 30.9).

However, until the Maastricht Treaty (1993), in which the Commission's Delegations were addressed under Title V in the framework of the newly established Common Foreign and Security Policy (CFSP), one can hardly speak of 'diplomatic representations'. It was only with 'Maastricht' that the first far-reaching reform of the External Service, namely the creation of a Unified External Service (UES), was launched.

In comparison to the SEA, the TEU also upgraded and consolidated the Council Secretariat's role in the European Political Cooperation (EPC; now CFSP); it extended the EPC to security and defence issues and established a third pillar. The Treaty of Amsterdam did not amend the Maastricht text, but strengthened CFSP by creating the post of the HR and establishing the ESDP (Spence 2006, 406 f). This further involvement of the EU in classical 'high politics' in turn meant that the sub-agents, the Delegations, were also increasingly involved in foreign policy, diplomacy, and even defence matters. Although the European Parliament's involvement in foreign policy was still minimal, it played a decisive role in monitoring the financial appropriations, also for the Delegations. Seeking to strengthen the Union's role in the world, the EP's actions further prompted the professionalisation of the service in terms of staff regulation (Spence 2006, 408).

This increasing professionalisation and contractualisation of the relations between the ECDs and Brussels/the MS was however not necessarily advantageous. The previous informality and lack of a blueprint meant that there was never a stable flow of instructions from Brussels to the ECDs as it is the case for member state capitals and embassies. As a result, the Delegations were able to act rapidly and efficiently (European diplomat 19/09/2011). Brussels decision-makers were aware of this trade-off of professionalisation and autonomy and sought to reverse this development. When the following Commission Colleges, those of Jacques Santer (1995-99) and Romano Prodi (1999-2004), took office they were eager to reform the Commission Delegations' institutional set-up before the two waves of enlargement in 2004 and 2007. In the early 2000s the Prodi Commission decided to create the new DG EuropeAid and to progressively transfer staff and financial resources from the Brussels headquarters to Delegations in order to improve the quality and delivery of external aid and technical assistance. This far-reaching adjustment of responsibilities between headquarters and Delegations was known as 'deconcentration' (Hocking and Spence 2005, 9; Lloveras Soler 2011, 15).[2] The new policies had a profound effect on agents' autonomy and empowerment of EUDs leadership.

But not only Brussels was decisive in strengthening the role of the Delegations. Revealing the aforementioned impact of third countries, the EU officials were treated similarly

---

2   See 'The Development of the 'External Service' (COM(2001)381 of 3 July 2001).

to regular diplomats already at an early stage. Thus, as early as in the 1970s the Heads of Delegations received the Ambassador title as well as diplomatic immunities that are in line with the 1961 Vienna Convention of on Diplomatic Relations. At the end of the 1980s most Delegations were classified as full diplomatic missions by their host states, and the Delegations' leading EU officials "being accredited at Head of State level" (Moran and Ponz Canto 2004, 36). A qualitative and quantitative contribution of the Delegations to strengthen the EU's voice in global politics was made in the 1990s. After the fall of the Iron Curtain, Heads of Delegations (HoDs) took on the role of enlargement negotiators in Central and Eastern countries requesting EU membership (Hocking and Spence 2005; Spence 2006).

Yet, taking a European perspective, the continuous reform that the Delegations had experienced before 'Lisbon' had been dominated primarily by managerial aspects rather than creating a diplomatic or political culture (Carta 2011, 58-72). As a matter of fact, and even up until today, member state diplomats tend to react sensitively if EUD officials are put on the same diplomatic level—and successfully so; even after Lisbon, Heads of Delegations are careful to use the Ambassador-title when meeting their national counterparts (European diplomats 2010).

Nonetheless, the further 'diplomatisation' (and arguably the autonomy) of the Delegations couldn't be stopped. In the beginning of the new millennium, the Convention on the Future of Europe was supposed to establish a Constitution for the EU project. Here, the question of more coherence in EU external relations was put high up on the agenda. The idea of an External Action Service (EAS) then first appeared in the Constitutional Treaty (Article III-296). After time-consuming negotiations and three referenda rejections of the Constitutional Treaty, the 'European External Action Service' was finally moved into Title V of the Lisbon Treaty.

Originally in Art 27(3) TEU, which is the only provision in the TEU and TFEU that deals with the EEAS, there was no clear position on whether or how the Delegations should form part of it. Yet, the assumption by the EU of legal personality (Art 32 TEU) implied that the EUDs, unlike the Commission Delegations, should be more political, coherent and consistent since the full range of EU competences in external relations can be represented by them (Duke 2008). The question of how the MS should be linked to the EUDs in terms of preparation and most of all recruitment remained open until the Council Decision 2010/42/EU establishing the organisation and functioning of the EEAS was adopted. Recruitment however was highly important also from a theoretical perspective: going back to Blom-Hansen's four ways of how principals can control agents, 'feeding' the new EUDs with human resources from the national foreign services implies a careful selection of agents. In a way, member states can hence directly monitor the EUDs from within.

Despite long and cumbersome negotiations, EU decision-makers at both national and supra-national level have come up with detailed stipulations concerning the institutional set-up of the EEAS in general and the Delegations in particular. The following section will analyse these in more depth.

Post-Lisbon Institutional Make-Up of the Delegations

At the dawn of the Lisbon Treaty, the EU has operated about 140 EUDs and offices repre-senting the Union in 163 third countries and to all important international institutions (EEAS Review 2013, 3). Only France, Germany, Italy and the UK, amongst the MS, can boast hav-ing more external representations (Austermann 2012). Officially, on 1 January 2010 all these former European Commission Delegations were renamed EU Delegations and were gradu-ally upgraded. To classify EUDs, the EEAS combines geographical, strategic and functional criteria. In this context the EEAS distinguishes between the following five global regions: 1. Asia and the Pacific, 2. Africa, 3. Europe and Central Asia, 4. North Africa, Middle East, Arabian Peninsula, Iran, Iraq and 5. Americas.

According to Art 5(1) of Council Decision 2010/427/EU, the High Representative/Vice President of the European Commission (HR/VP) is responsible for opening and closing Delegations in agreement with the Council and the Commission, and—in practice—also with the European Parliament. The previous relative autonomy of the Commission to open and close Delegations where it seems necessary is hence clearly limited (Austermann 2013, 65). Nonetheless, since the creation of the EEAS, new Delegations have been established, notably in South Sudan, Libya and the Republic of the Union of Myanmar (Burma). Another Delegation will soon be opened in the United Arab Emirates (UAE). Delegations have been closed in Suriname (now accredited to the EU Delegation in Guyana) and New Caledonia (now a Commission office). The Delegation in Vanuatu will be closed soon as the result of a redeployment of resources (EEAS Review 2013, 11). Such redeployment was also trig-gered by the 'fire alarm' approach by the European Parliament. The EP has not only flexed its budgetary muscles towards the EEAS in general but more specifically when it comes to the Delegations (Euractiv 2010; Wisniewski 2013). To give an example, MEPs raised criti-cal questions about the existence and the staffing of Delegations in remote places such as Fiji and the non-existence of Delegations in strategically important locations (see e.g. Martin 2011).

Apart from changes in the procedure of opening and closing Delegations Lisbon more im-portantly substantively upgraded the Delegations' role. They now have an official mandate to represent the EU as a whole. Thus, they do no longer speak on behalf of only the Commis-

sion. At least theoretically, the EUDs now offer a single point of contact of the EU for third countries, and the necessary coherence across all EU policies in bilateral and multilateral settings. This increased political role post-Lisbon enables them to represent EU statements and demarches and to permanently chair EU internal coordination meetings in 'close cooperation' with the MS' national embassies on the ground in third countries (Art 5 (9) EEAS Decision).

Thus, the EU Delegations are now entrusted with the permanent Union Presidency in third country capitals. In order to implement the newly delegated tasks, the EUDs have established and developed political sections. This also increases their diplomatic professionalism (Helwig, Ivan and Kostanyan 2013). Yet, Wouters et al. (2013, 65 f) emphasise that only around 30 EUDs have a Deputy Head of Delegation and that political sections of most EUDs are negligible due to the shortage and lacking of diplomatic expertise of Commission staff working on political issues. This seems quite natural taking into account the unwillingness of the MS to tackle this problem by allocating further resources and giving up parts of nation-state sovereignty in foreign policy matters. Still, the Heads of Delegations cannot speak on behalf of the EU unless all member state' Ambassadors have given their approval. This is in accordance with the unanimity rule in CFSP decision-making which has not been changed by the Lisbon Treaty. Moreover, any political statements they make first need clearance from headquarters in Brussels (Furness 2013).

Another limitation to the EUDs' leeway of action is that under the current rules only the Commission can implement the EU's operational budget (such as development aid). EEAS Heads of Delegations worldwide are exceptionally allowed to manage operational expenditure on behalf of the EC. In terms of PA approach, sub-agents (EUDs) are thus subjects to two sets of instructions, those from the EEAS and those from the Commission. As a matter of fact, most coordination problems stem from a lack of cooperation between the Commission and the EEAS Headquarters in Brussels. The Commission's former and factual leading role in external relations is predominant and Brussels-centred whilst the interests of the MS are more heterogeneous and decentralised. It can hence still exert considerable control over the EUDs despite the fact that it is no longer the official sole principal.

To avoid PA conflicts, the Council Decision 2010/427/EU provides in its preamble for 'detailed arrangements' between the Commission and the EEAS. These arrangements[3] further oblige the Commission to send the Head of Delegation and the EEAS a simultaneous copy of its instructions to the EUDs (Wouters et al 2013, 66). Referring back to the PA approach,

---

3   See Working Arrangements between Commission Services and the European External Action Service (EEAS) in relation to external relations issues, SEC(2012)48, 13 January 2012.

the newly acquired competences hence go hand in hand with very detailed contractual agreements and monitoring of the EUDs' performance towards the EEAS headquarters, towards the Commission, and towards the member states' foreign services. Nonetheless, given multiple principals, the EUD staff is likely to increase autonomy by exploiting differences among its principals (Furness, 109). Due to the fact that principals cannot always control the action of agents they have indeed some independence to pursue their own objectives in policy negotiations (European diplomats 2010). Arguing in accordance with Pollack (1997) and Furness (2013, 105) the possibility of 'agency slippage' contributes to tensions in the PA relationship. Since there is not yet an established system of political reporting to EEAS Headquarters and Commission DGs individual Heads of Delegation define working methods and information flow. In this context, the sub-agents might undertake own political initiatives, based on the assumption that they know best the situation 'on the ground' (Wouters et al 2013, 69 f).

As mentioned in the theory-section, principals can exert control over agents by carefully selecting them (Blom-Hansen 2005, 629). As the new 'EU Ambassadors', the Heads of EU Delegations (HoDs) are certainly a key target of such a selection. HoDs are officially appointed by the HR/VP. As we know by now, since Lisbon, also national diplomats may apply for positions in the EEAS. It turns out that the member states were very eager to 'secure' Heads of Delegations (HoD) positions in strategically important locations by motivating 'their' diplomats to apply which allows them to monitor the EUDs and realise the MS' interests from the inside (European diplomats 2010).

But not only the HoD positions are a means to select agents. Regular post-Lisbon Delegation staff has remarkable competences as well. They prepare political reports about the host countries, approve projects and programmes, monitor their feasibility and offer technical assistance if necessary. As a result, the MS were also eager to encourage their diplomats for positions other than HoD or Vice-HoD. Yet, the relation of sub-agents, agent and principals depends mostly on the managerial quality of Heads of Delegations and the composition of EUD staff in general: by November 2012, 39.5 per cent of EUDs staff at AD level came from national diplomatic services, whereas the large majority of the remaining posts were filled by permanent officials of the Commission (Wouters et al 2013, 64).

To make things even more complex, it should be noted that the MS are by no means a homogenous collective principal. In fact, smaller MS see a bigger merit in the EUDs' engagement while bigger nations still tend to see them as a rival. The main reason is their lack of resources. If they have an embassy in a third country, it is usually small; in the majority of third countries, they are however not represented at all. It can hence be said that the EUDs' autonomy towards smaller MS is bigger than towards large MS. It could however be argued

that the severe financial crisis has been already accelerating the 'Europeanisation' of the MS' external relations, and hence the autonomy of EUDs also towards larger MS. After all, financial cuts forced them to shrink or even to close embassies. Spain for instance have closed its embassies in Yemen and Zimbabwe. In many cases, such as Bulgaria, the Czech Republic, Denmark, Greece, Italy, Latvia and Slovakia the number of national diplomatic missions has significantly decreased (Molina and Sorroza 2012). Yet, Raik and Rantanen (2013) revealed a trend to more interest in burden-sharing between EUDs and member states' national diplomacies on three levels: a) the placement of national so-called "laptop diplomats" in EUDs premises (e.g. Finland located a Finnish diplomat in the EUD in Bogota), b) the reporting by EUDs especially concerning smaller MS, and c) the supporting role in crisis coordination (e.g. conflict in Syria). According to Wouters et al. (2013, 71) a final goal may be the physical co-location of national embassies with EUDs. Such co-location already exists Ethiopia (Embassy of Luxembourg) and in Yemen (Spanish Embassy).

Hence, there is an interest in pooling resources on both sides, the MS on the one hand and the EEAS on the other. Succeeding in speaking with one voice will largely depend on the EUDs' capacity to build up an efficient and distinctive 'corporate culture' and "to develop joint political reporting between Delegations and embassies" as was lately recommended by the Committee on Foreign Affairs of the European Parliament.[4] This would also mean further reallocation of resources from the Brussels EEAS Headquarters to abroad, combined with some additional funding or burden sharing between EUDs and national embassies (EEAS Review 2013, 11).

Aside from these general challenges facing the role of the newly established EUDs in third countries, a specific problem arises regarding EU representation in international organisations (IOs). With the Lisbon Treaty the EU has upgraded its status in IOs and agencies. As a supranational body within IOs the EU holds a constellation of roles ranging from full membership which applies to the WTO to 'observer', 'enhanced observer' or 'virtual member' alongside the MS. In the last two cases, the EU has full rights to participate, but no right to vote (Comelli and Matarazzo 2011, 6). However, in contrast to other IOs, the array of functions that the EU performs is much larger and resembles, to some extent, the diplomatic practices of states (e.g. adopt legally binding acts). Yet, especially the collective of principals of the MS are still reluctant to accept the stronger role of the former 'humble' sub-agents in IOs (e.g UN General Assembly). The separation of competences between the EU and the

---

4 European Parliament (Committee on Foreign Affairs), Recommendations to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS (3012/2253(INI)), 26.4.2013, 6.

member states still causes political frictions given the fact that shared EU competences are at stake in almost all IOs (UN, FAO, OECD, OSCE, IAEA, etc.) (Art. 4, TFEU).

Such opposition on the side of the member states to recognise the EU Delegations' new competences confirms the lack of cohesion and strategic vision within the EU even after Lisbon. While the cooperation of the EU's Delegation to the UN with member states initially posed problems ('blocking of statements'), it has improved since the Council agreed on 'general arrangements for EU statements'[5] in 2011.

Yet, competition between the MS and the EU is hardly relevant for the EU Delegation to the WTO, where the EU is a full member and was granted even stronger autonomy on trade matters by the split of the pre-Lisbon Commission Delegation in Geneva into two Delegations (WTO and UN). The EU Delegation in Rome is working on the basis of a triple mandate with the FAO, the Holy See (Vatican) and with the Order of Malta. With the entry into force of the Lisbon Treaty the EUD to the FAO is covering issues of both exclusive and shared competences. The MS argued that relevant national interests (agriculture) are at stake and finally reached a post-Lisbon transitional arrangement (Comelli and Matarazzo 2011, 9). Thus, a central dilemma of the 'principal' principals—the MS—is to balance their foreign policy interests with their common desire to have a strong diplomatic role of the EU legally performed by the EEAS and its sub-agents the EUDs.

Case Study: The EU Delegation in Beijing

So far, the historical section has revealed how the initial informality, the geographical distance, and the influence of third states have helped the Delegations to build up certain autonomy from the Commission, and, by extension, from the member states. Even before any legal stipulation, the Delegations have certainly helped to give the European Community and later the European Union a more unified voice in the world. The subsequent section has shown that while Lisbon has extended the competences delegated to the EUDs and increased their diplomatic profile, the stipulation of contractual rules and agreements has increased the means of the various principals to control the EUDs' work and performance. Meanwhile, PA theory would predict that the post-Lisbon complexity of the principals, which is still a moving target, may enhance the possibilities of the EUDs to re-gain autonomy. Historical analysis is limited to the pre-Lisbon situation and the examination of the institutional make-up is mostly based on the new legal stipulations. Therefore, in order to investigate

---

5   Council of the European Union, EU Statements in multilateral Organizations: General Arrangements, 15901/11, 24 October 2011.

this theoretical prediction and well as the general possibilities of the EUDs to contribute to a one-voice policy, we will now add more empirical evidence of the actual practice of Delegations post-Lisbon.

While it is beyond the scope of this chapter, and arguably of any book on the EEAS, to provide an analysis of all currently existing Delegations, a selection needs to be made. Even after Lisbon, the EU is still reproached not to speak with one voice and it is the purpose of this book to investigate this phenomenon. Meanwhile, it should be noted that the critique depends on the third country in question. Thus, we often hear that the EU does not manage to create a common foreign policy towards countries such as China (Fox and Godement 2009; Körber Stiftung 2011; Renard 2009; Willis 2011). Meanwhile, the EU is rarely criticised for not speaking with one voice towards Cambodia, New Zealand, or Honduras. Emerging states such as China have a particular economic and geopolitical weight in contemporary global politics. Hence, the EU member states' interests towards China are more pronounced and arguably more diverse than towards, say, Honduras. As a result, China represents a particular challenge for the EU post-Lisbon to live up to the goals of the new EEAS, not least because all 28 member states have a diplomatic presence in Beijing. The EU Delegation in Beijing is therefore an interesting and strong test case to examine the post-Lisbon Delegations' possibilities to contribute to one European voice in the world.

Before looking at the post-Lisbon situation, some background of the Delegation in Beijing should be given. Diplomatic relations between the European Communities and the People's Republic of China were established in 1975 (Wei Ke 2010). While this was only possible in light of the Sino-American rapprochement of the early 1970s, it is nonetheless remarkable. China considered the EC as a political actor long before the CFSP was officially established—and long before other major states, such as the Soviet Union/Russia, did so (which was only in 1991). It nevertheless took some time until diplomatic relations really took off. The economic reform policies in China on the one hand and the moves towards closer integration in Europe, notably with the Single European Act, were decisive triggers in this respect. Eventually, a Commission Delegation was established in Beijing in the year 1988. Shortly after, the limits of a China-EC relationship 'in its own right' became clear. After the 1989-Tian'Anmen protests, relations between the EC and China were put on hold and could only be resumed after an agreement of all EC member states (Duchâteau 2004, 11). This reveals how close the PA-relationship between the Delegation and the member states still was at that stage.

Nonetheless, the Delegation incrementally increased its political role and hence its capacity to support a one-voice policy in China. While the Heads of Delegations needed to stay in their field of competences, they also 'traded' sensitive political information in exchange

for insights, such as on the PRC's WTO-entry (Duchâteau 2004, 11). This reinforces the previously made statement that the degree of autonomy of the EUDs depends on the HoD. The HoD selection is hence indeed a strong tool to exert control. According to Wouters et al. (2013, 73), the personal performance of the experienced and respected HoD in China is rather beneficial for coordinating the MS' embassies.

With the internationalisation of 'low politics' such as trade in the course of globalisation, the role of the EU and by extension the Delegations has increased almost naturally. This is all the more the case for China as it has been the EU's second biggest trading partner since 2007. However, for the Chinese the Delegation has also been the contact point for political relations with the European Community. The European Parliament, for instance, regularly utters criticism about the human rights situation in China. If such events happened during the pre-Lisbon-era, the Chinese counterparts usually summoned the Head of the Delegation rather than the Ambassador representing the country that held the EU Presidency (Barnett 1993). Both, externalisation and geographical distance may have helped the Delegations to acquire such autonomy. On the other hand, the unofficial responsibility may also be in the MS' interests: thus, Balfour suggests that MS tend also to hide behind critical collective positions expressed by the Delegations in order to protect their own bilateral interest (2013b, 14). There are clear signals that MS Ambassadors favour the 'cherry-picking-method' regarding concerted EU demarches: they only join in delivering a concerted EU demarche alongside the HoD when it is in their interest to do so (Wouters et al 2013, 71).

Nonetheless, since Lisbon, there is no confusion anymore on that front: the EU Delegation now officially represents the EU as a whole in all matters that concern it. Events organised in Beijing by the embassy representing the rotating Presidency are second-tier and must be coordinated with the EU Delegation. This almost seems like a reversal of the PA-relationship. While this means a loss of visibility of the member states, most national diplomats in Beijing actually welcome the post-Lisbon arrangement. After all, organising the EU Presidency on the ground used to be very resource-consuming, sometimes to the extent that bilateral relations were put on hold for at least six months. With the EU Delegation being permanently in the driving seat, they can better concentrate on their bilateral relations with China (European diplomats 2010).

The transition process is also noteworthy: since the transfer of the new Lisbon-competences from member states' embassies to the Delegations came rather abrupt in December 2009, the Spanish Foreign Ministry, which had already prepared its Presidency for the first semester of 2010, demanded that the Delegations in its former colonies as well as in countries where an EU Summit was planned would take over the new Lisbon-tasks later in the year, that is after the Spanish Presidency. This demand was implemented—with the exception of China: also

here, a Summit was planned but the EU Delegation nevertheless took over the Lisbon-tasks as of January 2010. It seems that especially in China, Ashton and her team wanted to convey the message that the EU now speaks with one voice (cf. Rettman 2011).

As far as the Chinese counterparts are concerned, the 'Lisbon-effect' is ambiguous: on the one hand, they confirm that the abolition of a change of EU-interlocutors every six months has clearly contributed to more coherence of the EU's representation in China. On the other hand, there seemed to be more continuity rather than a foreign policy revolution. After all, the Delegation to Beijing had already "coordinated on all policy fronts", even before Lisbon (Chinese diplomat 2011). Nonetheless, it is noteworthy that this coordination is now officially channelled through the EU Delegation. In contrast to the pre-Lisbon situation, the EU Delegation now chairs all the 15 coordination groups which range from Ambassador-level, over trade, to science and technology. Before Lisbon, the embassy that represented the EU Presidency was in charge of that. Such a centralisation of internal coordination puts the EU Delegation in a key position when it comes to knowledge and information, two of the main resources of diplomacy in the twenty-first century (cf. Rooney 2003, 39; Hocking 2005, 3). It is important to note that the EUD seeks to make use of this position in an inclusive way. Thus, there are more and more reports drafted in a modularised fashion, meaning commonly by the member states' embassies. The process is facilitated and coordinated by the EU Delegation. Again, this seems like a reversal of the PA-relationship (European diplomat 2011).

Also 'classical high politics' such as defence are now part of the Delegations' portfolio. This is not least due to a demand from China, which in 2010 stated that it seeks to "explore ways to develop military ties with […] the EU" (Gov.cn: Chinese Government's Official Web Portal 2010). The Delegation plays a key role in implementing this demand by connecting and coordinating with the Chinese Defence Ministry. As a result, the Delegation in Beijing is also among the first ones to employ a military attaché despite resistance from some member states. This makes it look more similar to a traditional embassy (European diplomat 2012). To implement such new tasks the respective human resources are required. In this respect, it is worth mentioning that in 2011, the EU Delegation in Beijing was the bilateral Delegation with the highest number of diplomatic staff in the world (Austermann 2013). Moreover, most new recruits for the Delegation are in the political department; many of which have a background in national foreign ministries, that is a 'genuine' diplomatic background.

Despite the above-mentioned evidence that hints at a more unified European voice in Beijing, the Delegation still faces issues which are common to most EUDs, such as a lack of clarity about lines of reporting, notably between the EEAS and the Commission staff; deputisation of the Head of Delegation by its Vice-Head still needs to be improved; member states are still sensitive when it comes to the EUD as a diplomatic player in Beijing; moreover, some

issues are still too sensitive for the member states to convey a central message. An example is the temporary detention of the Chinese artist Ai Weiwei in spring 2011. In its Resolution of 7 April 2011 on the case of Ai Weiwei the European Parliament called on the EUDs to thoroughly address the question of Chinese human rights violations on the ground.[6] Yet, according to PA theory the European Parliament cannot be considered a 'principal' because it does not delegate authority to the EEAS in its EUDs. Regardless to theory in accordance to the preamble of EEAS Council Decision it has been regularly consulted and its views have to be taken under consideration (Furness 2013, 113). Quite surprisingly, the European Ambassadors came together to draft a statement which condemned this move of the Chinese government. This clearly shows the collective attempt of sub-agents (in our case the EUDs) to speak with one single voice. Nevertheless, they eventually did not sign it and it was published by the Head of the EU Delegation only.

Despite such limitations, this section has revealed the potential of the EU Delegation in Beijing to strengthen the EU's common voice towards China. This is remarkable since the EU is usually reproached of being unable to convey a clear message to Beijing. What is more, there is some empirical evidence that does not only hint at greater autonomy of the EUD in Beijing but at a possible reversal of the PA-relationship vis-à-vis the member states. The Delegations certainly deserve closer attention and analysis in the future to confirm or reject this impression.

Concluding Remarks

A central rationale of the EEAS is to give the European Union a more unified voice in the world. To that end, and for any other foreign service, physical embassy-like representations located in third countries are a vital requisite. Nonetheless, most analyses of the new EEAS have focused on the headquarters in Brussels. This chapter sought to change the focus from Brussels towards third countries, where the actual impact of the EEAS should be felt. Therefore, the question which this chapter sought to answer was whether and how the EUDs are contributing to integrating European diplomacy post- but also pre-Lisbon. Based on a Principal-Agent approach, our central message is that the EU Delegations have clearly contributed to strengthen the EU's voice in global politics.

There are three main reasons for this: first, the historical development of the EU Delegations revealed that even before Lisbon the Delegations were able to help the Community/Union

---

6   European Parliament (2001) ,Resolution of 7 April 2011 on the case of Ai Weiwei' (P7_TA-PROV(2011)0157), Brussels

speak with one voice abroad. One of the reasons is related to the geographical distance of the Delegations from the pre-Lisbon headquarters, the Commission, which allowed the Delegations to develop certain autonomy and interpret their mandate rather generously. Thus, despite not being diplomatic institutions, they already fulfilled diplomatic tasks and were often the de facto representation of the Union as a whole. This was also possible due to the relative lack of contractual relations between the Delegations and the Commission. While these relations were gradually defined in various treaties prior to Lisbon (SEA, Maastricht, Amsterdam), the Delegations were also officially entrusted with more responsibilities, also of political/diplomatic nature.

The second reason for contribution of the Delegations to a one-voice policy is the institutional make-up as stipulated in the Lisbon Treaty. After Lisbon, not only the number of Delegations has increased to about 140 but also their competences have been thoroughly enhanced. Since Lisbon, the Delegations are officially entitled to represent the Union as a whole abroad and in IOs, i.e. the collective of the 28 member states as well as the Brussels-based EU institutions. Due to this enriched set of competences, the MS but also other EU institutions, such as the Parliament, seek to exert more control over the Delegations and their work, such as through strategic staffing. While this may limit the Delegations' autonomy it may however increase a genuine presentation of the Union as a whole and thus a true 'European voice' abroad. According to PA-theory, in the event of a complex principal-agent relationship, the agent may enhance its autonomy. Our analysis does not necessarily confirm this prediction. There are still problems when it comes to lines of reporting, budget responsibilities or deputisation of the Head of an EU Delegation. Such rather chaotic circumstances are unlikely to enhance the sub-agents' autonomy or a unified European voice.

However, analysing institutional arrangements without actual empirical evidence remains rather speculative. This is why we examined the post-Lisbon situation of the EU Delegation in China in some more depth. Since the EU is regularly reproached not to speak with one voice towards China, the Delegation in Beijing constitutes a strong test case to investigate the actual impact of EU Delegations post-Lisbon. This third step of the analysis not only showed that the EUD in Beijing performs rather well in supporting a one-voice policy towards China but it also revealed the influence of third states on integration of EU foreign policy. The relatively early establishment of a Delegation in Beijing and its diplomatic profile are the result of the PRC's acknowledgement of the EC/EU not only as an economic heavyweight but also a (potential) political actor. While at the end of the 1980s, the Delegation was still heavily dependent on the member states and their embassies in Beijing, today, the Delegation has certainly gained autonomy, not only through Lisbon, notably the permanent execution of the EU Presidency in China, but also as a coordination- and information-hub for the local member states' embassies.

Over the past three years, the EEAS has been criticised on many fronts; some of the criticism is deserved. The analyses have however largely left out the contribution that the former Commission/post-Lisbon EU Delegations have made and are making to give the Union a more unified voice in the world. This chapter was an attempt to fill this research gap. While there is still much room for improvement, such as in terms of personnel management, administrative overload, incentives and training, the chapter showed that the EUDs contribute significantly to the EU's external policymaking system and to developing its strengths as an international actor. Due to its role as a sub-agent of the EEAS analysing the EUDs does not only have a social relevance for improving the efficiency and effectiveness of the EEAS and EU diplomacy in general but also a scientific relevance, notably for Principal-Agent approaches to EU external relations.

Literature

Austermann, F. (2013) *The Role of the European Union Delegations in EU External Relations: A Diplomatic Service of Different Speeds.* PhD Dissertation, Freie Universität Berlin.

Austermann, F. (2012) *Towards Embassies for Europe? EU Delegations in The Union's Diplomatic System*, European Diplomacy Policy Paper 8: January 2012 (http://dseu.lboro.ac.uk/)

Balfour, R. (2013a) "Revolution from the Periphery." *European Voice*, July 25.

Balfour, R. (2013b) The Role of EU Delegations in EU Human Rights Policy, EXPO/BE/DROI/2012/21, Brussels: July 2013, 13 ff.

Barber, T. (2010) "The Appointments of Herman van Rompuy and Catherine Ashton." *Journal of Common Market Studies* 48: 55–67. Blockmans, S. and Hillion, C. (eds.) (2013) *EEAS 2.0.: A Legal Commentary on Council Decision 2010/427/EU Establishing the Organisation and Functioning of the European External Action Service*, Brussels/Stockholm/Florence: Centre for European Policy Studies (CEPS), Swedish Institute for European Policy Studies (SIEPS), and European University Institute (EUI).

Barnett, R. (1993) High Level Commission Delegation to Visit Lhasa May 17th to 22nd. Montreal, 8/05/1993. Available online at http://www.tibet.ca/en/newsroom/wtn/archive/old?y=1993&m=5&p=8-2_1, checked on 28/06/2012.

Billiet, S. (2009) *Principal-Agent Analysis and the Study of the EU: What about the EC's External Relations?* 7 Comp. European Pol. 4.

Blockmans, S. und Hillion C. (2013) EEAS 2.0: A legal Commentary on Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service, Stockholm: SIEPS; also published by CEPS, EIPA, CLEER & GGS.

Blom-Hansen, J. (2005) Principals, Agents and the Implementation of EU Cohesion Policy, Journal of European Public Policy, 12(4), 624-628.

Carta, C. (2011) The European Union Diplomatic Service: Ideas, Preferences and Identities, London/ New York: Routledge (Advances in European Politics). Comelli, M. and Matarazzo, R. (2011): 'Rehashed Commission Delegations of Real Embassies? EU-Delegations Post-Lisbon', *IAI Working Papers*, 11(23), Rome: Istituto Affari Internationali.

Comelli M. and Matarazzo R. (2011) 'Rehashed Commission Delegations or Real Embassies? EU Delegations Post-Lisbon',) *IAI Working* 11(23) – July.

Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service, OJ L 201, 3.8.2010, p. 30-40.

Chinese diplomat (21/07/2011): "European Diplomatic Representation in China". Interview by Frauke Austermann. Beijing.

Davis-Cross, M.K. (2007) *The European Diplomatic Corps: Diplomats and International Cooperation from Westphalia to Maastricht*. Houndmills: Palgrave Macmillan.

Dedman, M. (2009) Origins & Development of the European Union 1945-2008. A History of European Integration. 2nd ed. Milton Park, Abingdon, Oxon, New York: Routledge.

Duchâteau, P. (2004) La Chine et l'Europe. *In Revue du Marché Commun et de l'Union Européenne* (474).

Duke, S. (2008) 'The European Commission: Inside and Out. Administering EU Foreign Policy after Lisbon: The case of the EEAS' European Institute of Public Administration, Working Paper 2008/W/01, Maastricht.

Duke, S. (2012) 'The European External Action Service: Antidote against Incoherence?' *European Foreign Affairs Review 17 (1)*: 45-68.

Dworkin, A., Korski D., and Witney N. (2011) "Egypt's Hybrid Revolution: A Bolder EU Approach." http://www.ecfr.eu/page/-/ECFR32_EGYPT_BRIEF_AW(1).pdf.EEAS Review (2013) "The European Exteranl Action Service Mid-Term Review (July 2013)." http://eeas.europa.eu/library/ publications/2013/3/2013_eeas_review_en.pdf

Euractiv. 2010. "Parliament Twists Ashton's Arm over EEAS." *Euractiv*, June 11.

European diplomats (2010) "European Diplomatic Representation Abroad". Interviews by Frauke Austermann.

European diplomat (22/07/2011) "European Diplomatic Representation in China". Interview by Frauke Austermann. Beijing.

European diplomat (20/10/2012) "Centralization of EU Diplomacy"; focus on defense matters. Interview by Frauke Austermann. Beijing.

European diplomat (19/11/2011) "European Diplomatic Representation Abroad. Interview by Frauke Austermann.

Fox, J. and Godement F. (2009) "A Power Audit of EU-China Relations." London: European Council on Foreign Relations.

Furness, M. (2013) 'Who Controls the European External Actin Service? Agent Autonomy in EU External Policy'. *European Foreign Affairs Review 18 (1)*: 103-126.

Gov.cn: Chinese Government's Official Web Portal (2010): China's National Defense in 2010. Available online at http://www.gov.cn/english/official/2011-03/31/content_1835499_11.htm, checked on 2/07/2012.

Haas, E. and Rowe, E (1973) 'Regional Organizations in the United Nations: Is There Externalization?', *International Studies Quarterly 17(1)*: 3-54

Hayes, E. (2013) *EU Delegations: Europe's link to the world*, in Jorgensen, K.E. and Laatikainen, K.V. (eds.), Routledge Handbook on the European Union and International Institutions, Routledge, London & New York, 27-39.

Helwig, N., Ivan, P. and Kostanyan, H. (2013) *The New EU Foreign Policy Architecture: Reviewing the first two years of the EEAS*, Brussesl: CEPS Paperbacks.

Hix, S., Noury, H. and Roland, G. (2007) *Democracy in the European Parliament*. Cambridge: Cambridge University Press.

Hocking, B.L. and Spence, D. (2005) 'Towards a European Diplomatic System? *Netherlands Institute of International Relations Clingendael*, Discussion Paper in Diplomacy 98.

Hocking, B.L. (2005) "Conclusion." In *Foreign Ministries in the European Union*, edited by Brian Hocking and David Spence, 273–286. Basingstoke England: Palgrave Macmillan.

Kassim, H. and Menon, A. (2003) 'The Principal-Agent approach and the study of the European Union: promise unfulfilled?', *Journal of European Public Policy 10(1)*: 121-139.

Körber Stiftung (2011) "Berlin Foreign Policy Forum". Report. Körber Stiftung. http://www.koerber-stiftung.de/en/international-affairs/berlin-foreign-policy-forum/forum-2011/reports/panel-3.html.

Lloveras Soler, J.M. (2011) The New EU Diplomacy: Learning to add Value, EUI Working Papers, RSCAS 2011/05.

Lyne, M.M., Nielsen, D.L. and Tierney, M.J. (2006) Who Delegates? Alternative Models of Principals in Development Aid. In: D.G. Hawkins, D.A. Lake, D.L. Nielsen and M.J. Tierney (eds.) *Delegation and Agency in International Organizations*. Cambridge: Cambridge University Press, 41-76.

Maher, I., Billiet, S. and Hodson, D. (2009) *The Principal-Agent Approach to EU Studies: Apply Liberally but Handle with Care*, 7 Comp. European Pol. 4.

Martin, H.-P. (2011) *Parliamentary Question by MEP Hans-Peter Martin (NI) to the Commission: EU Delegations (OJ C 10 E)*. Brussels. http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bWQ%2bE-2009-6493%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN.

McCubbins, M.D. and Schwartz, T. (1984) Congressional oversight overlooked: Police patrols versus fire alarms. *American Journal of Political Science* 28: 165-179

Molina, I. and Sorroza, A. (2012) 'The Impact of the European External Action Service on Spanish Diplomacy', in *Reviewing Member States' Commitment to the European External Actions Service*, Brussels: EPIN Working Paper 34, November.

Moran, J. and Ponz Canto F. (2004) "Taking Europe to the World. 50 Years of the European Commission's External Service." Brussels: European Commission. http://eeas.europa.eu/delegations/docs/50_years_brochure_en.pdf.

Petry, S. (2012) 'From Commission Delegations to EU Embassies. External Perceptions of EU Diplomacy', in Mahncke, D, Gstöhl S. (eds), *European Union Diplomacy. Coherence, Unity and Effectiveness*, College of Europe Studies 15, Brussels: P.I.E. Peter Lang.

Pollack, M.A. (1997) 'Delegation, agency and agenda setting in the European community', *International Organization* 51(1): 99-134.

Pollack, M.A. (2000) The Commission as an Agent. In: N. Nugent (ed.) *At the Heart of the Union. Studies of the European Commission*, 2nd ed., London: MacMillan Press Ldt. 111-130.

Pollack, M.A. (2007) Principal-agent analysis and international delegation: Red herrings, theoretical classifications and empirical disputes. Bruges Political Research Paper, No. 2.

Renard, T. (2009) "A BRIC in the World. Emerging Powers, Europe, and the Coming Order." Egmont Papers. Egmont Institute. http://www.egmontinstitute.be/paperegm/ep31.pdf.

Raik, K. and Rantanen, T. (2013) 'Managing the decline of European diplomacy', Finnish Institute of International Affairs (FIIA) Comment 4/2013.

Raik, K. (2013) 'Serving the citizens? Consular role of the EEAS grows in small steps, European Policy Centre (EPC), Policy Brief 30 April 2013.

Rettman, A. (2011) EU to Keep China Arms Embargo Despite Massive Investments. In *EU Observer*, 5/01/2011. Available online at http://euobserver.com/884/31592.

Rooney, D. (2003) Public Policy in *Knowledge-based Economies: Foundations and Frameworks*. Edward Elgar Publishing. checked on 27/07/2012.

Schmitter, P. (1969) 'Three Neofunctional Hypotheses About International Integration', *International Organization* 33 (2): 161-166.

Schwartzman, Y. (2012) *'Who speaks for Europe? Bringing a 'reversed' principal-agent model into research of the implementation of the EU's foreign policy,* Paper for the 9th CEEISA Convention, Krakow, 20-22 September, 2012.

Spence, D. (2006) "The Commission's External Service", in D. Spence with G. Edwards (eds) *The European Commission*, 3rd Edition, London: John Harper Publishing: 396-425.

Talberg, J. (2003) The agenda-shaping powers of the EU council presidency, *Journal of European Public Policy* 10(1): 1-19.

Wei Ke (29/09/2010): Zhōngguó-ōuméng guānxì dàshì huígù. Xinhua. Available online at http://www1.china.com.cn/international/txt/2010-09/29/content_21034963.htm, checked on 27/06/2012.

Willis, A. (2011) "Integrated EU Foreign Policy Is 'Decades Away', Says EEAS Official." *EU Observer*, June 21. http://euobserver.com/884/32524.

Wisniewski, E. (2013) "The Influence of the European Parliament on the European External Action Service." *European Foreign Affairs Review* 18 (1): 81–101.

Wouters, J., De Baere, G and Van Vooren, B. (2013) 'Organisation and Functioning of the European External Action Service: Achievements, Challenges and Opportunities', European Parliament, Directorate-General for External Policies of the Union, (EXPO/B/AFET/2012/07) January 2013

Wouters, J. and Van Vooren, B. (2013) 'More clarity and cohesion required. Re-shaping the EU's diplomatic service', EV European Voice, 4. July 2013: 20.

Future Perspectives for the CSDP under the EEAS

Gustav Lindström

Introduction

This chapter examines the potential direction of the Common Security and Defence Policy (CSDP). It is organised in two sections: section one analyses the factors likely to impact CSDP over the next ten years while the second section considers how CSDP may evolve as a result.

Factors affecting the evolution of CSDP

There are at least five factors that impact the future direction of CSDP. In no particular order, these are the level of demand for civilian missions and military operations; the resources made available for CSDP; the capabilities developed in support of CSDP; relations with external partners; and internal EU developments. The following sub-sections consider each in greater detail.

The demand for CSDP missions and operations

Support for CSDP operations can be gauged from an internal and an external perspective. From an internal perspective, there is significant backing for CSDP operations among EU citizens. Eurobarometer polls consistently show that a majority of those asked support a common defence and security policy. In regular polling since 1992, about three fourths of respondents favour a common defence and security policy. The latest Standard Eurobarometer from July 2013 confirms these figures, with an EU average of 74% of respondents polled in favour (European Commission, 2013). While levels of support vary across EU Member States, even in those with the lowest levels of support, over 50% tend to be favourable towards a common defence and security policy.

From an external perspective, an overview of regional developments in the EU's neighbourhood suggests that there will be continued demand for CSDP missions – including for specialised niche services such as election monitoring, training and mentoring. The security situation remains fragile in the MENA region (Middle East and North Africa), frozen con-

flicts are still present in the Caucasus, and there are multiple crisis situations in sub-Saharan Africa. According to the 2013 Failed States Index, the top five failing states are located in Africa: Somalia, the Democratic Republic of Congo, Sudan, South Sudan, and Chad (Fund For Peace, 2013).[1] In the medium- to long-term, Africa's challenges managing access to natural resources such as water is likely to exacerbate the potential for conflict in the region.

Complementing the regional challenges are more "functional" security threats. The 2003 European Security Strategy (ESS) identifies five key threats – terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure, and organised crime – and numerous global challenges such as poverty and disease. In its December 2008 Report on the Implementation of the European Security Strategy, policymakers identify additional challenges such as cyber security and energy security. While CSDP is not the right tool to address all of these threats and challenges, it may provide value-added under specific circumstances. Looking ahead, security issues such as critical infrastructure protection, climate change and illegal immigration may require a CSDP dimension. Combining these internal and external factors, it is reasonable to expect that the demand for CSDP will grow substantially over the next ten years.

The supply of resources for CSDP missions and operations

In simplified terms, CSDP resources consist of financial and manpower assets. A cursory examination of the CFSP budget – which finances civilian CSDP missions – shows that it has risen considerably over the past few years. It grew from €63 million in 2005 to €285 million in 2008, an increase of about 450%. Presently, roughly €1.9 billion are allocated to the CFSP budget under the financial framework covering 2007-2013; this equates to an average budget of about €282 million per year for 2007-2013 (EUISS Yearbook, 2013).

In spite of these recent increases, the CFSP budget is still small compared to other EU budget lines. To put the 2008 CFSP budget in context, it was roughly 0.12% of the EU's 2008 development cooperation budget of €2.3 billion (EUISS Yearbook, 2013). From another vantage point, the current CFSP annual budget is roughly equal to the cost of three Eurofighter aircraft. Beyond the limited size of the budget, additional factors may constrain the supply of CSDP. For instance, some CFSP funding is not readily available to support civilian pre-mission activities such as fact-finding missions.

---

1   For an extended list, see http://ffp.statesindex.org/rankings-2013-sortable

In the area of manpower, the EU-28 has a limited number of deployable troops – even though the total pool of personnel is around 1.6 million (European Defence Agency, 2010). The latest available data from the European Defence Agency shows that about 4% or 66,000 personnel were deployed in 2010. This figure presents a supply challenge since the original Headline Goal 2003 calls on EU Member States to be able to deploy 50,000-60,000 troops within 60 days for a duration of up to a year. If rotation requirements are taken into account, the EU needs closer to 150,000 – 180,000 deployable personnel. This does not include European troop commitments to operations outside the CSDP framework.

European policymakers are also facing challenges to fill mounting requests for specialized civilian personnel. While the numerical targets for personnel introduced at the 2001 Göteborg European Council were quickly reached and exceeded, the bar was set low. In the rule of law category, for example, EU Member States were asked to generate up to 200 personnel. It eventually became clear that this might not be enough. The Civilian Headline Goal 2008 revealed 'considerable potential shortfalls in certain Police and Rule of Law categories.' With respect to the Civilian Response Teams (CRTs), which were introduced by the Civilian Headline Goal 2008 and are a key component of the Civilian Headline Goal 2010, the total roster is still limited in size. As a result, European policymakers and planners frequently have to recruit substantial portions of personnel prior to the launch of a civilian mission.

From a supply-side perspective, CSDP thus faces substantial constraints. These constraints are likely to be more acute over the next ten years, especially if the demand for CSDP operations continues to grow. The financial and manpower limitations may also reinforce the tendency towards a reactive CSDP where possible action is subjugated to political will and available resources. Under a worst case scenario, under which supply limitations are not addressed in a timely fashion, the EU's capacity to carry out crisis management operations could be constrained.

The development of military and civilian capabilities for CSDP missions

Developing adequate capabilities contributes to a more robust CSDP. Policymakers are keenly aware of this and have taken steps – such as the introduction of a capability development plan with four corresponding work strands – to ensure that the EU has the necessary capabilities. Areas that have seen progress over the last couple of years include helicopter crew training, maritime surveillance, air-to-air refueling, and medical support.[2] A similar

---

2   In spite of improvements in air-to-air refuelling, the EU still has limited capacity. Out of approximately 3,000 fighter aircraft across EU Member States, only about 40 are capable of refuelling with other aircraft while air-

process exists on the civilian side to improve civilian capabilities. Over the longer-term, the Long Term Vision process should help military planners identify the type of capabilities needed to address future risks and threats.

In light of the financial crisis, EU Member States have also pushed forward an agenda for pooling and sharing. In November 2012, the European Defence Agency unveiled a code of conduct to facilitate such work. In the same month, eleven concrete projects were selected for pooling and sharing (European Defence Agency, 2012).

Although the EU is moving forward in the area of capability development, there is still room for improvement. The EU's combined military R&D (Research and Development) budget is only a small portion of overall military spending. As a result, there is a premium on finding ways to pool resources, decrease duplication, and conduct joint research and development. Looking ahead, this task will remain a challenge for the EU. The EU's common research budget for military procurement is miniscule. For example, the EDA's 2nd Joint Investment Project on Innovative Concepts and Emerging Technologies has a €5.2 million budget. Its aim is to foster "the development of new, innovative technologies that have great potential for military capability development" (European Defence Agency, 2013, p.1).

According to the 2010 European Defence Agency Defence Data Booklet, collaborative research and technology (R&T) among EU Member States was €246 million in 2010 – the lowest figure in absolute terms since data is collected. As a percentage (about 12%), it is nonetheless consistent with EU collaborative spending as a proportion of all R&T spending (European Defence Agency, 2010). To improve its ability to develop joint research projects, such funding would need to increase substantially over the coming years.

Overall, in spite of important production delays for several flagship projects, such as the A400M and Galileo Satellite System, the EU is likely to many of the needed capabilities to carry out CSDP missions in the medium- to long-term.[3] Ideally, these new capabilities will partially counterbalance current and future supply limitations.

―――――――――――――

borne. See Catherine Ashton's address at the Symposium on the CSDP held in Washington DC on 8 May 2013. (http://www.eu-un.europa.eu/articles/en/article_13491_en.htm).
3   The first A400M, delivered to the French Air Force, entered service in early August 2013.

Relations with third states and international organisations

CSDP is impacted indirectly by the EU's relations with key countries and organisations with whom it works on the ground. Examples of key relationships include those of the EU/U.S., EU/NATO, EU/UN, and EU/AU (African Union). It is important to recognise that changes in one relationship may impact another. For example, some would argue that a stronger EU/U.S. partnership has implications for the EU/NATO relationship.

A fundamental element in the EU/US relationship is each side's level of engagement in international operations. With the United States engaged in the Middle East and now 'pivoting' to the Pacific region, the EU faces high demand to offer crisis management support around its neighbourhood – a trend that is likely to continue over the next ten years. At the same time, both the United States and Europe may find themselves increasingly engaged in similar geographic zones requiring closer collaboration on the ground. An example is Africa, where recent CSDP missions, the set-up of a U.S. Africa Command (AFRICOM), and growing U.S. reliance on oil from Nigeria suggest that both sides will have an active profile in the region.

The EU/NATO relationship contains several dimensions that impact CSDP. These range from the status of the Berlin+ arrangements to the type of topics covered by North Atlantic Council and the Political and Security Committee meetings. In addition, NATO-specific issues may have implications for CSDP. Examples include the level of troop commitments to NATO or members' preferences for employing NATO resources in a particular crisis situation.

The EU/NATO relationship also has implications at the operational level. One example is the potential interplay between the EU Battlegroups and the NATO Response Force (NRF). While some argue that it is unlikely that both packages will ever be active in the same area of operations, NATO and European/EU cooperation in Afghanistan and Kosovo suggest that a co-operative scenario is theoretically possible. Given relatively similar mission profiles, there is a need to clarify the relation between the EU Battlegroups and the NRF – especially as it might lead to more effective use of limited crisis management resources. Currently, operational exchanges are facilitated through a permanent EU Cell at NATO's SHAPE and a NATO permanent liaison team hosted at the EU military staff.

Concerning EU/UN relations, the EU attaches significant weight to the work carried out by the UN. One of the key concepts in the European Security Strategy, 'effective multilateralism', is a reference to the UN and a rule-based international order. With respect to co-operation, the EU and the UN signed a crisis management declaration in 2003. It outlines specific

means to enhance mutual co-operation between both organisations, such as increased desk officer exchanges. A follow-on Joint Statement was signed in June 2007.

In 2011, the European External Action Service highlighted several initiatives to enhance CSDP support to UN peacekeeping. Examples of proposed actions include the creation of a concept on EU autonomous civilian deployment in support of UN and establishing technical arrangements with the UN Department on Peacekeeping Operations (DPKO) on coopera-tion in Capability (Council of the European Union, 2011). At the operational level, the EU has executed several CSDP operations to 'bridge' or reinforce on-going UN operations. Examples include operation ARTEMIS in 2003 and operation EUFOR RD Congo in 2006. With UN peacekeeping personnel stretched thin, the EU is likely to continue carrying out substation missions in support of the UN in coming years.

A final illustration is the EU's evolving relationship with the African Union. To date, thir-teen CSDP missions have been initiated in Africa – eight of which are still on-going. Of these, one was specifically designed to support the African Union (AMIS II). The EU is also a strong financial supporter of AU activities. For example in 2003, the European Union established the African Peace Facility to promote peace and security on the continent. The Facility provides funding to the African Union – as well as other regional organisations – so that they can mount their own peacekeeping operations.

The effect of the EU's relations with third states and international organisations on CSDP's future is difficult to ascertain. On the one hand, it may help CSDP handle European resource limitations through greater burdensharing with others. On the other hand, CSDP may suffer as demand for operations in support of other stakeholders increases rapidly and requirements cannot be met in a safe manner. A relatively clear trend, however, is the United States' dimin-ishing security role in the European neighbourhood, something that will require Europeans to increase their engagement.

Internal EU developments

A fifth factor with clear implications for CSDP is internal EU developments that impact the security dimension. A prominent example is the Treaty of Lisbon. One of its intended benefits is to enhance the coherence of CSDP. For example, the creation of a High Repre-sentative of the Union for Foreign Affairs and Security Policy, who at the same time serves as a Vice President of the European Commission, to help streamline various financial and operational instruments. The treaty also introduces other enhancements, including additional flexibility for EU Member States to collaborate on the pursuit of operational capabilities (i.e.

through Permanent Structured Cooperation) and a greater capacity to support EU external action via the EEAS.

Concerning missions and operations, the EEAS is promoting a more integrated approach to crisis management. In practical terms, missions and operations are to be better embedded into the wider EU regional strategies (e.g. as is currently the case for the Horn of Africa and the Sahel). To illustrate, Operation EUNAVFOR Atalanta is now complemented by EUCAP Nestor to improve regional maritime capacity building and EUTM Somalia that trains members of the Somali National Armed Forces. Complementing these efforts are the activities of the EU Special Representative to the Horn of African Region. Generally speaking, CSDP activities are increasingly integrated with other EU instruments such as the Instrument for Stability and the European Development Fund (Council of the European Union, July 2012).

Another internal factor is future EU enlargements. A Union of 30+ members would extend the boundaries of the EU, possibly bringing it closer to unstable countries or regions. This in turn could require additional or different forms of CSDP resources to enable the EU to "promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean…" (Council of the European Union, 2003, p. 17). From a different angle, new EU Member States would provide additional manpower and funding towards CFSP and CSDP – even though many of the future members are already contributing personnel to CSDP missions. It remains to be seen which of these two effects will have the greatest impact on CSDP.

Lastly, there are periodic summit meetings that can impact the development of CSDP. Looking ahead, the December 2013 European Council will cover defence issues, including the pooling and sharing of military capabilities, the procedures and institutions for crisis management, and the future evolution of the European defence industry.

CSDP Prospects for the Future

With these five factors in mind, two issues stand out: whether CSDP will/can take on new mission profiles and the overall degree of CSDP coherence over the coming years.

New mission profiles for CSDP?

The future of CSDP is likely to include new mission profiles. Two areas stand out in particular: disaster relief and homeland/internal security. Trends in natural disasters suggest that a

growing number of individuals are affected worldwide, most likely due to population and in-frastructure growth along coastal areas. According to the Emergency Events Database (EM-DAT), the number of natural disasters has steadily grown between 1900 and 2012. While there were fewer than 25 cases reported in 1900, over 500 disasters were reported in 2012. In an age of mass tourism, EU policymakers are increasingly concerned with the safety of their citizens both within and outside the EU. For example in the aftermath of the Asian Tsunami in December 2004, the EU took several steps to increase its response capabilities. It reviewed logistical challenges such as airlift and set up links with the multinational move-ment co-ordination centres in Eindhoven (the Netherlands) and Athens (Greece) to improve future transport requirements.

While the European Commission maintains a lead role vis-à-vis disaster relief at the EU-level through its Civil Protection Monitoring and Information Centre, it is likely that CSDP resources will become more relevant over time – especially for disasters that happen far away from Europe's borders. CSDP already counts with a capacity for civil protection, in-cluding the ability to call on 2-3 assessment or coordination teams with up to 10 experts that can be deployed within ten hours. A larger intervention team of up to 2,000 persons is also part of the EU's civilian crisis management capacity.[4]

In the future, under the auspices of a CSDP mission, specific competencies such as moni-toring, the provision of medical equipment, evacuation services, etc. may prove more cost effective and substantive deployed under a CSDP umbrella rather than under the auspices of Member States. Specialised civilian expertise, such as a Crisis Response Team, may also be easier to deploy as part of an EU recovery mission rather than as separate national efforts.

Concerning homeland security, the role of CSDP is more difficult to anticipate. Providing homeland security involves a number of stakeholders at all levels of government, ranging from local authorities to national ministries. At the national level, consequence management may involve the ministries of defence, foreign affairs, public safety, energy, interior, etc. This complexity makes it difficult to envision how CSDP-resources might fit into the puzzle. Moreover, homeland security is associated with domestic/internal security as opposed to external security. Thus, under CSDP's current remit – which focuses on external security – there is no role for CSDP.

In spite of these complexities, there are several factors and trends that suggest that CSDP may become active in homeland security. To begin with, policymakers are increasingly real-

---

4   For more information, please see the EEAS section on civilian crisis management, accessible at http://www.
     eeas.europa.eu/csdp/civilian-crisis-management/index_en.htm

ising that the boundary between internal and external security is fuzzy in a globalised world. The European Security Strategy notes that the "internal and external aspects of security are indissolubly linked" (Council of the European Union, 2003, p. 7). To adequately respond to threats that span the external/internal divide – such as trafficking in arms, drugs, humans, etc. – it is reasonable to consider whether CSDP resources can bring value added on a case by case basis rather than to automatically discard its possible contribution.[5]

A trend to observe is the tools used by EU Member States to address illegal immigration. At the operational level, the EU has relied on a patchwork of national contributions to provide ships and other assets to curb illegal immigration routes – many of which originate in Western Africa. With the support of FRONTEX, the EU's border security agency, interception operations have been mounted to stem the flow of illegal migrants. As a community agency, FRONTEX is not part of CSDP. However, FRONTEX cooperates with agencies at the service of CSDP such as the EU Satellite Centre (EUSC). Among others, the EUSC has monitored illegal migration routes and provided imagery with corresponding analysis covering areas of concern.

Another trend to follow is policymakers' efforts to fight terrorism and provide internal security. A Solidarity Clause – focusing on European solidarity against terrorism – was declared by the heads of state or government of EU Member States in March 2004. It calls on EU Member States to "mobilise all the instruments at their disposal, including military resources" to "prevent the terrorist threat in the territory of one of them" (European Council, 2004, p. 18). The Lisbon Treaty contains a similar solidarity clause which extends to natural or man-made disasters.

Although the Solidarity Clause has not been activated to date, it offers a viable option in the event of a large-scale terrorist attack. Under such circumstances, CSDP assets, whether civilian or military, could come into play. A plausible example of such assistance is in the area of consequence management. Presently, there is an EU database listing military assets and capabilities that could be requested by individual EU Member State in the aftermath of a large-scale event, including the case of disaster response. Another category of CSDP-related contributions might involve the use of maritime and air assets for monitoring and surveillance purposes.

---

5   Additional reflection is provided in the EU Internal Security Strategy.

Towards a more coherent CSDP?

The possibility that CSDP may take on new mission profiles brings with it important implications. On the one hand, it may result in a more versatile and flexible CSDP. On the other hand, it may place a greater strain on CSDP's limited resources. To narrow the gap between the demand and supply of CSDP, policymakers will have to look for innovative ways to generate efficiency gains. Drawing on recent developments, one such area is improving the coherence of CSDP.

An essential component of coherence for CSDP is civil-military co-ordination (CMCO). To be effective in crisis management, the ESS calls on EU members to better integrate their military and civilian capabilities and to improve coherence across diplomatic, legal, financial, and military instruments. Nonetheless, CSDP's civil-military co-ordination and coherence remains work in progress, even though several missions contain both military and civilian dimensions. The EU's civilian and military capability development roadmaps are on separate parallel tracks, complicating CMCO. On the civilian side there is the Civilian Headline Goal 2010. On the military side, the EU has the Headline Goal 2010.

Although they exist separately, the civilian and military headline goals share several similarities. Both rely on the same planning methodology based on virtual planning scenarios ('illustrative scenarios') to elaborate current and future capability needs. Both identify the need for rapid response packages to improve the EU's crisis management capability. For example, the Civilian Headline Goal 2010 aims to further develop the Civilian Response Teams and rapidly deployable police elements (e.g. integrated police units and formed police units). On the military side, the Headline Goal 2010 identifies the EU Battlegroups as one of the key elements for rapid response. Both roadmaps similarly aim to improve the quality of current crisis management packages. While previous headline goals focused on quantitative objectives – such as achieving a specific number of personnel – the new headline goals emphasise elements such as deployability, availability, sustainability, and lessons learned.

Given these similarities, as well as the importance attached to CMCO by the EU, one may ask why there are two separate roadmaps in the first place. Three explanations partially answer the question. First, there has always been a temporal disconnect between the military and civilian headline goals. While the first military Headline Goal 2003 was rooted in the December 1999 Helsinki European Council, the origins of the Civilian Headline Goal 2008 go back to the Santa Maria da Feira European Council held in June 2000. As a result, the two distinct headline goals emerged 'naturally'. The temporal distinction may be less relevant today as both the civilian and military headline goals share the same target date that was already passed (2010).

Second, more longer-standing support structures are associated with the military dimension of CSDP. Examples include the EU military Staff, the EU Military Committee, and the European Defence Agency. Support structures on the civilian side – such as the Civilian Planning and Conduct Capability – are much more recent. The difference in maturity has reinforced the use of separate headline goals. A development that may mitigate this trend is the introduction of resources that cater to both civilian and Military requirements such as the Crisis Management and Planning Directorate (CMPD).

Third, the two headline goals place an emphasis on different types of capability development, with the military headline goal focusing on hardware – much of it happening over the long term – and the civilian headline goal concentrating on human capital development. Given the complexity of the military headline goal in comparison to the civilian headline goal, some argue that it is inappropriate to combine the two.

While it may be appealing to maintain separate civilian and military headline goals, it could eventually drive a wedge between civil-military co-ordination – decreasing CSDP's overall coherence. Looking ahead, policymakers will have to consider new options to increase synergies between the civilian and military capability development processes. A concrete option that policymakers could consider is forming a single 'Crisis Management Headline Goal' as opposed to two separate headline goals.

Lastly, policymakers will need to start tackling strategic questions that impact the future implementation of CSDP. Examples of such questions include:

▪ *Should CSDP have a more robust space dimension?* With two big space projects currently underway – Kopernikus (formerly the Global Monitoring for Environment and Security or GMES) and the Galileo satellite navigation system – policymakers will need to consider their dual-use potential for crisis management. While there is recognition of the growing role for geospatial information services for security, there has been limited consideration of users' requirements to date.

▪ *Should CSDP have a role in ensuring cyber security?* Policymakers are increasingly aware of cyber threats and the need to protect critical infrastructures. In February 2013, the EU released its Cyber security Strategy, highlighting five strategic priorities. One of them is to develop "cyberdefense policy and capabilities related to the Common Security and Defence Policy (CSDP)" (European Commission, 2013, p. 5). To date, there has been limited discussion of a CSDP role vis-à-vis cyber security, something that is increasingly needed.

▪ *Should the concepts for the EU's rapid response packages be reviewed and/or revamped?* For example on the military side, the EU Battlegroups have not been used since reaching initial operating capability in January 2005. What does this say about their

future viability? Should one larger EU BG, rather than two, be on permanent standby – especially now that several standby gaps have not been filled? On the civilian side, the Civilian Response Teams have been deployed mainly on an individual basis rather than as a team as originally envisaged (the possible exception being the EU Monitoring Mission in Georgia). Overall, does this imply that the CRT's mission profiles need to be modified?

▪ *Could there be a stronger link between the EU's rapid response elements and other European multinational force packages (e.g. the European Gendarmerie Force and the European Maritime Force)?* Currently, the relationship is obscure and neglected. With the exception of the participation of elements of the European Gendarmerie Force in the Integrated Police Unit of EUFOR ALTHEA, there has been limited interaction between these types of packages.

Conclusion

The EU Common Security and Defence Policy evolved substantially since its establishment in the late 1990s. As part of the EU toolbox for crisis management, this evolutionary trend will continue as it strives to meet future needs and requirements. However, given the multitude of factors that inceasingly impact CSDP's development, policymakers will need to give careful consideration to how CSDP should evolve over the coming decade. On the wole, a proactive – rather than reactive – stewardship will be one of the key ingredients for ensuring CSDP's vability over the next ten years.

References

Council of the European Union (2003) European Security Strategy, "A Secure Europe in a Better World", Brussels 2003.

Council of the European Union (2011) "Actions to enhance EU CSDP support to UN peacekeeping", European External Action Service, 17497/11, [Online] Available from http://register.consilium. europa.eu/pdf/en/11/st17/st17497.en11.pdf [Accessed: 5 August 2013].

Council of the European Union (2012) "Report by the High Representative on CSDP", 12616/12, Brussels, 13 July 2012. [Online] Available from http://register.consilium.europa.eu/pdf/en/12/ st12/st12616.en12.pdf [Accessed: 5 August, 2013]

EUISS Yearbook of European Security (2013) EU Institute for Security Studies. Paris: Corlet Imprimeur.

European Commission. (2013) Standard Eurobarometer 79. [Online] Available from http://ec.europa. eu/public_opinion/archives/eb/eb79/eb79_en.htm. [Accessed: 5 August, 2013].

European Commission. (2013) Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace, Brussels.

European Council (2004). Declaration on Combating Terrorism (document 79637), Brussels 2004.

European Defence Agency (2010) Defence Data 2010 Booklet. [Online] Available from http://www.eda.europa.eu/info-hub/publications/publication-details/pub/defence-data-2010-booklet . [Accessed: 5 August, 2013].

European Defence Agency (2012) Pooling and Sharing Factsheet. [Online] Available from http://www.eda.europa.eu/docs/documents/factsheet_-_pooling_sharing_-_301111. [Accessed on 15 July, 2013].

European Defence Agency (2013) EDA factsheet on Second Joint Investment Programme on Innovative Concepts and Emerging Technologies (ICET 2). [Online] Available from http://www.eda.europa.eu/docs/default-source/eda-factsheets/jip-icet-factsheet_300113.pdf. [Accessed on 15 July 2013].

Fund for Peace (2013) The Failed States Index 2013. [Online] Available from http://ffp.statesindex.org/rankings-2013-sortable. [Accessed: 5 August, 2013].

EEAS IN ACTION – THREE CASE STUDIES

The Malian Crisis: Causes and Dynamics

Dario Christiani

Introduction

At the end of 2011, several insurgent Tuareg groups merged to form the *Mouvement National pour la Libération de l'Azawad* (MNLA – National Movement for the Liberation of Azawad.)[1] Since January 2012, the MNLA started a campaign against the Malian government for the independence of northern Mali, the area historically known as Azawad.[2] A few months later, in March 2012, the Malian President Amadou Toumani Touré was ousted in a *coup d'état* by insubordinate soldiers belonging to the *Comité national pour le redressement de la démocratie et la restauration de l'État* (CNRDR – National Committee for the Restoration of Democracy and State). In April 2012, the situation on the ground precipitated rapidly: the MNLA claimed independence for the Azawad while, few weeks later, the Islamist and jihadist groups[3] allied to the MNLA in the early stages of the conflict started fighting against Tuareg groups and soon conquered all the major cities of northern Mali: Gao, Kidal and Timbuktu. When this loose but incisive coalition began moving southward, France decided to intervene militarily in January 2013. Following the UN Security Council Resolution 2085 of 20 December 2012, it launched the *Operation Serval.* That was supported on the ground by a small coalition of African troops, and logistically by a slightly wider coalition of countries, some of them EU members as well (such as Germany, Belgium, the UK). This operation smashed the Jihadist networks operating in Northern Mali, and allowed the central government in Bamako to regain the control over the North. In June 2013, the government

---

1   MNLA (Mouvement National pour la Libération de l'Azawad – National Movement for the Liberation of Azawad) emerged in October 2011 four days before the killing of Qadhafi on 20 October 2011. Its leader is former Libyan army Col. Ag Mohamed Najem, who hails from one of the Tuareg tribes keenest on armed opposition against the Malian government. The group is largely composed of remnants of former Tuareg opposition movements such as the United Fronts of Azawad (which led the 1990s uprising), and the Tuareg Movement in northern Mali (leader of the 2007-09 rebellion). However, it has also many young fighters among its ranks. The declared aim of the MNLA is the independence of the area called On 6 April 2012, the MNLA declared the independence of the Azawad, which was however immediately rejected by the entire international community.

2   Traditionally, the Azawad was considered to be the large plain north of the Niger Bend between Timbuktu and Bourem, northwest of Gao. Today the geographical meaning of Azawad has expanded considerably to include all of northern Mali.

3   These groups were: Al-Qaeda in the Islamic Maghreb (AQIM), the group led by Mokthar Belmokhtar "Signatories in Blood", the Movement for Oneness and Jihad in West Africa (MOJWA), and the Malian Ansar al-Din and Islamic Movement of Azawad (a splinter group originating from Ansar al-Din and founded by Alghabass Ag Intallah in January 2013).

and the Tuareg groups reached an agreement. A 12-page preliminary agreement paved the way for government troops to return to the last rebel-held town of Kidal ahead of presidential elections in July 2013, recognising also the territorial integrity of Mali and providing for disarmament of rebel groups.[4] One month later, on 28 July 2013, Mali held the presidential elections, with a second round run-off held on 11 August. That signalled the formal return of an elected government in the country. Ibrahim Boubacar Keïta defeated Soumaïla Cissé and became the President of Mali. Previously, he was Prime Minister from 1994 to 2000 and President of the National Assembly from 2002 to 2007.

The Malian crisis was the result of series of domestic and external dynamics. The fundamental causes of this crisis lie in the interplay of three major dynamics. The first factor to take into consideration is a long-term, internal element: the reawaken of Tuareg independentist aspirations that shacked the fragile structure of the Malian state. Historically, the Tuareg - a nomadic people belonging to the broader Berber ethnicity - have emerged as one of the most resilient groups to central government control. They can be considered among the major *losers* of the de-colonization process. The Tuaregs suffered a sort of 'dual colonisation', first by the colonial power and then by the post-colonial, generally southern-based,elites, triggering successive revolts and uprisings. In Mali, Tuaregs have recurrently revolted against the central government (1962-64; 1990-95; 2007-09) and, indeed, some dynamics of the current crisis recall past rebellions, especially that of the early 1990s (Antil, 2011, 291-308, Lecocq, 2010, 192-307).

In the '90s, the agreement signed between the Malian government and the Tuareg groups also started a process of power and administrative decentralisation. This effort was an attempt to placate separatist Tuareg groups in the north and was subsequently granted to other parts of the country. (Seely, 2001, 499-524; Klute, 1999, 167-82) These historical grievances against the Malian state have been compounded by other major problems, such as drought and supply-induced scarcity in the form of environmental degradation in the Sahara, although they were not as decisive as they are generally believed (Benjaminsen, 2008, 813-84). Yet, these agreements did not quell entirely these claims, as they re-emerged in the '2000s. In 2009, Muammar Qadhafi brokered an agreement between Malian and Nigerien Tuaregs and their respective governments, laying the ground for the increase of influence that the Brother leader wanted to achieve in these two countries.

The second factor is a medium-term element, originally exogenous, but that can be considered somehow internal to Mali now: the rise of Narco-jihadism in Northern Mali. Over the last decade, a number of developments have led to the severe deterioration of security

---

4   http://peacemaker.un.org/sites/peacemaker.un.org/files/ML_130618_AddhesionAccordDialogueInclusif.pdf

in the northern part of the country. The most important among them is the establishment of the Groupe Salafiste pour la Prédication et le Combat/Al Qaeda in the Islamic Maghreb (GSPC/AQIM)[5] in northern Mali in the early 2000s. Following the defeats and the problems that the GIA[6] suffered in Algeria, the GSPC emerged as the most important splinter group[7]. Especially after 2003, it became increasingly involved in the dynamics of the Sahel, which became a major playground for the group. However, this dynamics became especially critical after the full 'Sahelisation' – the southward shift of AQIM's core activities – after 2007-08 and the changing operational balances between activities in North Algeria and the Sahel, with the latter assuming greater importance. Moreover, over the past ten years, the Algerian terrorists operating in the area also changed their operational priorities as, especially after 2008, smuggling, kidnappings and other kind of illegal activities became central, somehow shadowing the commitment to pure Jihad action. This also happened because the Malian government turned a blind eye over the developments in the north, substantially accepting – tacitly – that northern Mali could turn into a safe-haven for AQIM and other foreign narco-jihadists (Cristiani and Fabiani, 2011)

The third factor is the war in Libya and the impact of the end of Qadhafi over the regimes of the region in general, and Mali in particular. The revolutions sweeping across the Arab world in early 2011 played a major in triggering the dynamics that lead to a further destabilisation of the already fragile geopolitical and ethnic balances of the Sahel (Cristiani, 2011). This also led Mali on the brink of collapse. Especially the Libyan revolution, the ensuing bloody civil war in 2011 and the end of the ruthless 42-year Qadhafi's *Jamahiriya* interlocked with Mali's domestic factors crisis and weakness. Although not *sufficient,* the end of Qadhafi's rule was *necessary* in triggering the Malian crisis. Mali's security and economic dependence on Qadhafi's regime was substantial (Cristiani and Fabiani, 2013). Qadhafi was a major financial and political supporter of the Malian regime, as a part of the pan-African shift in his foreign policy (Adamczewski and Jamin, 2011). In addition, Qadhafi acted as a Tuareg patron and his demise meant the end of an external control over Tuareg groups able to mod-

---

5   The GSPC/AQIM, are the two, latest major declinations of Algerian Jihadist terrorism.

6   Groupe Islamique Armé (GIA) the most effective violent terrorist group operating in Algeria during the civil war, one of the bloodiest conflicts ever witnessed in the region. Throughout the 1990s, the GIA made no distinctions between Algerian security forces and the civilian population, and even carried out a series of operations in France.

7   In 1998, former GIA member Hassan Hattab broke away from the organization, founding the new GSPC, with the explicit goal of avoiding the unnecessary targeting of civilians. The rise of the GSPC coincided with a dramatic strategic shift: between the late 1990s and early 2000s, the civil war had slowly turned from an all-out conflict into a low-intensity insurgency, as the Algerian authorities carried out a series of high-profile arrests and successful military operations while offering an amnesty to the remaining jihadi fighters, leadership and tactics. In 2003, Hassan Hattab was ousted and replaced first by Nabil Sahraoui and then in 2004, after Sahraoui's death, by Abdelmalek Droukdel. In 2007, the GSPC officially re-branded itself as AlQaeda in the Islamic Maghreb (AQIM), thus marking its affiliation with the global jihad's strategy and tactics.

erate some of their claims. Although his support was clearly instrumental and functional to his foreign policy aims, Qadhafi was able to control these groups with financial leverage and had used them to serve his regional interests. This reliance on Qadhafi also explains why the Malian government was among the last African governments to give up support for the former Libyan dictator, remaining particularly reluctant to interact with the new Libyan authorities. After the end of the conflict in Libya, Tuareg rebels who had fought alongside Qadhafi's loyalists returned to Mali with money, weapons and the political will to change the *status-quo* in the country. Their deep knowledge of the land and familiarity with the tactics of desert warfare; the wide availability of rather sophisticated weapons – at least compared to those of the Malian army – , and the lack of an external moderating force, helped the Tuareg rebels defeat the weak Malian army in the north. The outflow of weapons from Qadhafi's arsenal exacerbated the structural (in)stability of the regional environment caused by a plurality of factors, ranging from local organised crime to environmental degradation (Grégoire and Bourgeot, 2011; Lacher, 2012; McGregor, 2013; Ureta, 2012).

The European response: the EEAS, the Sahelian instability and the Malian crisis

The European External Action Service, established following the entry into force of the Treaty of Lisbon on 1 December 2009, was formally launched on 1 December 2010. It is the diplomatic corps of the EU. It implements the European Common Foreign and Security Policy and other areas of the EU's external representation. The EEAS is under the authority of the High Representative for Foreign Affairs and Security Policy, a post also created by the Treaty of Lisbon, whom it assists. The EEAS also manages the EU's response to crises (Verola, 2011). However, the early times of the EEAS were anything but easy (Duke, 2012). As noted by Stefan Lehne: "The EEAS has had a difficult start. It has been overshadowed by the euro crisis and beset by resource constraints and the conflicting visions and interests of its different stakeholders." (Lehne, 2012). Moreover, despite a series of positive achievements – first of all, the capacity to provide a more throughout continuity to EU foreign policy action than it was under the provisions of the Treaty of Maastricht – the EEAS has partially failed, insofar, in its aims to serve as an effective platform for coordinating both classical foreign and security policy. The gap between these two dimensions of European external action remains far too significant. In a way, the response to the Malian crisis fit this idea. While some formal strengthening in the coherence of the EU action may be spotted, at the same time the European response to the crisis was dominated by the predominance of a member state, namely France. While this is consistent with the actual history of the EC/EU engagement in Africa, since France has dominated the communitarian foreign, and *proto-foreign*, policy in the region since the inception of the community in the '1950s, this is a partial blow

to the ambition of the EU to implement a more effectively, unitarian foreign policy through the new institutional structures.

Formally, the relations of the EU with Mali are based on the Cotonou Agreement and the implementation of the Country Strategy Paper/National Indicative Programme 2008-2013. The EU, as a corporate actor, has produced a series of policy documents and initiatives in regard to Sahelian crisis. In March 2011, in the immediate aftermath of the Libyan crisis, the EU produced a "European Strategy for Security and Development in the Sahel." (EEAS, 2011) Although the conceptual roots of this document can be traced back to the discussions on the region launched by the French EU presidency in 2008, it was nevertheless a first and direct response to the deterioration of the situation in the region. Its focus was focusing primarily on economic development and security perceived as intertwined. The EU stated clearly that "security and development cannot be separated", to be achieved by an increase in regional cooperation and governance-capacity strengthening. From this point, little had changed compared to the historical approach of the EU toward the region. Historically, this has been a major feature of the EU approach toward Africa, as security and development were often considered two sides of the same coin. Another salient element of the document was the short- and medium-term aims that the EU aimed at achieving. Concerning the former, in a three-year perspective, the aims were:

> "improving access of populations in the contested zones to basic services (roads, livelihoods, education, social services) as well as to economic and education opportunities, while improving their relations with their parent states; reducing terrorist attacks and kidnappings in the Sahel countries, limiting the capabilities of AQIM and criminal networks, improving security in the contested zones of Sahel as States' administration and services redeploy effectively and are in line with the principles of good governance, while their security capabilities to fight terrorism and criminal trafficking across the region are improved; contributing to the fight against corruption, supporting the implementation of peace settlements, raising awareness and training the local traditional elites to better understand and react to the threats of terrorism and organised crime; increasing confidence between local and state authorities." (EEAS, 2011, p. 4)

In regard to the latter, in a five- to ten-year perspective, the EU aimed at:

> "enhancing political stability, security, good governance, social cohesion in the Sahel states and economic and education opportunities, thus setting the conditions for local and national sustainable development so that the Sahel region can prosper and no longer be a potential safe haven for AQIM and criminal networks; assisting at national level in mitigating internal tensions, including the challenges posed by violent extremism on which AQIM and other criminal groups feed." (EEAS, 2011, p. 4)

Analysing the achievements in a three-year perspective, it is striking how the EU was not able to fulfil them. This is a typical example of some of the problems characterising the EU foreign policy as a corporate actor:

▪   the ambition-capacity gap;
▪   the presence of an extremely wide list of aims, reflecting the significant heterogeneity of interests represented by member states but that, most of the time, turns more into a sort of *political wish-lists* given the persisting weakness, and often the lack of a direct and unified political will, to devote and operationalize the amount of resources needed to achieve them;
▪   a very limited and short time-framework for action, in which the EU aims at fostering specific developments – 'social cohesion in the Sahel states' being a major example – that could be achieved only in longer-time framework instead, and not in a five to ten years framework.

Concerning the specific Malian crisis, in formal terms, the EU condemned the coup and the takeover of the north by the rebel forces, calling for an immediate end to violence, the protection of civilians and the restoration of a civil, constitutional government. It was supportive of the efforts of ECOWAS thus stressing the importance of collaborating with regional countries and welcomed the inauguration of Dioncounda Traoré as interim president and the appointment of Cheick Modibo Diarra as interim prime minister. In October 2012, the EU backed the United Nations Security Council Resolution 2071, and the development of a UN integrated strategy for the Sahel (European Union, 2012A). The EU then finalized its plans for the training mission in early January, shortly after the start of the French intervention, and on 17 January 2013, the Council established a Common Security and Defence Policy mission to support the training and reorganisation of the Malian military, creating the legal basis for the operation and thus taking another step towards its deployment (European Union, 2013A). The EU's declared aims were in line with the guidelines of the EU Strategy for Development and Security in the Sahel: restoring a sound constitutional and democratic order in Mali through the implementation of a credible and consensual road map (free, transparent and fair elections in 2013, negotiations with armed groups rejecting terrorism); re-establishing the state's authority throughout the country and redeploying the army in a context of peace and reconciliation, while respecting the rule of law and human rights; and defeating organised crime and terrorism. The military training mission, EUTM Mali, is supposed to train and advise the Malian Armed Forces (MAF), operating under the control of legitimate civilian authorities, in order to enable them to engage in combat operations to restore Malian territorial integrity. Specifically, the mission will advise on issues pertaining to command and control, logistic chains and human resources, as well as on international humanitarian law, the protection of civilians and human rights. EUTM Mali will not be involved in combat operations (European Union, 2013B).

However, in more practical terms, despite the alleged comprehensive approach adopted in the various EU documents, the EU – as a corporate actor – and the European – as member states – actual, major concern remained with terrorist developments on the ground. It is striking to highlight that the only geographical map reported in the document (EEAS, 2011, p. 2) is a map of Al Qaida activities in the Sahel. Moreover, on a more general basis, the terrorist threat was central in the document to assessing the risks stemming from this area. It is noteworthy to underline the circumstance that France opted to intervene in Mali only when Jihadist groups took over the strategic town of Konna, located 600 km from Bamako, and started heading southward. This happened one year after the beginning of the problems that would bring Mali on the brink of the collapse. These two elements provided enough evident that, despite the alleged comprehensiveness of the European approach, terrorism remains the actual driver of this engagement in the region. The focus toward this country rose sharply only after the north fell into the hands of Islamist groups.

Clearly, the French action in Mali cannot be considered as a EU action tour court. An outright EU military option was never seriously considered and France alone responded to the request for military support from the Malian authorities once the situation precipitated. And even then, as EU member states provided only limited support to France, this intervention can hardly be considered 'European', despite the goals shared by the member states. That said, the French intervention fulfilled a shared European aim: avoiding the fall of either Northern Mali or the entire country firmly in the hands of Jihadist groups. The other EU countries were reluctant in sharing the burden but France, given its historical role and interests in the region, decided to act in order to defeat – or at least to limit – Jihadist groups operating there.

Conclusions

The crisis that erupted in Northern Mali can be considered the result of three dynamics: long-standing Tuareg grievances; a sharp deterioration of the local security environment caused by the rising role that Jihadist groups played in the area; and the dynamics of crisis triggered by the Arab Spring, namely the end of Qadhafi's regime. That was one of the major military and humanitarian crisis that the EEAS had to face since its establishment. While some sort of greater continuity and formal coherence may be spotted in the external action of the EU, at the same EU action was not particularly effective. Only the action of a member state, France, influenced the dynamics on the ground, while the action of the EU as a corporate actor was substantially ineffective, as envisaged by the incapacity to fulfill the three-year aims listed in the 2011 document on the Sahel. The French action, although responded to a shared European logic and interest to curb the rise of Jihadist groups in Mali, received

only very little support from other EU countries. This is somehow consistent with the actual, historical action of the EU toward the region: it remains shaped and dominated by France. Its colonial past in the region; the knowledge of the territory, characterized by intricate and fleeing social and political dynamics; its economic interests and its military presence in the wider region make Paris indisputably the most important actor for Europe in the region and the *de-facto* driver of EU foreign policy in the Sahel. As such, while the EEAS guaranteed a greater formal coherence and continuity of the EU foreign policy on this issue, yet its presence did not change the unbalance between some members states – France in this case – and the EU in driving the European external action.

References

Adamczewski, A. and Jamin, J.Y. "Investisseurs libyens, paysans maliens", *Le Monde Diplomatique*, September 2011,

Antil, A. (2011) "Le Sahel: une zone grise aux portes du Maghreb", in Mohsen-Finan, K. (ed.), *Le Maghreb dans les rela-tions internationales*, Paris: CNR Editions, 291-308

Benjaminsen, T. (2008) "Does supply-induced scarcity drive violent conflicts in the African. Sahel? The case of the Tuareg rebellion in northern Mail". *Journal of Peace Research*, 45, no. 6 , 813-84

Cristiani, D. (2011) "Missiles, Money and Migration: The Impact of the Libyan Crisis on the African Sahel". *Jamestown Foundation Terrorism Monitor* 9,no. 15

Cristiani, D., and Fabiani, R. (2011) *Al Qaeda in the Islamic Maghreb (AQIM): Implications for Algeria's Regional and International Relations*, IAI Working Paper 11/07. Rome: Istituto Affari Internazionali, April 2011.

Cristiani, D., and Fabiani, R. (2013) "The Malian Crisis and its Actors", *The International Spectator: Italian Journal of International Affairs*, 48:3, 78-97.

Duke, S. (2012), *Now We Are One...A Rough Start for the EEAS*. Maastricht: EIPA Working Paper 2012/W/01, 2012

European External Action Service ,"Strategy for Security and Development in the Sahel"

European Union, Council conclusions on Mali/Sahel, 3159th Foreign Affairs Council meeting, Luxembourg, 23 April 2012, A http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/129711.pdf

European Union, Council conclusions on the situation in Mali, 3191st Foreign Affairs Council meeting, Luxembourg, 15 October 2012, B http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/132850.pdf

European Union, Council of Europe, "EU training mission in Mali established", 17 January 2013, A http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/134748.pdf

European Union, CSDP, "EU Training Mission in Mali (EUTM Mali) - Fact Sheet", 13 January 2013, B http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134744.pdf

Grégoire, E., and A. Bourgeot (2011) "Désordre, pouvoirs et recompositions territoriales au Sahara". *Hérodote* 142, no. 3, 3-11

Klute, G. (1999) "De la chefferie administrative à la parasouveraineté regionale". In A. Bourgeot (ed.) *Horizons nomades en Afrique sahélienne*, Paris : Karthala, Société, développement et démocratie. 167-82.

Lacher, W. (2011) *Organized Crime and Terrorism in the Sahel*, SWP Commentary. Berlin : Stiftung Wissenschaft und Politik, 2011.

Lecocq, B. (2010) *Disputed Desert: Decolonisation, Competing Nationalisms and Tuareg Rebellions in Northern Mali.* Leiden: Brill.

Lenhe, S. (2012) *The Review of the European External Action Service in 2013*, Brussels: Carnegie Endowment for International Peace

McGregor, A. (2013) "Red Berets, Green Berets: Can Mali's Divided Military Restore Order and Stability?". *Jamestown Foundation Terrorism Monitor* 11, no. 4.

Seely, J. (2001) "A Political Analysis of Decentralisation: Coopting the Tuareg Threat in Mali, The Journal of Modern African Studies, Vol. 39, No. 3,499-524

Ureta, I. (2012) "Senza Gheddafi nel Sahel cambia tutto". *Limes – Rivista Italiana di Geopolitica* 11, no.5, 57-66.

The European Union and Syria – reluctant and unambitious in a Middle Eastern imbroglio

Edmund Ratka / Christine Straßmaier

Introduction

The news from the Levant is appalling: Thousands of civilians have been killed and many more displaced. The European public is horrified by the widely reported massacres. A French expeditionary corps of 6,000 soldiers, mandated by the other European powers, is sent to Damascus. 22 warships of a broad European alliance, ranging from Great Britain to Greece, monitor the Syrian coast to prevent further hostilities. Even though, in the meantime, the bloody conflict between Druze and Maronite Christians in Lebanon and Syria has already come to an end, European troops stay for several months to fully restore peace and order. The intervention of 1860, initiated by French emperor Napoleon III, certainly has to be seen in the context of Europeans' imperial rivalries in the Middle East. Above all, however, it was justified by the humanitarian concern of protecting the Christians of the Levant, setting an important precedent for future humanitarian interventions (Rodogno 2011).

Today, Syria stands again at the centre stage of international politics. In contrast to the mid-19th century, Europeans for now have abstained from decisively interfering in a conflict which has incessantly escalated since the first signs of the 'Arab Spring' swept over Damascus in March 2011. This is remarkable even beyond the humanitarian tragedy Syrians are going through. Syria has emerged as a crucial focal point, where overarching conflict lines of a transforming Middle East crystallise, and the theatre of an international trial of strength with the potential of destabilising the whole region unfolds. Furthermore, Syria not only borders EU allies such as Israel and Turkey, but is also considered to be part of the European Neighbourhood Policy (ENP) which aspires to establish a prospering, stable and democratic 'ring of friends' around the European Union. From the very beginning, Catherine Ashton, the High Representative for Foreign Affairs and Security Policy, has made the neighbourhood a priority for herself and the European External Action Service (Ashton 2010; EEAS 2013a: 3). In a speech to the European Parliament in October 2013, she reiterated that "we are particularly well placed to influence events and promote stability and democracy in our Neighbourhood, both South and East. I have said it many times, we should be judged by the effectiveness of what we can achieve in our own neighbourhood" (Ashton 2013).

In general, the changes introduced by the Lisbon treaty to the EU's foreign policy architecture envisioned "to promote more unity amongst EU member states so that we have the necessary political weight [and] to forge more integrated strategies, so that we are more effective on the ground" (Ashton 2010). The EEAS was meant to play a key role in achieving this goal. The EEAS review of mid-2013 reminds that the new body "brings together all of the policies and levers at the EU's collective disposal and allows them to be focused building influence and delivering results across the world to promote EU values and interests" (EEAS 2013a: 3).

This chapter examines and evaluates the policy of the European Union towards Syria after 2011 in light of the EEAS' overall ambitions, as mentioned above. Did the member states share a common approach (*coherence*)? Did the EU develop a comprehensive strategy across policy fields in responding to the unfolding crisis in Syria (*consistency*)? Could the EU impact on the course of events (*influence*) and did it achieve its objectives (*effectiveness*)? Concerning the Syrian crisis, Catherine Ashton and the European Commission set out their objectives in a joint communication in June 2013: "The comprehensive EU approach should aim at: a) support a political solution that brings a sustainable solution to the crisis, b) prevent regional destabilisation from the spill-over of the conflict to neighbouring countries; c) address the dramatic humanitarian situation and assist the affected populations; d) address the consequences of the conflict on and in the EU" (European Commission 2013a: 3).[1]

We argue that, its laudable humanitarian and mediation efforts notwithstanding, the European Union has largely failed with regard to Syria and missed an opportunity to affirm itself as a comprehensive foreign policy actor on the international scene. For now, the European External Action Service did not manage to unite the member states and create a decisive and consistent action in the admittedly very difficult case of Syria.

After an overview of the developments in Syria, the chapter discusses six dimensions of (potential) European action: Declarations and sanctions, humanitarian aid, mediation efforts, support for the political opposition, military support and the question of military intervention. In each section, we outline the respective situation "on the ground" before analysing and evaluating what the EU has – or has not – done.

---

1   The last objective, addressing the consequences in the EU, mainly refers to "preventing radicalisation and dealing with foreign fighters", for instance through raising awareness as well as tracking flight passengers and payments related to terrorist movements (European Commission 2013a: 8-9). As this is not a foreign policy measure directed towards Syria it is not further considered in this chapter.

The Syrian tragedy – from peaceful protests to a civil and proxy war

In January 2011, President Bashar al-Assad seemed confident when questioned about the troubles in Tunisia and Egypt. Arguing that he had set Syria on a gradual path of reform since taking office in 2000 and that he shared the beliefs of his people, Assad showed himself convinced that his country was "stable" and would not be affected by the uprisings in Tunisia and Egypt (Al Assad 2011). In fact, the first protests in Syria were modest both in scope and in their demands. In March 2011, Syrian citizens called for reform, but, in contrast to their Tunisian and Egyptian counterparts, not for the fall of the regime. Yet, the answer of the regime to the demonstrators was a violent one from the onset. As a consequence, the demands on the streets switched from regime reform to regime change resulting in a further escalation of the violence. An armed opposition, initially composed of defectors of the Syrian army, was formed in mid-2011 in order to protect civilians from assaults of the regime forces. Today, the variety and loyalty of armed groups on the ground is elusive. Increasingly, radical Islamist and Jihadist groups have entered the conflict, composed both of Syrians as well as foreign fighters. Until early 2013, the armed opposition gradually gained ground against the Syrian army in Homs, Aleppo and other smaller towns especially in the North-East of Syria. Expectations were high that the Assad government would fall within months. However, rebels have been unable to capitalize on these successes, and fighting has largely stalemated if not reversed along current battle fronts.

The latest peak of the conflict was marked by the use of chemical weapons in the suburbs of Damascus in August 2013 leaving around 1,000 civilians dead. Following immediate threats of a punishing attack against the Syrian regime, the United States retreated from plans of militarily intervention. With Russian support, the Assad government managed to broker a deal to destroy its chemical weapons arsenal under the UN's watch and thus succeeded in putting intervention off the table and distracting from on-going atrocities within the country.

Beyond various factors within Syria, a major reason for the escalation of the Syrian revolution is the country's strategic and regional importance. Syria has turned not only into a civil war. It is a proxy war between Sunni Saudi Arabia, Qatar and Turkey on the one side and Shia Iran, Iraq and Hezbollah on the other side, supported by the United States and Russia respectively. Even within these two blocs deep cracks have grown within recent months. But the conflict in Syria goes far beyond religious or ideological differences. It is routed in the struggle for hegemony and political power in the region. Proxy wars usually contain massive risks for prolonged battle and a regional spill-over. The escalation in Syria thus poses a serious challenge to the international community, in particular to the neighbouring European

Union. As in previous international conflicts, Europeans first reacted with declarations followed by sanctions.

Issuing declarations and imposing sanctions – playing the evergreen of EU foreign policy

After a steady growth of the protest movement over the first months of 2011, the Syrian military began launching large-scale military operations against restive towns and cities. The operations involved the use of tanks, infantry carriers, and artillery, leading to a large number of civilian deaths (Boxx 2013). In light of this crackdown on the protests during the summer 2011, Europeans distanced themselves further from President Assad, with Sweden's Foreign Minister Carl Bildt pressing ahead in asking Assad to resign in July 2011 (Spiegel Online 2011).

The EU as a whole waited for the United States to take a clear and common position in this regard. On 18 August 2011, Barack Obama ordered a new round of financial sanctions against the Syrian regime and declared that "the future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way" (The White House 2011). Several hours after the US-President, Catherine Ashton stated that Assad had lost his "legitimacy in the eyes of the Syrian people" and had to "step aside" (Ashton 2011). The very same day, the heads of state and government of the European 'Big 3' – Angela Merkel, David Cameron and Nicolas Sarkozy – issued a declaration of their own, condemning Assad and asking him to resign (The Federal Government 2011). In sum, Western powers, including key European states, fairly managed to coordinate their pressure on the Syrian president in time and content. An EEAS document of September 2011 states clearly that the EU will "not cooperate with the regime, the current government authorities, nor anyone supporting them" (EEAS 2011: 1).

As it became rapidly evident that Assad would not give in to rhetoric confrontations, Europeans had to undertake concrete measures against the Assad government in order to enforce their position. After the EU froze financial and technical assistance programmes provided bilaterally to Syria, sanctions became the EU's instrument of choice to exert pressure on Assad's regime. The EU gradually extended its restrictive measures in the subsequent months. A first round of sanctions in May 2011 targeted 13 leading figures, including the President's brother Maher al-Assad (but at this point not yet the President himself), who were purportedly responsible for atrocities against the opposition. They were banned from travelling to the EU and their assets were frozen. These measures were expanded to 54 entities and 179 persons as of June 2013. In May 2011, the EU imposed a comprehensive arms embargo

against Syria. In September 2011, the Syrian oil industry emerged as main object of the EU's sanction efforts. Brussels forbade the import of Syrian oil, investment in the Syrian oil industry and exports of key equipment and technology of this sector. Moreover, financial assistance for or trade in gold and other precious metals with Syrian public bodies was banned. The assets of the Syrian central bank in the EU were frozen. In the course of the escalating conflict, the European Union practically stopped dealing with the Syrian regime and imposed an overall heavy sanction regime (European Commission 2013; for a complete list of sanctions see EEAS 2013b: 62-96).

Nonetheless, the EU's sanctions did not instigate any feasible diplomatic momentum. The gradual imposing of sanctions goes along with the logic of gradual punishment according to non-compliance of the sanctions' target. This approach hampered a potential 'shock and awe'-effect. The latter was further tarnished when, in autumn 2011, following the demand of Italy, the implementation of the oil embargo was delayed. While the EU sanctions of course hurt the Syrian economy and caused trouble for the Syrian regime, Assad could rely on other international partners, such as Russia, China and Iran, to compensate the loss of his Western and several Arab trading partners. In order to economically isolate the Syrian regime effectively, it would have been necessary to put pressure on non-European firms to stop doing business in Syria. In 2013, as is explained below, the EU started to ease the sanction regime to support the opposition forces.

Providing humanitarian aid – committed in the region, but averse at home

The Syrian conflict developed with such gravity and speed that within two and a half years at least 100,000 Syrians were killed, thousands more heavily wounded and more than 4 million people displaced within Syria. In addition, 2 million Syrians have fled the country. Currently, Lebanon hosts the majority of refugees with around 700,000 closely followed by Jordan and Turkey with each around 500,000 Syrians looking for shelter (UN OCHA 2013). Beyond Syria's neighbours, other Middle Eastern countries host Syrian refugees, such as Egypt and (quite cynically) Iraq. These numbers only comprise those officially registered as refuges, while the actual numbers of Syrians that entered neighbouring countries especially in the beginning of the conflict are believed to be a lot higher. With maybe Turkey as an exception, all of the host countries struggle with their own internal complex transformation processes, face internal armed conflict or political and socio-economic instability. In all countries, the amount of the Syrian refugees is creating growing unease among the local population and results in increasing sectarian violence, mounting fears of a spill-over effect. All countries heavily depend on external help to cope with the task of hosting current numbers of refugees. Lebanon has not taken any particular measures to handle refugees and

Syrians are settling uncontrolled in self-made shelters along the Syrian border or seek cover with relatives in Beirut. Jordan and Turkey have both established large, heavily protected refugee camps along their borders with Syria fearing dangerous effects if Syrians settle in urban areas. The situation in all camps is disastrous and has already led to violence among refugees and between refugees and local security forces that ensure people are not leaving the camp. Against this background, the humanitarian support of the United Nations and the international community as a whole is still estimated to be insufficient.

The European Union has emerged as the most important donor in humanitarian aid. As of June 2013, the EU and its member states have mobilised 850 million Euros, more than half of which have come from the EU budget. Another 400 million are foreseen until the end of 2013 by the European Commission. The EU funds have been spent both within Syria and within the neighbouring countries. The EU humanitarian funding is mainly channelled through international NGO's such as the Red Cross and the Red Crescent as well as through UN agencies, including UNHCR and UNICEF. Ambulances, blankets, heaters and other items have been delivered to Turkey and Jordan through the EU Civil Protection Mechanism (European Commission 2013: 10).

The EU's humanitarian efforts have doubtlessly contributed to at least alleviate the suffering of the refugees and provided some support for Syria's affected neighbours. However, it could not match the refugee crisis' unprecedented scale. In particular, the European Union was very reluctant in easing the burden of countries such as Turkey, Lebanon or Jordan by taking in Syrians on its own soil. Until mid-2013, the EU has admitted about 40.000 refugees that means a mere 2,5 per cent of the 1,6 million Syrians who have fled their country. One has to acknowledge that asylum competence stays with the member states and that the Commission has been urging them to be generous in granting humanitarian visas to persons displaced by the Syrian crisis. However, Brussels did not launch any decisive initiative in this regard. Even within its own programmes it turned out to be timid. The number of Syrian students that have been granted an Erasmus Mundus scholarship in the first half of 2013 is 21 (European Commission 2013: 7). As indispensable and as laudable all the humanitarian efforts are, the humanitarian disaster will persist until the conflict itself is solved.

Initiating mediation – keeping dialogue alive and waiting for Geneva

Apart from sanctions and humanitarian efforts of the EU and several other states, the international community followed attempts to mediate between the conflict parties and find a diplomatic solution to the conflict. In February 2012, former UN-Secretary General Kofi Annan was appointed UN-Arab League special envoy to Syria and soon proposed a six-point peace-

plan for Syria – the most serious diplomatic attempt towards the Syrian crisis (UNSC 2012). The peace-plan's premise was a ceasefire between the Free Syrian Army and the government across Syria that would be followed by a number of steps to stop the violence and fighting, organise a transition period and post-war reconstruction. Shortly after being agreed on, the ceasefire between the Syrian government and the armed opposition was violated by sporadic clashes between both sides that blamed each other for the attacks. The ceasefire finally collapsed in May after around 500 civilians were found massacred in Houla, a small town in the Hama province. In consequence, the oppositional Free Syrian Army launched nation-wide attacks against the army.

In June 2012, the UN backed an international conference in Geneva to commit all parties to Annan's six-point plan, later called 'Geneva I' (Meo 2012). The conference was joined by Secretaries-General of the United Nations and the League of Arab States, the Foreign Ministers of China, Russia, the United States, Turkey, and several Arab and Gulf countries. From Europe, not only Catherine Ashton, the EU's High Representative for Foreign and Security Policy, but also representatives of France and the United Kingdom participated, illustrating the importance these two member states attached to the Syrian issue.

The by then new found opposition body, the National Coalition for the Syrian Opposition and Revolutionary Forces (SOC), took part in the Geneva conference, while no representatives of the armed opposition were invited. Instead of laying down a road map for resolving the conflict, the conference was marked by internal rivalries within the opposition. As a result of the failure of the peace-plan, Kofi Annan resigned on 2 August 2012. Annan was shortly thereafter replaced by the Algerian Ahmad Brahimi (Gladstone 2012). However, Washington and Moscow took a leading role in organising a second round of talks, which was postponed several times and finally scheduled for November 2013. Given the shifting situation on the battle field and the dynamic of the conflict, the Assad government is supposed to participate in Geneva II. Until now, it is not clear whether the opposition will take part as a whole, in parts or at all.

Ashton and the EEAS have made clear that "the first priority of the EU is to promote a political settlement aiming at ending the violence" (European Commission 2013: 2). In doing so, the EU has repeatedly put forward the need of addressing the Syrian crisis via the United Nations (Ashton 2013: 2) and then pointed to the (failed) responsibility of the international community (Vimont 2013). While the European Union as such did appear as playing a supportive rather than a proactive role in the international mediation concert, the EEAS has been very active in keeping up diplomatic channels to all relevant actors, including to the Syrian government. In addition, Ashton and other European leaders have constantly brought the Syrian issue to the table at the margins of bilateral meetings with in particular Russia,

Assad's most important ally. Furthermore, the EU's delegation in Damascus remained open until the end of 2012, when most member states had already closed their embassies, and now operates from Beirut with frequent visits to Damascus. Also, the EU did no expel the Syrian representative to the EU in Brussels. In doing so, the European Union, in particular via the EEAS, keeps up regular contact and exchange with the Syrian opposition and the Assad regime and negotiations over humanitarian aid and access to areas in need.

However, despite these communication channels to Russia and to Syrian actors, the European efforts did not result in profoundly affecting their position. In fact, the EU did, on the one hand, position itself relatively early against Assad, but did not, on the other hand, consequently bolster the opponents of the Syrian president.

Supporting the political opposition – leaving determined sponsoring to the others

In August 2011, Syrian exiles formed the first proper political opposition body in Istanbul, the Syrian National Council (SNC). Today, the SNC constitutes the key bloc in the main opposition umbrella organisation, the National Coalition for Syrian Revolutionary and Opposition Forces (SOC). From the beginning of the conflict, there has been a stark internal-external division between political opposition and armed opposition. While the political opposition body was composed mainly of Syrian exiles and located outside Syria, army defectors and increasingly Syrian civilians represented the armed opposition inside Syria. Until today, these two factions remain largely separated and both bodies face substantial inner fragmentation and dissent.

With regards to the political opposition, religious, ideological and political fault lines, changing leadership and the lack of contact to fighting groups inside Syria have prevented the establishment of a credible transitional government in order to put pressure on the Assad regime. This deficiency has been exacerbated by the influence of foreign governments and the ideological rivalries that come along with that. Since the beginning, the main opposition bodies – first the Syrian National Council (SNC) and later the National Coalition for Syrian Opposition and Revolutionary Forces (SOC) – have been subject to the grip from several different external state sponsors (Charara 2013). Turkey, the United States, Qatar and finally Saudi Arabia have subsequently tried to impose their strategy for Syria via taking over the financial and ideological leadership of the opposition organisations. Chances are low that the power tit-for-tat and shifting leadership over the SOC will come to an end and settle in a permanent solution (The Economist 2013). The biased nature of the respective sponsor of the SOC reveals the regional power struggle that undermines a substantial strengthening and

uniting of the opposition in order to overcome the gap to the fighting groups inside Syria. Not at least as the EU is taking a reluctant position in being a 'sponsor' itself, its influence on other external actors remains limited.

While Assad's loss of legitimacy has emerged as consensus within the European Union without much debate, it was more controversial to which degree the EU should support the heterogeneous Syrian opposition forces. France was the first Western country to recognise the SOC as legitimate representative of the Syrian people and urged the other European to follow. Shortly afterwards, the EU Foreign Affairs Council acknowledged the members of the opposition body as "legitimate representatives of the aspirations of the Syrian people" (EU Council 2012a). Other member states, such as Italy, individually adopted the stronger French formula. A month later, shortly after President Obama did the same, the EU as a whole upgraded its recognition of the SOC in this sense (EU Council 2012b) and invited its leader, Moez al-Khatib, to a Foreign Affairs Council meeting in Brussels.

The EU's verbal and political support of the opposition did also turn into a concrete material one, though step-by-step. In addition to its help to Syrian civil society organisations, which generally opposed the incumbent regime, the EU provided economic assistance to rebel-held areas in Northern Syria, albeit to a limited degree (10 million Euro through the Instrument for Stability). In the future, the EU seeks to work closer with the Local Administration Councils, which try to establish public structures in areas that are controlled by the opposition (European Commission 2013: 11). In addition, the EEAS is engaged in assisting and convincing the quarrelling SOC to participate as a whole and with a coherent strategy in the Geneva II conference.

Member states have also stepped up their efforts to support "state-building" in the opposition-held areas, with Germany taking a leading role. The Berlin-based, government-funded Institute for International and Security Affairs (SWP), for instance, facilitated the meetings of diverse opposition members to draft a road map for a Post-Assad-Syria in 2012 (SWP 2012). Furthermore, the German Foreign Ministry supported humanitarian and development organisations which worked at the Turkish-Syrian border and in Northern Syria. Backed by the Foreign Ministry, the German development agency GIZ opened a project office in the Turkish city of Gaziantep at the beginning of 2013. The German government encouraged NGO's to become active in Northern Syria, even if neither a mandate of the UN nor of the Syrian government exists (Gutschker 2013).

To further support the opposition, the European Union lifted its oil sanctions on Syria in May 2013. Syrian fields in the Eastern Deir Ezzor and al-Raqqa province had been captured by SOC-linked FSA fighters who were supposed to control and sell oil on behalf of the SOC

which hence would increase its ability to finance itself. However, the EU's decision sparked controversy as it was believed that the oil fields were not only in the hand of 'moderate' fighters the EU regarded worth of funding, but also in control of radical Islamist groups (Borger/Mahmood 2013). Until today, due to continued fighting among rival rebel groups – within the radical spectrum, between radical and moderate FSA, Kurdish groups as well as local tribes – a logistical process to actually export the oil could not be established (van Wilgenburg 2013).

There have been several attempts by external actors to create a body that unites the armed opposition under a central command. The first armed opposition was formed in July 2011, when after months of protest and brutal crackdown by the Syrian army, the Free Syrian Army (FSA) was founded. The group was mainly composed by defectors from the Syrian army. In the tradition of the Syrian army, the FSA presented itself as strictly secular, national and 'non-ideological', and rejected allegations stating the group discriminated against non-Sunni or non-Muslim Syrians. In addition, the FSA implemented the hierarchy, discipline and rule of command of a regular army. As such, the FSA appeared as an ideal opposition organisation and candidate for taking over the security vacuum after a collapse of the Assad regime (which, by that time, was believed might happen within months). As the conflict in Syria continued, the rebel landscape grew as well as the FSA's composition and ideological background fragmentised. In the months after its foundation, the FSA increased significantly in numbers, but important defections of high ranking officials and units of the Special Forces (that were responsible for most of the attacks against the population and opposition) stalled. Instead, the majority of new members were civilians and self-organized battalions that had decided to fight the government in the expectation the FSA would provide them with weapon, ammunition and money – a demand the FSA could not meet. Hence, several units declared to join the FSA for prestige, but balked at taking orders from (or coordinating attacks with) the FSA command. The credibility gap created by the lack of a reliable weapons supply led to continuously shrinking loyalties among FSA field commanders to the joint military command of the FSA. As a consequence, rebels have been unable to capitalise on early successes, and fighting has largely stalemated along current battle fronts particularly in the key areas of Aleppo, Homs and Damascus.

Today, the Syrian battlefield resembles a patchwork of localized battalions associated with the FSA, and the larger independent franchise brigades and their alliances, some with Islamist bias, as well as radical Islamist groups. The latter include the Islamic state of Iraq and Sham (ISIS) Islamic State of Iraq and Sham, Jabhat al-Nusra, Ahrar al-Sham, Jaish al-Muhajireen wal-Ansar and Suquor al-Izz (International Crisis Group 2012). Islamist groups and foreign fighters gained stardom for their spectacular attacks against government forces and better equipment. In addition to arms and ammunition, Islamist rebels are also able to

provide an ideological background and religious legitimacy that especially fighters without military background are attracted to while facing the horrors and strains of a civil war. In addition, Islamist groups installed Islamic courts in their area of command, which take disciplinary action against disobedient fighters. The level of cooperation and separation between all presented groups varies. It is temporary and opportunistic. Different groups might cooperate for a couple of hours or days for an explicit attack or operation against the government and afterwards separate and even increasingly fight against each other (Al Tareq 2013; Karouny 2013).

While the EU has at least modestly supported the political opposition, it hesitated to supply arms to the rebels, in fear of further fuelling a complex war. Instead, the EU, like the United States, decided to support the FSA with non-lethal equipment, such as walkie-talkies, body protection vests and other logistic support. The lack of heavy military equipment has been crucial for the recent losses of the rebels. Facing the superiority of the government's artillery and air forces, they struggle to consolidate advances and permanently hold territory. In addition, better equipped jihadist groups increasingly gained ground.

These dynamics on the battlefield stirred controversy within the EU over the weapons embargo. In contrast to most other member states, France and Great Britain argued for supplying 'moderate' rebels with arms and ammunition. Officials from both countries attended the gathering in Antalya, Turkey, in December 2012, where so called moderate rebel commanders, aligned with the FSA from all over Syria agreed on a unified command structure, the Supreme Military Command (SMC). In May 2013, Paris and London did not accept a further extension of the EU's weapons embargo. Ashton then managed to broker a compromise, which allowed member states – under strict conditions in particular regarding the recipients and only from August 2013 on – to deliver weapons to Syria (EU Council 2013). However, even if the agreement was face-saving for the European Union and a common position existed now on paper it actually meant that the member states could from now on follow separate strategies in this regard.

Saudi Arabia is currently rallying for support in the US, France and Britain in supplying rebels with weapons (Al Akhbar 2013). Saudi Arabia pursues delivering arms to the Syrian Military Council (SMC) that would operate upon the behalf of the political opposition body, the SOC. This idea has already been rejected by several groups within the SMC that favour direct, unconditional supply (Asharq Al Awsat 2013). In addition, Saudi Arabia has created another Islamist umbrella organisation (which now exists parallel to the FSA and the SMC), the "Army of Islam" that aspires to woo away fighters from jihadist groups such Al-Nusra. Yet also the "Army of Islam" has already declared to not accept the SOC as a legitimate representative (Prothero/McClatchy 2013). Given this blurred situation on the ground in

Syria, an open support in weapons supply by European member states to any Syrian group seems unlikely.

Debating military strikes – (almost) united in intervention fatigue

On 22 August 2013, the Syria conflict reached another peak when around 1,000 civilians, among them many children, died from a chemical weapon attack in the suburbs north-east and south of Damascus. In the weeks before, the FSA had gained ground on the outskirts of the capital. While the Syrian government blamed rebels, the West saw it as proven that only governmental forces had the capability and interest in launching such an attack. US-President Barack Obama, who had repeatedly warned Assad months earlier on transgressing the red line of using chemical weapons, was now considering air strikes against the Syrian regime and was initially backed by Paris and London in this regard.

However, with the UN Security Council once more paralysed on Syria and with only limited internal and international support for a military action against Assad, Obama hesitated and sought approval from US-Congress. Finally, in a bold diplomatic move, Russia put forward a proposal to destroy the Syrian chemical weapons. This step was accepted by the Syrian regime and led Obama to cancel the air strikes, which the US military had already prepared for.

Within the approximately three weeks during which a potential US-led strike against military installations of the Syrian regime was on the table, Europeans contributed – willingly or not – to break the momentum for the actual realisation of such an attack. From the beginning, Catherine Ashton took a very restrained position concerning the reaction on the chemical attack, calling merely for a "credible and thorough investigation" (Ashton 2013a). Most member states where arguing for serious consequences, but only the French President François Holland and the British Prime Minister David Cameron were openly arguing for a military option and held out the participation of their countries. However, Cameron had to step back after the British Parliament did vote against such a step on 29 August 2013. Urged by US-President Obama, who was seeking international backing, four of the five EU member states of the G-20 (France, Italy, Spain and the United Kingdom, but not Germany, which then signed a day later after the respective EU-declaration) as well as Australia, Canada, Japan, South Korea, Saudi Arabia, Turkey and the United States themselves, signed a declaration in St. Petersburg on 6 September 2013. They called for a "strong international response" to the chemical weapons attack and underlined, with reference to the blockage of the UN Security Council, that "the world cannot wait for endless failed processes that can only lead to increased suffering in Syria" (White House 2013). Quite ironically the US-initiated decla-

ration also stated that "European signatories will continue to engage in promoting a common European position" (White House 2013).

The EU foreign ministers, gathering in Vilnius the following day, did indeed issue a common statement, albeit with a different accent. They underscored "the need to move forward with addressing the Syrian crisis through the UN process" and welcomed the statement of Hollande who had called for waiting for the UN investigation report on the chemical attack before any further action (Ashton 2013c). As is often the case in questions of war and peace, Europeans thus struggled to find a common position. However, they shared a great reluctance to undertake any military action and were relieved (apart from the snubbed French President) when Obama virtually put the military option off the table after brokering a deal with Russia. Once again, the European Union had followed the international dynamics shaped by Washington and Moscow in its reaction towards the Syrian conflict.

Conclusion

This chapter set out to examine the European Union's reaction to the crisis in Syria with regard to the new aspirations for EU foreign policy that came along with the Lisbon Treaty, in particular with the establishment of the European External Action Service. However, despite the institutional improvements in its foreign policy architecture, in the Syrian case the European Union could hardly fulfil the promise of more consistency, coherence and effectiveness of its external actions and of more influence in the neighbourhood.

First, a consistency problem existed among the different policy fields of the EU's approach towards Syria since 2011. Lacking an overall strategy of how to deal with the Syrian crisis, the EU distanced itself from and isolated President Assad relatively early in the conflict, but did then not back-up its words with other means than sanctions. It repeatedly declared its support for the opposition, even engaging in supporting state-building efforts in opposition-held areas, but did not provide the opposition with the military means to defend these areas against Assad's troops. However, one could also argue that this indeterminate attitude permitted that the European Union could still talk to all sides in the conflict which has emerged as one of the main characteristics of European diplomacy in the Syrian crisis.

With regards to coherence, member states finally managed to come up with common positions concerning the condemnation of Assad, the establishment of the sanction regime against Syria, humanitarian aid and the support of political opposition. Yet, in some cases, such as imposing the oil embargo, necessary compromises (in this case with reticent Italy) hampered the 'shock-and-awe'-effect of the measures. The divergent position among member states

concerning military support of the opposition was even more problematic. Ashton contributed to broker a face-saving compromise in May 2013 with regards to lifting the weapons embargo under strict conditions. In practice however, this meant that a controversial question was delegated back to the member states and their respective national strategies.

Regarding the lack of consistency and coherence it is not surprising that the EU, until 2013, did not achieve its objectives of contributing to a political solution and preventing a further destabilisation of the region. It did, however, emerge as an important donor of humanitarian aid. Beyond that, the EU concentrated on keeping up the diplomatic dialogue among all relevant international and Syrian conflict parties. In doing so, the EU was – in the course of the conflict – more and more leaning towards the role of a 'neutral mediator' it is acquainted with and which it plays fairly well in other international conflicts like the negotiations on the Iranian nuclear programme. But issues of 'high politics', from forceful diplomatic pressure to intervention, were mainly left to other actors, in particular to the United Nations, the United States and Russia. It is remarkable that Washington, with its indeterminate and versatile Syrian policy, still seemed to be a fix-point for Europeans in this international crisis, taking place in the European backyard.

In general, the European Union did not understand itself as a comprehensive foreign political actor with an own and proactive agenda in the Syrian crisis. This can of course be attributed to the differences among member states, which remain the inevitable actors in the intergouvernementally organised foreign policy system of the European Union. But it is also due to a lack of leadership and 'creative will' on the part of the EEAS. Near three years after it was officially launched, the new service has not yet developed a truly political self-understanding.

We argue, however, that Ashton and her European External Action Service would have the potential to play the role of conceptual and strategic entrepreneur in view of the 'cognitive uncertainty' of the United States and most EU member states concerning the Syrian crisis.[2] With the exception of actual participation in military actions, the position on Syria of mem-

---

2   In her study on EU Mediterranean policy, Federica Bicchi argues that new initiatives in European foreign policy necessitate a policy window, the presence of a policy entrepreneur and interactions among the member states and EU institutions that lead to a common definition of ideas. To allow for new cognitive frames, existing ones have to be deconstructed. This can happen in periods of "cognitive uncertainty", which means that "newly perceived security challenges appear on the horizon of the foreign policy priorities of member states and create uncertainty about policy relevant knowledge" (Bicchi 2007: 4). Die gemeinsame Agrarpolitik (GAP) ist eines der wichtigsten Politikfelder des Europäischen Parlaments. Dies zeigt sich schon allein daran, dass für sie eine der größten Positionen im EU-Budget reserviert ist und dass es sich bei der GAP um eines der wenigen Politikfelder handelt, die nahezu gänzlich auf EU-Ebene bestimmt werden. Sie ist in der Vergangenheit großen Veränderungen ausgesetzt gewesen und unterliegt auch heute noch einer herausfordernden Dynamik. Der Ausschuss für Landwirtschaft und ländliche Entwicklung (AGRI) im Europaparlament spielt dabei eine

ber states is not carved in stone. Brussels could thus all the more play a catalysing role in carving out a common and consistent European strategy. The joint communication of the High Representative and the Commission of June 2013 is a first step in the right direction in this regard.

One has to acknowledge that Syria constitutes an intricate problem, even "classical" foreign policy actors such as the United States struggle coping with. It is doubtlessly a particular hard test case for the Post-Lisbon foreign policy system of the European Union. However, it still illustrates that institutional improvements remain unfertile if they do not come along with political courage and strategic foresight. The EEAS, with its cross-sectorial responsibility as well as with its combined expertise of Commission, Council, Member states and Delegations staff, would be the ideal actor to fulfil this role – first and foremost with regard to Syria.

The Syrian crisis is far from being over. Beyond the humanitarian disaster Syrians are going through, Turkey, a NATO ally, and Israel, a key partner for Europe, are both threatened by the conflict and face larger impact on their internal security if an Islamist leadership takes over in Damascus and if the civil war continues and the situation and number of refugees remains at the current level or worsens. The civil and proxy war in Syria persistently damages not only the stability of the whole Middle East with the ensuing negative effects for European interests. Above all, it constitutes a constant violation of all values Europe stands for. If the European Union does not assume responsibility and instead takes a back-seat in the Syrian crisis, it might further unsettle its credibility and its normative power in the European neighbourhood and on the international scene.

References

Al-Abed, Tareq (2013) The Impending Battle Between FSA, Islamic State of Iraq and Syria, in: Al Monitor, 31 July 2013. Available at: http://www.al-monitor.com/pulse/security/2013/07/syria-possible-battle-fsa-islamic-state-iraq-syria.html#ixzz2ijclDZ6y [Accessed: 25 October 2013]

Al Akhbar (2013) Saudi Arabia, France sending Syria rebels anti-aircraft guns, in: Al Akhbar, 17 June 2013. Available at:

http://english.al-akhbar.com/node/16147 [Accessed: 25 October 2013]

---

wichtige Rolle. Daher werden im folgenden Beitrag Rolle und Arbeitsweise des Ausschusses beschrieben und an Hand von zwei Exkursen praxisrelevant veranschaulicht.

Al Assad, Bashar (2011) Interview with Syrian President Bashar al-Assad, in: Wall Street Journal, 1 December 2011. Available at: http://online.wsj.com/news/articles/SB10001424052748703833204 576114712441122894 [Accessed: 25 October 2013]

Al Jazeera (2012) EU recognises Syria opposition bloc, in : Al Jazeera, 19 November 2012. Available at: http://www.aljazeera.com/news/europe/2012/11/20121119195737909518.html [Accessed: 25 October 2013]

Al Monitor (2013) Al-Qaeda's Internal Divide Grows in Syria, in: Al Monitor, 20 July 2013 Available at: http://www.al-monitor.com/pulse/security/2013/08/al-qaeda-internal-divide-syria-islamic-state-jabhat-nusra.html [Accessed: 25 October 2013]

Asharq Al Awsat (2013) Syria rebel groups announce split from opposition coalition, in: Asharq Al Awsat. 17 October 2013. Available at: http://www.aawsat.net/2013/10/article55319491 [Accessed: 25 October 2013]

Ashton, Catherine (2010) Europe and the world, Speech No. 10/378, 8 July 2010, Athens.

Ashton, Catherine (2011): Declaration by the High Representative on behalf of the European Union on EU action following the escalation of violent repression in Syria, No. 13488/1/11 REV 1282, 18 August 2011, Brussels.

Ashton, Catherine (2013a) Speech on the latest developments in the common foreign, security and defence policy, No. 131023/01, 23 October 2013, Strasbourg.

Ashton, Catherine (2013b) Remarks following the informal meeting of EU Foreign Ministers, No. A 447/13, 7 September 2013, Vilnius.

Bicchi, Federica (2007) European foreign policy making toward the Mediterranean, New York: Palgrave Macmillan.

Borger, Julian/Mahmood, Mona (2013) EU decision to lift Syrian oil sanctions boosts jihadist groups, in: The Guardian, 19 May 2013. Available at: http://www.theguardian.com/world/2013/may/19/eu-syria-oil-jihadist-al-qaida [Accessed: 25 October 2013]

Boxx, Edward (2013) Observations on the Air War in Syria. Air & Space Power Journal, March-April 2013, pp. 147-168.

Greaves, Phil (2013) Syria: "The Army of Islam". Saudi Arabia's Greatest Export, in: Global Research, 3 October 2013. Available at: http://www.globalresearch.ca/syria-the-army-of-islam-saudi-arabias-greatest-export/5352638 [Accessed: 25 October 2013]

Gutschker, Thomas (2013) Humanitärer Einsatz in Syrien. Im rechtsfreien Raum, in: Frankfurter Allgemeine Zeitung, 5 May 2013.

EEAS (2011) Frequently Asked Questions on EU restrictive measures against the Syrian regime, 13 September 2011. Available at: http://eeas.europa.eu/syria/docs/faq_en.pdf [Accessed: 25 October 2013]

EEAS (2013) EEAS Review, July 2013, Brussels.

EU Council (2012a) Council conclusions on Syria. 3199st Foreign Affairs Council meeting. 19 November 2012. Brussels.

EU Council (2012b) Council conclusions on Syria. 3209st Foreign Affairs Council meeting. 10 December 2012. Brussels.

EU Council (2013) Council declaration on Syria, 3241st Foreign Affairs Council meeting. 27 May 2013. Brussels.

European Commission (2013a) Towards a comprehensive EU approach to the Syrian crisis. Joint Communication, 26 June 2013, No. 22, Brussels.

European Commission (2013b) Restrictive measures in force, 31 July 2013, Brussels. Available at: http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf [Accessed: 25 October 2013]

Vimont, Pierre (2013) EU shouldn't underestimate its soft power. Interview, in: Euractiv, 4 October 2013. Available at: http://www.euractiv.com/security/vimont-eu-shouldn-ashamed-foreig-interview-530870 [Accessed: 25 October 2013]

Charara, Nasser (2013) The Syrian National Coalition's Saudi Makeover, in: Al-Akhbar, 18 July 2013. Available at: http://english.al-akhbar.com/content/the-syrian-national-coalitions-saudi-makeover [Accessed: 25 October 2013]

Gardner, Andrew (2012) EU embassy stays open as expulsions escalate, in: European Voice, 31 May 2012. Available at: http://www.europeanvoice.com/article/imported/eu-embassy-stays-open-as-expulsions-escalate/74455.aspx [Accessed: 25 October 2013]

Gladstone, Rick (2013) Veteran Algerian Statesman to Succeed Annan as Special Syrian Envoy, in: The New York Times, 17 August 2013. Available at: http://www.nytimes.com/2012/08/18/world/middleeast/lakhdar-brahimi-algerian-statesman-to-succeed-kofi-annan-as-special-syrian-envoy.html?_r=0 [Accessed: 25 October 2013]

Head, Jonathan (2012) Syrian opposition plagued by doubt and disunity, in: BBC, 28 March 2012. Available at: http://www.bbc.co.uk/news/world-middle-east-17539505 [Accessed: 25 October 2013]

Hubbard, Ben/Gordon, Michael R. (2013) Key Syrian Rebel Groups Abandon Exile Leaders, in: The New York Times, 25 September 2013. Available at: http://www.nytimes.com/2013/09/26/world/middleeast/syria-crisis.html?_r=0 [Accessed: 25 October 2013]

International Crisis Group (2012) Tentative Fundamentalist Opposition. Middle East Report No. 131, 12 October 2012.

Karouny, Mariam (2013) Al-Qaeda kills Free Syrian Army commander, FSA spokesman says, in: Al Arabiya, 12 July 2013. Available at: http://english.alarabiya.net/en/News/middle-east/2013/07/12/Al-Qaeda-kills-Free-Syrian-Army-commander-FSA-spokesman-says.html [Accessed: 25 October 2013]

Meo, Nick (2012) Geneva meeting agrees 'transition plan' to Syria unity government, in: The Telegraph, 3 June 2012. Available at: http://www.telegraph.co.uk/news/worldnews/middleeast/syria/9367330/Geneva-meeting-agrees-transition-plan-to-Syria-unity-government.html [Accessed: 25 October 2013]

Rodogno, David (2013) The 'principles of humanity' and the European powers' intervention in the Ottoman Lebanon and in Syria 1860-1861, in: Simms, Brendnan/Trim, J.B.D.: Humanitarian Intervention. A History, Cambridge: Cambridge University Press, pp. 159-183.

SWP (2012) The Day After. Supporting a Democratic Transition in Syria. German Institute for Foreign and Security Affairs, SWP-Comments, August 2012, Berlin.

Spiegel Online (2011) Aufstand in Syrien. Erste Europäer fordern Assads Rücktritt, 18 July 2011. Available at: http://www.spiegel.de/politik/ausland/aufstand-in-syrien-erste-europaeer-fordern-assads-ruecktritt-a-775144.html [Accessed: 25 October 2013]

The Economist (2013) Syria's new opposition leader. Better than the one before?, 13 July 2013. Available at: http://www.economist.com/news/middle-east-and-africa/21581784-different-man-faces-same-problems-better-one [Accessed: 25 October 2013]

The Federal Government (2011) Joint UK, French and German statement on Syria. 18 August 2011. Available at: http://www.bundesregierung.de/Content/EN/Artikel/_2011/08/2011-08-18-erklaerung-syrien.html [Accessed: 25 October 2013]

The White House (2011) "The future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way", 18 August 2011. Available at: http://www.whitehouse.gov/blog/2011/08/18/president-obama-future-syria-must-be-determined-its-people-president-bashar-al-assad [Accessed: 25 October 2013]

UNSC (2012) Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States. UN SC Resolution 2042 (2012) of 14 April.

UN OCHA (2013) Security Council Briefing on Syria, 25 October 2013, New York. Availabe at: https://docs.unocha.org/sites/dms/Documents/25%20Oct%2013%20Valerie%20Amos%20Statement%20to%20Security%20Council%20on%20Syria.pdf [Accessed: 25 October 2013]

Van Wilgenburg, Wladimir (2013) Clashes Re-Erupt in Syria Between Al-Qaeda. Al Monitor. 16 July 2013. Available at: http://www.al-monitor.com/pulse/originals/2013/07/fighting-al-qaeda-kurdish-forces-in-syria.html [Accessed: 25 October 2013]

Libya and the challenges of post-Lisbon crisis coordination

Nicole Koenig

Introduction

In the review of the European External Action Service, Catherine Ashton (2013) likened the early days of the service to "trying to fly a plane while still bolting the wings on". While the European institutions were fighting out internal battles and the member states were grabbling with the effects of the financial and debt crises, the European neighbourhood was not waiting for the new institutional actor to develop (Ashton 2013). The Arab uprisings – and the Libyan crisis in particular – became the first major test for the Union's High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission and for the EEAS.

The Libyan crisis broke out on 15 February 2011, only one and a half months after the EEAS had been declared operational. Throughout the crisis, the media, policy analysts, and decision-makers sharply criticised the reaction of the European Union. There was particular disappointment about the role of the HR and of the EEAS, which were expected to enable the Union to speak with a single voice and to provide comprehensive and coherent responses to Europe's external challenges. The media regularly portrayed Ashton and the EEAS as being pushed "onto the sidelines" (EurActiv 2011). Analysts argued that the HR/VP "missed her best chance (…) to seize the international spotlight" (Castle 2011b). In May 2011, Belgian foreign minister Steven Vanackere publically exposed the member states' previously subdued criticism of Ashton's performance. He described the Arab uprisings as a "great test" and expressed his "impatience (…) about the Union's capacity to speak with one voice" (Willis 2011). Meanwhile, members of the European Parliament criticised the HR and her Service for not taking a more assertive and proactive role in the Libyan crisis and questioned their *raison d'être* (Anon. 2011a). The overall impression was that the EU was little more unified and coherent than before the ratification of the Lisbon Treaty (Brattberg 2011). Some even argued that the Union's capacity to act on the international stage had diminished (Smith 2013).

This contribution examines whether or to what extent the Union was able to speak with a single voice in the Libyan crisis. It analyses the capacity and limitations of the HR/VP and of the EEAS to coordinate the action of EU-level actors and institutions (horizontal coordination) and of the member states (vertical coordination). The analysis focuses on the Union's

short to medium term crisis response (February to October 2011). It is based on academic literature, analyses by leading think tanks, press reports, and interviews with EU-level and national officials.[1] It is argued that the new institutional actors did not (yet) enhance the Union's capacity to speak with a single voice. Their inability to foster coherence is seen as a function of the political salience of the Libyan crisis on the one hand and the lack of experience of the EEAS on the other. The former restrained the room for manoeuvre of the Service and the latter circumscribed the added value it could have in a rapidly evolving crisis. Although prospects for a unified European 'crisis hotline' seem limited, further learning and socialisation dynamics within the EEAS may increase its capacity to foster consensus and coherence behind the scenes of future crisis theatres.

This introduction is followed by a presentation of the Union's comprehensive approach to crisis management and ensuing tasks of coordination. The paper then briefly outlines the Libyan crisis and international reactions. Against this backdrop, the capacity and limitations of the HR/VP and the EEAS for horizontal and vertical coordination are evaluated. By way of conclusion, the paper relates the identified coordination challenges to contemporary developments and trends.

The comprehensive approach and crisis coordination

One of the aims of the Lisbon Treaty (2009) was to enable the Union to provide more coherent and effective responses to international crises. This objective is closely linked to the so-called 'comprehensive approach to conflict prevention and crisis management'. The comprehensive approach is firmly embedded in the European Security Strategy of 2003 and entails bringing together "the full spectrum of instruments (…) including political, diplomatic, military and civilian, trade and development activities" (European Council 2003: 11). Implementing the comprehensive approach also requires "embracing the external activities of the individual member states" (European Council 2003: 13). Since her appointment, Ashton has been a strong advocate of the comprehensive approach, which the EEAS review (2013: 3) presents as the institution's "central concept".

Translating the comprehensive approach into action typically requires coordination. Coordination can entail various activities such as "developing strategies, determining objectives, planning, sharing information, division of roles and responsibilities, and mobilising

---

1   Interviews were conducted in different languages in Rome, Paris, Berlin, London, and Brussels between July 2011 and June 2013. Quotes were translated by the author. The empirical data was collected in the framework of a PhD project and served as a basis for related publications (see Koenig 2011a; 2011b).

resources" (de Coning 2007: 9). Taking account of the Union's nature as a complex, multi-level governance system (Hooghe & Marks 2001), the EU literature often distinguishes horizontal and vertical dimensions of coordination (Balfour & Ojanen 2011; Gebhard & Norheim-Martinsen 2011; Müller 2012; Portela & Raube 2012). In this paper, *horizontal* coordination is defined as the activity of streamlining the crisis management actors, activities, and instruments at the European level. *Vertical* coordination, instead, is understood as bringing EU-level action in line with the crisis management actors, instruments, and activities of the member states.

Coordination is a highly sensitive activity as it usually presupposes some kind of hierarchy among the involved actors, which indicates who coordinates and who is being coordinated (Gebhard 2011: 111). The coordinating hierarchy between the European institutions and the member states is largely defined by the Treaty texts (art. 2-6 TFEU). The distribution of competences and responsibilities between or within the EU-level institutional actors is often less clear-cut (Gebhard 2011: 112). An overarching issue is the fact that the Treaties entrust the task of ensuring the coherence of EU external action to the HR/VP and to the EEAS (art. 18(4) TEU), to the institutional framework as a whole (art. 13(1) TEU); to the European Commission (art. 11(3), 21,3 TEU); and to the Council (art. 21(3), 26(2) TEU). Specific issue areas where institutional competences overlap include *inter alia* conflict prevention, civilian crisis management, and external representation (Duke 2006: 2). The European Security Strategy stated, "[i]n a crisis there is no substitute for unity of command" (European Council 2003: 13). However, the following shows that the need for top-down coordination is not always in line with the realities of the Union's complex and multi-layered crisis management system.

The Libyan crisis: International and European reactions

December 2010 marked the beginning of a historic wave of anti-authoritarian uprisings in the Arab World, which became known as the 'Arab Spring'. On 15 February 2011, the 'Spring' reached Libya. The arrest of human rights activist Fethi Tarbel in Benghazi triggered protests, which rapidly spread across the country. The regime led by Colonel Muammar Gaddafi attempted to quell the emerging uprising with massive violence and repression. On 5 March 2011, the Libyan opposition established the National Transitional Council (NTC), which declared itself as Libya's sole legitimate representative (National Transitional Council 2011). Within weeks, the protests turned into a bloody civil war between Gaddafi loyalists and opposition forces.

The reaction of the international community was timely and forceful. On 22 February 2011, the United Nations Security Council (UNSC) "expressed grave concern at the situation in Libya" and called on the regime to "meet its responsibility to protect its population" (UNSC 2011). Only four days later, it unanimously adopted Resolution 1970, which referred the situation to the International Criminal Court and imposed an arms embargo and targeted sanctions on the Libyan regime.[2] Faced with continued violence and a deteriorating humanitarian situation, the UNSC adopted Resolution 1973 on 17 March 2011. The resolution established a no-fly zone over Libya and authorised the member states to "take all necessary measures (…) to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya (…) while excluding a foreign occupation force".[3] Within 48 hours, a multi-national coalition led by the US, France, and the UK started an air campaign against regime forces. On 24 March 2011, NATO agreed to take over command of the air campaign under 'Operation Unified Protector'. After six months of daily air strikes and a prolonged stalemate, an offensive from the Nafusa mountains tipped the balance in favour of the rebels. On 22 August 2011, they took over Tripoli while Gaddafi fled the city. NTC forces captured and killed Gaddafi on 20 October 2011 and declared the end of hostilities and the country's liberation shortly after. On 31 October 2011, NATO terminated all air operations over the Libyan territory.

The EU also used a broad range of its crisis management instruments in response to the Libyan crisis. Its first reactions were in the diplomatic arena. On 20 February 2011, Ashton (2011) issued a declaration on behalf of the EU condemning the violent repression and urging the authorities "to immediately refrain from further use of violence against peaceful demonstrators". At an extraordinary European Council Meeting on 10 March 2011, the Heads of State and Government stated that Gaddafi's regime had "lost all legitimacy" and urged him "to relinquish power" (European Council 2011: 3). They welcomed the NTC and recognised it as a political interlocutor. They further declared the Union's readiness "to examine all necessary options, provided that there is a demonstrable need, a clear legal basis, and support from the region" (European Council 2011). The Union was the most important humanitarian aid donor throughout the Libyan crisis. As of 9 November 2011, the Commission and the member states had provided over €154.5 million, mainly directed at the management of the migratory consequences of the crisis (DG ECHO 2011). The Europeans implemented the sanctions foreseen by the UNSC and gradually imposed additional autonomous measures against the regime.[4] Most notably, they imposed a *de facto* oil and gas embargo on Libya on 12 April 2011 (AFP 2011). The Union also agreed on a military CSDP

---

2   See UNSC, S/RES/1970 (2011).
3   See UNSC, S/RES/1973 (2011).
4   See Council Decision 2011/137/CFSP.

operation called EUFOR Libya on 1 April 2011.[5] The operation was to support the delivery of humanitarian assistance in the region. Its activation was conditional on a request by the UN Office for the Coordination of Humanitarian Affairs (OCHA). However, the call never came and the operation was not deployed.

Horizontal coordination: multiple voices and bureaucratic resistance

The review of the Union's crisis response indicates that it was rather swift and comprehensive. So why did the HR/VP and EEAS receive such bad press? The success of the Union's foreign policy is often measured against its ability to speak with a 'single voice', or in the words of Henry Kissinger, to provide the outside world with a single phone number (Chopin & Lefebvre 2010). However, in the early days of the Libyan crisis there was no single European crisis hotline and the Union's representatives rather spoke with many voices. Ashton's declaration on behalf of the Union of 20 February 2011 was followed by similar statements by the presidents of the European Parliament, of the European Council, and of the European Commission (Barroso 2011; Buzek 2011; Van Rompuy 2011). An EEAS official (a 2013)[6] described the situation as "embarrassing" and explained that there was no agreed protocol on the sequencing or prioritising of declarations. A European diplomat (a 2011) commented: "This is what we always criticise. This is not what we understand by 'speaking with one voice'". Belgian foreign minister Vanackere explained the multiplicity of voices as a result of "a certain power struggle within the institutions" where "not everyone wants Ashton to play her role" (Castle 2011a).

Various interviewees from the European institutions and member states criticised Ashton for her inability to bring together the EEAS and the Commission. She was "often absent from collegial meetings (due also to her crowded agenda)" (senior Commission advisor 2011). In addition, she failed to convene the External Relations Group of Commissioners created in 2010.[7] Within the EEAS, the responsibility for horizontal coordination lay with the Department for Crisis Response and Coordination (DG CROC) established in December 2010. According to a senior Commission advisor (2011), "humanitarian aid was supposed to be coordinated by the department for crisis response under Agostino Miozzo. Yet the relation-

---

5   See Council Decision 2011/210/CFSP.
6   References to expert interviews are in line with the preferred designations of interviewees. In cases of the same designation, interviewees were distinguished by adding letters (e.g. EEAS official a).
7   The Group includes the Commission President, the Trade Commissioner, the Enlargement Commissioner, the Commissioner for Development policy, the Commissioner for Humanitarian Assistance and the Commissioner for Monetary and Economic Affairs.

ship and coordination with DG ECHO still leaves much to be desired, in part due also to bureaucratic competition and battles for turf".

Miozzo's department also faced bureaucratic resistance from within the EEAS. In a speech at the Dublin-based Institute of International and European Affairs in March 2012, he described his "extremely difficult task" of crisis coordination:

> Every time we want to do something, we convene a coordination meeting. (…) When you call for a coordination meeting everybody is happy. (…) But then you realise that coordination means to have a coordinator. And you realise that this means that the coordinator is on top of the coordinated people. And then you have the typical reaction of people saying: 'Ah, but we have an equal level, I cannot be coordinated by you' (Miozzo 2012).

One of the most sensitive issues in the coordination of the Libyan crisis response was the question when DG CROC's overall coordinating responsibility started and when it was to be handed over to other players such as the EU Military Staff (European official 2012, Miozzo 2012). The unclear division of roles and responsibilities within the EEAS led to tensions and duplications (EEAS official 2013 b, senior EEAS official a 2012).

Recognising the need for a comprehensive response to the Libyan crisis, the EEAS regularly convened the Crisis Platform from March to October 2011. The Crisis Platform is a temporary coordination mechanism bringing together leading officials from the EEAS crisis management structures, the EU Military Committee, and relevant Commission Services. Interviewees confirmed that the Platform was useful as it brought the relevant stakeholders to one table and thereby facilitated the design of a comprehensive response. But while the platform provided for coordination at the top, it did not necessarily enhance coordination between officials in the lower echelons of the hierarchy (EUMS official 2012, EEAS official b 2013). "They often do not want to seek the higher hierarchical layer to sort things out. They do not feel they need to find a compromise and simply move on with their own ideas of how things should go" (EEAS official a 2013).

Overall, the ability of the HR/VP and of the EEAS to ensure horizontal coordination during the Libyan crisis was limited. Challenges of horizontal coordination were compounded by an unexpected and fast-paced crisis scenario and the "temporary weakness of the crisis management structures" (European diplomat b 2011). The latter were transferred from the Council Secretariat to the EEAS in early 2011. However, many officials changed position within the Council Secretariat before the transfer. According to a French diplomat (b 2011) "they thought that the EEAS would not work during the first years and they wanted to safeguard their careers. Those that did transfer were disappointed." An indicator for this disap-

pointment is the fact that, by September 2011, 27 EEAS officials had returned to the Council Secretariat (Rettman 2011). The crisis management structures were thus under-staffed during the Libyan crisis and a temporary freeze on recruitment did not allow them to remedy this condition (French diplomat b 2011). These circumstances might explain the service's initial lack of crisis management expertise (European diplomat a 2011).

Vertical coordination: sovereignty reflexes and facilitation

The real challenge for the HR/VP and the EEAS in the Libyan crisis was vertical coordination. Ashton played a facilitating role in the areas of humanitarian aid and economic sanctions (French diplomat a 2011). But her role was much less pronounced in diplomacy and defence. Both policy areas lie at the heart of national sovereignty and are subject to unanimous voting procedures in the Council.

The Union's early reaction in the diplomatic arena was weakened by unilateral member state deviations. On 20 February 2011, the same day Ashton condemned the use of violence by the Gaddafi regime and called for the respect of human rights, Berlusconi told the press that he did not call Gaddafi as he did not want to 'disturb' him (Reuters 2011). Meanwhile, Czech Foreign Minister Karel Schwarzenberg discounted the Union's human rights appeals as an attempt to prove its "own importance" (Philipps 2011). He said that the EU should not "get involved too much" and that the fall of Gaddafi would lead to "bigger catastrophes in the world" (Philipps 2011).

One day before the extraordinary European Council meeting, France recognised the NTC as Libya's sole legitimate representative. Backed by Germany, Britain, Italy, and others, a spokesperson of Ashton reprimanded the French stating, "we cannot unilaterally rush into recognising groups" (EurActiv 2011). France's unilateral move prevented the forging of a common strategy towards the Libyan opposition (Koenig 2011a: 21). On 11 March 2011, the European Council only recognised the NTC as *a*, and not as *the sole* political interlocutor. Full recognition on behalf of the EU only followed in September 2011, after most of the member states had already paved the way.

Due to diverging national positions, Ashton was highly restrained in her approach towards the NTC (Helwig 2013: 247). However, according to an EEAS official (a 2013), the Service "had a certain leverage to increase the diplomatic language vis-à-vis the NTC through the drafting of the Foreign Affairs Council Conclusions. The member states have to approve those but if you write a good first draft, you can orientate the debate a lot". On 22 May 2011, Asthon's engagement with the NTC became more political as she opened the EU liaison of-

fice in Benghazi despite persisting member state divergences. A European diplomat (c 2011) described what amounted to a *de facto* recognition of the NTC as a "bold move", which became possible due to Miozzo's preparatory work. Another European diplomat (e 2013) reported that Jeremy Nagoda, the Union's representative in Benghazi, played an important role in facilitating and coordinating member state positions by convening regular meetings of the European Heads of Mission on the ground.

While the HR/VP and EEAS were able to provide soft coordination in the diplomatic arena, their influence was even more restrained in the field of the CSDP. The use of force was certainly the most divisive issue in the Libyan crisis. While France and the UK were the main supporters of a no-fly zone, Germany was opposed to military intervention. In the vote on UNSC 1973, non-permanent UNSC member Germany abstained and thus diverged from the positions of France, Britain, and Portugal. It was soon clear that the Union would not play a major military role in the Libyan crisis. After lengthy and difficult discussions, the member states eventually agreed on operation EUFOR Libya. According to a French diplomat (b 2011), "Ashton did not get involved in EUFOR Libya – neither positively nor negatively. She remained a spectator". Meanwhile, officials involved in the planning processes for the operation "planned what the member states told them to plan" (EEAS official b 2013).

Some argued that Ashton's limited role in the area of the CSDP was due to a lack of personal interest (French diplomat a 2011) or because her vision for Europe's role in the world was "primarily civilian" (Brattberg 2011). Others described her as the "poisoned cherry" Britain placed within the EU to prevent a strong European foreign policy (Anon. 2011b). The implicit assumption is that a High Representative with another background, profile, or outlook could have forged consensus between the larger member states and thereby prevented open divisions on the use of force. However, Ashton herself explained that "[t]he problem is the reality of 27 member states who are sovereign, who believe passionately in their own right to determine what they do, particularly in the area of defence" (Anon. 2011b). Interviewed member state officials generally backed her explanation. As a French diplomat (a 2011) put it, "[i]n difficult conditions as in the case of Libya, it is not up to her to take initiatives as consequential as those taken by France and the United Kingdom. But she can provide the impetus to reduce divergences. And within these confines, she did the best she could do".

Learning from Libya: conclusions and outlook

The Libyan crisis was described as "Europe's perfect storm" (Brattberg 2011). It was the first major foreign policy crisis after the ratification of the Lisbon Treaty and was thus perceived as a crucial test for the Union's promise to become more coherent and effective.

The multi-dimensional challenges emerging from the crisis reaffirmed the need for a comprehensive approach. However, Libya also revealed the Union's inherent weaknesses as a foreign policy actor. The Europeans were, once more, unable to speak with a single voice. The member states were clearly in the driving seats in the areas of diplomacy and defence. Unilateral member state actions or statements deprived Ashton's attempts to speak on behalf of the Union of credibility and divergences between them curtailed the potential for vertical coordination by the HR/VP and the EEAS. Meanwhile, horizontal coordination was hampered by overlapping competences in the area of external representation and bureaucratic resistance from the Commission and the crisis management structures.

In light of this rather sobering picture, it is important to reiterate that the Libyan crisis was, indeed, a very early test for the post-Lisbon crisis management architecture. When violence erupted in Benghazi, the EEAS was still scattered across eight buildings in Brussels; the crisis management structures were under-staffed; the new horizontal coordination mechanisms were inexperienced; and there was an unclear division of roles and responsibilities. Two years after the onset of the Libyan crisis, EEAS officials indicated that socialisation dynamics started to lower intra-institutional tensions. They said that the common *esprit de corps* in the EEAS was "gradually flourishing" (EEAS official a 2013) and that, between 2011 and 2013, they experienced an "unbelievable intensification of cooperation within the EEAS, especially between the old Commission staff and the former members of the Council Secretariat that have joined the service" (senior EEAS official b 2013).

There are also signs that the Union's foreign policy architecture is undergoing an institutional learning process and that it is identifying some of the key lessons from its reaction to the Libyan crisis. The EEAS review (2013: 8) acknowledged that the External Relations Group of Commissioners did not meet frequently enough. The Commission President and the HR agreed that meetings should be held more regularly. The review noted that an informal division of labour between the HR/VP and some of the External Relations Commissioners had emerged, but insisted on a more formal clarification of 'lead responsibilities'. Clarification holds the potential for better horizontal coordination in the field of external representation. The review further extended calls for a clearer division of labour to the relationship between the Council Secretariat/Commission Services and the EEAS on the one hand, and to the Union's crisis management structures on the other (European External Action Service 2013: 5-6, 17).[8]

---

8   The EEAS review does not explicitly mention the crisis management structures but calls for the streamlining of responsibilities „for security policy issues and for the planning of CSDP missions" (European External Action Service 2013: 6).

Two on-going processes might also contribute to the Union's capacity to deliver on the comprehensive approach: the elaboration of a Joint EEAS/Commission Communication on the Comprehensive Approach and the revision of the Union's crisis management procedures. The Joint Communication, entitled "From Comprehensive Approach to Comprehensive Action" aims to forge a shared understanding of the 'methodology' for the implementation of the comprehensive approach. The revision of the crisis management procedures updates the steps for comprehensive conflict analysis and planning and should allow for swifter planning and decision-making "depending on the complexity and urgency of the crisis and the political consensus regarding the EU's engagement" (Committee for Civilian Aspects of Crisis Management 2013).

The last half-sentence leads us back to the limitations of institutional socialisation and learning dynamics in terms of the development of a 'one voice foreign policy'. The Libyan crisis showed that the member states continue hold on to their national sovereignty, particularly in the areas of diplomacy and defence. When faced with a politicised crisis that requires an immediate and forceful reaction, the Heads of State or Government will certainly not ask the High Representative or consult with the EEAS before acting in line with their national preferences, interests, and priorities. In these cases, the role of Lisbon's institutional innovations will likely be limited to soft coordination and facilitation behind the scenes. As a European diplomat (a 2011) recapitulated, "the EU still has a *common* and not a *single* foreign policy".

References

AFP (2011) New EU sanctions put the squeeze on Libyan oil sector. *Agence France Presse*. Available at: http://www.google.com/hostednews/afp/article/ALeqM5j9ZNrMmRAmku4P-nrn_ AG7b4WFfw?hl=en.

Anon (2011a) Ashton's foreign policy under fire from MEPs. *Public Service Europe*, (11 May). Available at: http://www.publicserviceeurope.com/article/332/ashton-under-fire-from-meps.

Anon (2011b) Europe's foreign policy in line of fire over Libya. *DAWN:COM*, (24 March). Available at: http://beta.dawn.com/news/615507/europes-foreign-policy-in-line-of-fire-over-libya.

Ashton, C. (2011) Declaration by the High Representative on behalf of the European Union on events in Libya, 20 February 2011.

Ashton, C. (2013) *EEAS Review*, Brussels.

Balfour, R. & Ojanen, H. (2011) Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy ? , (June).

Barroso, J.M.D. (2011) Statement by President Barroso on the situation in North Africa Press point Brussels. , (2 March).

Brattberg, E. (2011) Opportunities lost, opportunities seized: the Libya crisis as Europe's perfect storm. , (June).

Buzek, J. (2011) On the situation in Libya.

Castle, S. (2011a) At the E.U., Everyone's Talking and No One Is Listening. *The New York Times*. Available at: http://www.nytimes.com/2011/05/07/world/europe/07iht-union07.html?_r=0.

Castle, S. (2011b) Lady in Waiting: So where is the EU's foreign policy chief? *Foreign Policy*.

Chopin, T. & Lefebvre, M. (2010) Three Phone Numbers for Europe : Will the Lisbon Treaty Make the European Union More Effective Abroad ? , (43).

Committee for Civilian Aspects of Crisis Management (2013) *CivCom advice on the suggestions for Crisis Management Procedures for CSDP Crisis Management Operations*, Brussels.

De Coning, C. (2007) Coherence and Coordination in United Nations Peacebuilding and Integrated Missions - A Norwegian Perspective. *NUPI Report, Security in Practice*, (5).

DG ECHO (2011) Factsheet Libyan Crisis - 9 November 2011.

Duke, S. (2006) Areas of Grey: Tensions in EU External Relations Competences. , 1.

EurActiv (2011) France breaks ranks on Libya, dwarfs EU's Ashton. *EurActiv.com*. Available at: http://www.euractiv.com/global-europe/france-breaks-ranks-libya-dwarfs-news-503003.

European Council (2003) A secure Europe in a better world: European Security Strategy.

European Council (2011) Declaration at the Extraordinary European Council. , (11 March).

European External Action Service (2013) *EEAS Review*, Brussels.

Gebhard, C. (2011) Coherence. In C. Hill & M. Smith, eds. *International Relations and the European Union*. Oxford: Oxford University Press, pp. 101–127.

Gebhard, C. & Norheim-Martinsen, P.M. (2011) Making sense of EU comprehensive security towards conceptual and analytical clarity. *European Security*, 20(2), pp.221–241.

Helwig, N. (2013) EU Foreign Policy and the High Representative's Capability-Expectations Gap: A question of Political Will. *European Foreign Affairs Review*, 18(2), pp.235–254.

Hooghe, L. & Marks, G. (2001) *Multi-level governance and European integration*, Lanham, Md.; Oxford: Rowman & Littlefield.

Koenig, N. (2011a) The EU and the Libyan Crisis : In Quest of Coherence? *The International Spectator*, 46(4), pp.11–30.

Koenig, N. (2011b) Zwischen Handeln und Zaudern – die Europäische Union in der Libyen-Krise. *Integration*, (4), pp.323–336.

Miozzo, A. (2012) EU crisis response - from Pakistan to Libya. Available at: http://www.youtube.com/watch?v=Lfu_gP8fsrQ.

Müller, P. (2012) The Europeanization of France's foreign policy towards the Middle East conflict – from leadership to EU-accommodation. *European Security*, (November), pp.1–16.

National Transitional Council (2011) Founding Statement of the Interim Transitional National Council.

Philipps, L. (2011) Italy and Czech Republic back Gaddafi despite bloodbath. *EU Observer*. Available at: http://euobserver.com/news/31842.

Portela, C. & Raube, K. (2012) The EU Polity and Foreign Policy Coherence Kolja Raube. *Journal of Contemporary European Research*, 8(1), pp.3–20.

Rettman, A. (2011) Staff leaving EU diplomatic service amid bad working conditions. *EUObserver*. Available at: http://euobserver.com/institutional/113777.

Reuters (2011) Berlusconi won't "disturb" Gaddafi amid bloodshed. *ABC News*. Available at: http://www.abc.net.au/news/2011-02-21/berlusconi-wont-disturb-gaddafi-amid-bloodshed/1949932.

Van Rompuy, H. (2011) Statement by Herman Van Rompuy, President of the European Council, on the developments in the EU's Southern neighbourhood.

Smith, M.E. (2013) The European External Action Service and the security–development nexus: organizing for effectiveness or incoherence? *Journal of European Public Policy*, (July), pp.1–17.

UNSC (2011) Security Council Press Statement on Libya (SC/10180).

Willis, A. (2011) Belgian minister publicly attacks EU foreign relations chief. *EU Observer*. Available at: http://euobserver.com/foreign/32269.

BEYOND LISBON: RETHINKING THE EEAS

EEAS Review: an open-ended process

Ryszarda Formuszewicz / Dorota Liszczyk

Introduction

Building the European External Action Service presented "turning a few words in the Lisbon Treaty into a global foreign policy service"– the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP) accurately stated in the Foreword to the Review Report [EEAS Review, 2013]. As the long negotiated compromise on the legal framework left lot of issues vague, the member states included a review clause in the Decision establishing the organisation and functioning of the European External Action Service 2010/427/EU (hereafter EEAS Decision). By mid-2013, the High Representative should review the organization and functioning of the newly created autonomous body. If necessary, the evaluation process should result in a revision of the EEAS Decision by the beginning of 2014.

The run-up phase of the review process was very promising: some member states circulated – jointly as like-minded groups or individually – contributions presenting their expectations towards the EEAS and the framing and conduct of the review process. The European Parliament emphatically adopted on 13 June 2013 its own recommendations towards the further development of the service. They were elaborated by the Committee on Foreign Affairs including preparatory opinions of the Committees: on Development, on Budgets, on Budgetary Control and on Legal Affairs. Furthermore, numerous expert analyses were simultaneously published offering a variety of proposals on how to improve the structure and performance of the Service. Among national parliaments the British House of Lords stood up. This concluded with an inquiry into the European External Action Service resulting in a thorough report (House of Lords, 2013). Within the EEAS, the internal consultation procedure took place, collecting opinions concerning different aspects of the Service among the EEAS team.

This lively exchange of views, however, seemed to lose its momentum as the key element of the exercise: the report of HR/VP was delivered only at the end of July – just before the summer break in the EU institutions. As usual, the outside world provided concurrently the EEAS and the member states with new challenges in Syria and in Turkey, as well as in own Western club as the NSA affair emerged. Those international developments required an EU response. So, once more, the light was shed on the shortcomings of the European foreign and security policy and its institutional set-up. Furthermore, the upcoming December European

Council on defence and security has increasingly gained attention, so the low-key EEAS review seemed to be more and more overshadowed by more significant business. However, with analysis and discussion of the report presented by the HR/VP the review process is on-going. The next working phase started in autumn. It is more silent, less visible but at the same time the vital one for the final outcome of the process.

This contribution focuses on the HR/VP report as a core element of the EEAS review process and analyses its structure, content and key messages that it delivers. Furthermore, the feasibility of proposed recommendations will be addressed as well as the possible final outcome of the EEAS review.

Between legacy and self-criticism

The review process builds on the report evaluating the organisation and functioning of the Service, presented by the HR/VP in line with the Article 13(3) of the EEAS Decision. Proposals of improvements – in particular recommendations listed at the end of the document – constitute the core of this deliverable. These recommendations are arranged by subject (i.e. organisation, functioning and staffing) as well as by timeframe: short- and medium-term perspective, with the extra focus on what could be achieved sooner (respectively 26 and 9 proposals). According to a written declaration made by the HR/VP at the beginning of the process: „The Review should not just be a progress report for a new service but it provides an opportunity to make adjustments and recommendations for future changes which will enhance its effectiveness and allow it to deliver an even better service for Member States, the Commission and the European Parliament" (HR non-paper 2013). This changes and improvements should or could be made "to leave an even more capable service as a key legacy of (Catherine Ashton's) term as the first HR/VP (HRVP Statement on EEAS Review, p. 2).

The lead on the review, which was handed over to the HR/VP, was both an advantage as well as a challenge for the incumbent Catherine Ashton. While drafting the key evaluation document, she could gain the power of interpretation. At the same time, however, she was put to the most difficult test on self-criticism, which she passed – compared to the EEAS annual report (EEAS Report, 2011) – surprisingly well. The assessment of the EEAS condition as to its structure and operation flaws is frank just as the praise of achievements is balanced. This proven capability to look soberly at the Service presents a value in itself, even if the mentioned shortcomings were already identified and widely discussed. In this regard, the report is an 'official' confirmation of outside opinions. The critical view of internal limitations of the Service, however, did not prevent the HR/VP form following simultaneously the defensive tactics based on highlighting external obstacles and difficult relations with the European

Commission and member states. The magnitude of a challenge the HR/VP was tasked with is reflected in wording used in the Report in all relevant facets. It includes the traumatic experience of negotiations over the EEAS Decision, political frictions within the EU as well as rapidly changing international environment demanding the European response.

Another positive sign was an attempt to organize the review in a more cooperative and inclusive way than it was a case with the report issued on 22.12.2011 which covered the first year of EEAS operation. This is a proof that some lessons have been learned after the criticism the Service earned for this first evaluation, although the similarly unfavourable publication date proves the opposite. In the review process all relevant actors are involved and variety of different forums are used for discussion and consultations ranging from the Gymnich format to the meetings of Secretaries General of EU Foreign Ministries.

As far as the scope of the review is concerned the Report follows – as one could expect – not a minimalistic approach limiting the evaluation to the staffing issues as prescribed in the Art. 13(3) of the EEAS Decision. Indeed, the analysis addresses also the broader issue of the HR/VP role, including the problem of deputising. Catherine Ashton managed to set priorities for streamlining the EEAS, which she described as 'a modern and operational service' and to define the Service own interests. Being strengthen by recent diplomatic achievements, she was willing to show leadership what resulted in a smart, realistic, and ambitious document (Techau, 2013).

The structure of the report is as follows: after the foreword of Catherine Ashton the organisation and the functioning of the EEAS are addressed, while the third part is devoted to the role of the HR/VP. The main analysis concludes with staffing issues – with statistics in the annex, followed by the summary of proposed changes. In each part the selected issues with respect to which changes are considered by the HR/VP as 'important and necessary' are highlighted.

Role, organisation and functioning of the EEAS

The HR/VP presents the suggestions as to the future structure and functioning of the EEAS against the background of explanation of the unique status and mission of the Service which "brings together all of the policies and levers at the EU collective disposal and allows them to be focused on building influence and delivering results across the world to promote EU values and interests" (EEAS Review, p. 3). The EEAS was created for ensuring "effective and timely delivery of the EU foreign policy" as well as for providing "strong and effective coordination of EU external policies". EEAS is not only acting "as the EU's institutional

memory on foreign policy and the home of its global network but – as HR stated before the European Parliament – the key task is also "to provide a clear and authoritative lead in building consensus between Member States on strategies and priorities, working closely with the Commission and European Parliament." (Statement, p. 3). The Report suggestions follow this mission statement with clear defined interests as to the European Commission, Member States and the General Secretariat of the Council.

As far as the organization of the Service is concerned the Report responds to the widely-shared criticism of a top-heavy structure. The HR while justifying the current set-up refers to the start-up phase needs and complex challenges, in particular the necessity to reconcile different traditions and organisational cultures. Also Member States were partly charged with responsibility, as they "had high expectations for their role in providing additional staff especially at senior level" (EEAS Review, p. 4). For future reorganisation of the top management structure it is, however, suggested, in particular, to rethink the composition of the Corporate Board and to streamline the division of duties between Managing Directors and Directors. The posts of Executive Secretary General and Chief Operating Officer should be merged into a single post of Secretary General (mid-term Recommendation 5).

In the CSDP field the Report suggests modifications referring to positioning and reporting lines of the relevant EEAS departments as well as improvement of the decision-making (to consider: streamlining of planning functions for civilian and military missions; reduction of intermediate steps in consultation of Council working groups, simplification of procurement and financial procedures). Nevertheless, the recommended co-ordinating responsibility for Deputy Secretary General in relation to the CSDP and the relevant departments of Security Policy and Crisis Prevention, including their relations with the rest of the EEAS would require an amendment of Art. 4(3) a of EEAS Decision (Recommendation 3). In this particular area the EEAS review process remains linked with the discussion before the December 2013 European Council meeting on the EU security and defence policy. The Report touches also on the proposal of a shared services centre to provide logistical, procurement and administrative support for all CSDP missions and EUSRs (m-t R. 2).

The increased self-confidence of the Service is reflected in a number of recommendation presented by the HR/VP aiming at increasing the EEAS capability to deliver in terms of political leadership. The Report suggests the strengthening of the EEAS Policy Planning capability to work on strategic issues and papers (R. 7) and the reinforcement of the EEAS capacity with regard to the external aspects of key EU policies such as: energy security, environment, migration, fight against terrorism, external economic issues (R. 6). This seems inevitably as a possible source of future tensions between the EEAS and the European Commission. First of all, an implementation of both suggestions would imply the reallocation of

posts. Furthermore, the Service should present medium-term strategies for specific regions or thematic issues in line with the established policy priorities, for discussion in the Council according to an agreed timetable. According to the HR/VP these strategies could also foster more joined-up discussions across different levels including: the European Council, Ministerial meetings, the Political and Security Committee (PSC) and working groups (R. 10). She recommends also to review priorities and seek to streamline formal political dialogue meetings at Ministerial and senior official level, scheduled on the basis of the substance to be discussed (R. 22).

The experience of the first term of the HR/VP has proven that the function equals the "mission impossible" mostly because of the unsolved issue of the deputising. Therefore, is not surprising that the challenge was covered by the Report despite the fact that any sustainable improvements are hardly possible without the treaty change which would be difficult to achieve because of the unavoidable effect on the inter-institutional balance. In a midterm recommendation (3) the HR/VP suggests to work out a solution either within EEAS structures or through granting the HR/VP clearer responsibility over other members of the European Commission. The question of possible formalization of the existing practice of deputising by Foreign Ministers, Commissioners and senior EEAS officials was raised, e.g. in form of a joint Declaration of the HR/VP, the European Commission and the Council with possible involvement of the European Parliament (Legal Service, 2013, p. 8). The report advocates also to clarify the question of who can represent HR/VP in the EP debates. A revision of the HR/VP declaration on political accountability is envisaged as a part of the forthcoming institutional transition. This new document while referring to the relationship with the European Parliament could also, among other issues, settle the questions of the EP input to upstream policy planning and this institution access to classified information, relevant in particular for political reporting from EU delegations (m-t R 6).

EU Delegations

The EU delegations are often considered as the main asset of the EEAS. The HR/VP describes the EU delegations as "the operational focus of the service, working with national embassies of Member States in third countries and multilateral fora on the basis of trust, cooperation and burden sharing in all fields" (EEAS Review, p. 3). The report contains seven short-term recommendations on how to improve the EU Delegations functioning. Some of this suggestions are very accurate and refer to relations with both the European Commission and Member States. The need for full flow of information and coherence within a delegation is stressed (R. 14), as well as the improvements for finance management, in particular due to reinforced EEAS-Commission co-ordination on management of resources in the EU

Delegations (R. 18). The report calls also for simplifying the administrative budget of delegations which will allow to combine money from EEAS and Commission budgets. This, however, would require legal amendments (17). To overcome the dual financial circuits in the EU delegations – recognized as one of the most acute problems to tackle – the amendment of the Financial Regulation provisions will be necessary (m-t R. 7).

As far as relations with member states are concerned, the EEAS seems to be eager to assume the rest of the responsibilities of the rotating presidency in the EU foreign policy area. Thus, the Report proposes the full empowerment of the EU delegations led by chargés d'affaires (R. 2). The closer co-ordination – especially in form of joint reports and mutual sharing of information – between the EU delegations and the member states embassies in third countries is also addressed. The latter implies the full implementation of a system for exchange of sensitive and classified information (R. 15). The Report – in line with the EEAS narrative pointing the need for reducing costs without losing the influence, also suggests creating a priority list of joint projects for co-location and pooling support services between EU delegations and national embassies. This should be supplemented with appropriate cost-sharing arrangements. The argument of a real need for the best use of resources is also behind the ideas proposing to use the member states national security resources to protect EU delegations on cost recovery basis (16). The budgetary constraints create the background for reflection on further development of the EU delegation activities, in particular in areas of interests of some Member States. It covers the propositions to create a network of military and civilian security experts in delegations or to increase the role of delegations in consular protection (Rettman, 2013; Non-paper *Strengthening*…, 2013). The Report makes any development in those both areas dependent on the transfer of additional resources and necessary expertise from member states. In line with this approach is the appreciation shown towards those member states which contributed in the framework of the pilot programme regarding secondments of experts from national defence and interior resorts on a cost-free basis.

Finally, the report advocates to deal with residual competence issues as to the external representation – a very controversial issue in the post-Lisbon EU. The HR/VP perspective is to ensure that the EEAS and EU delegations are the single channel for the EU external relations issues, also in areas of mixed competence and in multilateral fora (m-t R 9).

Cooperation with member states and EU institutions

Both experts' publications as well as the preparatory contributions of member states highlighted the significance of the relationships with other actors of the EU external action for the effectiveness of the Service. Also the analyses presented by the EEAS itself continuously

addressed the tensions in this regard. The intergovernmental nature of the CFSP and CSDP makes the success of the HR/VP and the EEAS dependent on the adequate cooperation modus with Member States. The question of what kind of improvements – in terms of smoother interaction among all relevant actors – could the EEAS review deliver remains crucial.

As far as structures are concerned the Report calls for strengthening of the EEAS sanctions team also through the staff transfer from the Service for Foreign Policy Instruments (FPI), which will affect among others the budget and establishment plans of the European Commission. As a measure against duplication of structures and for better use of resources the Report suggests also the collocation of the 24/7 EEAS situation room with the newly created by the Commission 24/7 Emergency Response Centre to create a single EU Crisis Response Centre (R. 8). A very far reaching recommendation is that the HR in her/his capacity as a Vice-President of the Commission should present specific external relations proposals to be included in the Commission annual work programme (R. 9). Furthermore, the Report addresses the issue of an EEAS influence on programming of EU external assistance (R. 13). As a mid-term recommendation – linked with the future allocation of portfolios within the European Commission – the position of the HR/VP with regard to the EC decision-making process on external assistance programmes should be strengthen in order to enhance the coherence with EU foreign policy priorities and to clarify the HRVP's lead responsibility for relations with Western Balkans and ENP countries. Last but not least, the potential of regular meetings of Relex Group of Commissioners chaired by HRVP is addressed (R.12) which remain generally unexploited during the current HR/VP term.

The Report also claims that there is a need for clearer division of labour between EEAS and the Secretariat services dealing with the EU external relations of both the European Commission and the Council. It seems doubtful that relevant services will share the EEAS assessment concerning the causes for missing efficiency or duplication, having in mind the perspective of the staff transfers which is behind this concerns on the EEAS side. The proposed review of Service Level Agreements with Commission and Council Secretariat could have better prospects (R. 21).

The EEAS intends to use the review to limit the remaining responsibilities of the rotating presidency in the external relations area. Thus, the increased contribution of the EEAS to the broader working programme of the trio of rotating Presidencies is suggested (R. 11). This, however, would possibly require the change of the Council Rules of Procedure. What is more, the permanent chairmanship provided by the Service should be extended to those Council Working Groups where the Presidency is still in charge (Relex Counsellors, Development WG, Africa, Caribbean, Pacific (ACP) Working Group, the EFTA group, the Counter Terrorism Working Group (COTER), the International Public Law Working Group

(COJUR) and Athena committee). Such a decision would imply the transfer of resources to EEAS and reduction of staff dealing with external relations in the Council Secretariat. In case of Enlargement Working Group (COELA), the development of a special working relationship with the EEAS is proposed. (R. 1). In such a case, the necessary amendment of the Council Decision 2009/908/EU on the chairing of working parties would, however, require the initiative of the Council, so member states have the final say on this issue.

The question of resources is also one of driving factors that influenced the recommendations concerning the EU Special Representatives (EUSR) (R. 4) – a function presented in the report as an anomaly in the post-Lisbon area (EEAS Review, p. 4). The EEAS is, thus, advocating for their closer integration into the service structures. It is, however, worth having in mind that the full integration will not only require an amendment of EEAS Decision but also the change of the Treaty on European Union.

Staffing issues

The message concerning the staffing issues has been already signalled in wording used in a subtitle of the relevant part of the Report: 'PERFORMANCE against targets'. Basic statistics, followed by more detailed account as the annex to the Report create the background for the presentation of key issues: 1/3 target for temporary agents from national diplomatic services in AD posts, geographical balance and gender balance, which – according to the Art. 13(3) EEAS Decision – had to be addressed during the review. Strikingly, only in this particular topic, the report stated twice the context of the 'transitional phase/period' of the EEAS. Additionally, four relevant recommendations listed in Summary are limited to the short-term perspective. As to the presence of national diplomats the Report claims to achieve the "very good progress towards the objective of reaching the 1/3 target" (p. 14). The significant imbalance between Headquarters (23.8%%) and Delegations (46.2%) – presented as a result of giving priority to reinforce Delegations with new posts – is discounted as a temporary situation, which will even out as a result of developing of new rotation and mobility policies for all staff within EEAS. However, any further details concerning the guiding concept for rotation and mobility are missing despite possible implications for the future implementation of the 1/3 target and the scope of access to open posts for national diplomats. As far as the geographical balance is concerned the breakdown in the Annex (p. 19) gives a basic picture of existing imbalances. Yet the recommendation includes only a general declaration of "sustained efforts to address residual issues on geographical balance and achieving a meaningful presence of national of all Member States" (R. 25), very similar to the "additional measures to promote gender balance" (R. 26). The issue of the quantitative imbalances in the representation on senior official level has been not addressed at all.

(Formuszewicz/Liszczyk, 2013, p. 156). The report emphasises instead the need for specific policy on status and management of temporary agents from Member States concerning: contract duration/renewal, access to mobility and rotation policies within EEAS, grading, promotion and reclassification as well as re-integration into national foreign ministries, the latter clearly being a domain of Member States (R. 24).

The overall personnel policy seems to focus on ensuring a strong presence of permanent officials what is in accordance with the European Parliament postulates (European Parliament recommendation, 42). Catherine Ashton advocated for "a human resources strategy that offers attractive and rewarding career prospects for all EEAS staff, including the officials who joined the service from the Commission and the Council" (Statement, p. 5), a formulation indicating the better standing of national diplomats and therefore rather less supportive for the integrations of personnel from all three treaty sources.

Dealing with limitations, using opportunities

The review Report combines well the diagnosis with concrete recommendations on how to deal with diagnosed flaws in the organisation and functioning in the service. The set of proposed measures results in a clear proposal for a way forward and constitutes an ambitious and inspiring basis for further discussion. While communicating the EEAS priorities and interests it managed also to formulate responses on the expectations of other involved actors. At the same time, the Report submitted by the HR/VP deliberately leaves open the question whether the review should conclude with an amendment of the EEAS Decision: "[it] concentrates on policy issues and possible improvements without addressing what these would require in terms of internal organisational changes, modifications in legal texts or other wider issues to be considered as part of the institutional transition in 2014." (EEAS Review, p. 15). This choice has however at least one important consequence, which should be highlighted: the report missed to address the causal link between the EEAS' failings and its legal foundations considering e.g. the definition of EEAS' responsibilities or the specificity of the CSDP structures (CML Rev p. 1216).

There are certainly different convincing explanations for HR/VP's hesitancy to specify the scope of possible legal change and the proposals for amendment of the EEAS Decision, which might be of tactical or substantial nature. One of them could be also the partial link between the EEAS review and the results of the 2013 December European Council on Security and Defence. Among omissions of the Report one could point in particular on the lack of the analysis on possible synergy effect of joint implementation of different recommendations. In other words, it does not state in which configuration certain measures would

contribute to the more visible and sustainable results. In particular, the clear distinction is missing between suggestions aiming at reducing of current shortcomings and improvement leading to greater performance of the EEAS. The report constitutes in this regard a wide menu without accompanying reflection on the optimal choice while there is no realistic option for the implementation of the 'full programme'.

Special attention should be brought to these recommendation which are feasible without modifying the existing legal framework. The question arise, what stood in the way of implementation until now? The relatively short time of operation, lack of resources, mistaken prioritizing, insufficient support of member states, to strong resistance of the EC or the personal factor? The honest assessment will predict the success prospects of the EEAS review.

The discussion on proposed suggestions is on-going with the Committee of Permanent Representatives (Coreper) which meeting were scheduled for 9, 16, 29 October and 7 November as a central forum at this stage. The short-term recommendation were discussed in four thematic blocks and an additional meeting will allow the exchange of views also on mid-term proposals. The achieved result could create the fruitful basis for the relevant Council meetings in December. Involvement of other preparatory fora increases the chances for an agreement.

The point is that the effort invested in the review process should bring a change for good in European foreign policy, irrespective the final way of implementation. The EEAS is still too new for allowing it to be stuck with status quo. One more deliverable of the review could be the agreement on criteria of how to measure the success of the EEAS in terms of contributing to a more effective EU foreign policy, in particular the use of the full potential of the still relatively new Service. There is a need for reflection what are the relevant benchmarks for ability to deliver in the core areas which are neighbourhood, the comprehensive approach and international issues requiring EU collective action for achieving the critical mass to play a lead role? (HRVP Statement, p. 3)

References

EEAS Review, 26 July 2013

EEAS Review – Non Paper from the High Representative, 2013

EEAS, Report by the High Representative to the European Parliament, the Council and the Commission, 22nd December 2011

European Parliament recommendation to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the

Commission of 13 June 2013 on the 2013 review of the organisation and the functioning of the EEAS (2012/2253(INI))

Ryszarda Formuszewicz, Dorota Liszczyk, The Staffing Policy of the European External Action Service—Stocktaking Ahead of the 2013 Review, The Polish Quarterly of International Affairs 1/2013, p. 139-160

House of Lords, European Union Committee, 11th Report of Session 2012-13, The EU's External Action Service, Report, March 2013

Legal Service of the Council of the European Union, EEAS Review – indications relating to the legal and institutional issues raisedby the recommendations, 4 October 2013.

Non-paper *Strengthening the European External Action Service,* delivered by a group of Member States before the March Gymnich meeting, 2013

Andrew Rettman, France keen for EU diplomats to beef up security, consular services, EUObserver, 20 March 2013

Statement by EU High Representative Catherine Ashton on EEAS Review http://www.consilium. europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137458.pdf

Jan Techau, At Long Last, a Sign of Leadership From Ashton, blog post, 30July 2013.

The 2013 review of the European External Action Service: A missed opportunity?, Editorial comments, CML Rev, Vol. 50 No. 5 October 2013.

EEAS 2014: How to Make EU Foreign Policy Work Better?

Andrea Frontini / Paul Ivan

Introduction: Out of the Tunnel? The First Years of a New Diplomatic Actor

Foreign policy represents a critical challenge for European integration, touching upon a core domain of national sovereignty and involving sometimes distinct and competitive political interests and policy preferences of 28 different national capitals, spanning from Lisbon to Zagreb. Yet, there are several reasons why Europe should get more seriously involved in international politics, among which the on-going tectonic shifts in the world economy, the emergence of brand-new and multidimensional global challenges, and the rise of non-Western state actors with an ambiguous foreign policy agenda. The case for increasing Europe's 'politics of scale' (Balfour and Raik, 2013) should become even more appealing when considering the potential leverage of a cohesive EU foreign policy sustained by the politico-diplomatic 'critical mass' of its member states and equipped with a powerful combination of EU trade, development and humanitarian assistance tools.

Admittedly, the Lisbon Treaty has not been very ambitious in what concerns foreign policy: decisions in the field of the Common Foreign and Security Policy still require unanimity by the EU member states and very little progress has been made so far in the direction of a smoother decision-making process, including by the use of 'constructive abstention'. However, the most important innovation of the Treaty in this area was the idea of bringing together the intergovernmental approach and the community method in EU's foreign policy though the creation of the 'double-hatted' post of High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission and a new and institutionally unique EU body, the European External Action Service.

The establishment of the EEAS has been mired in controversy. The different political actors involved, i.e. member states, the European Commission, the European Parliament and the HR/VP herself, have fought over the extent of the competences of the new body, each side wanting to defend its turf or further expand its policy remits. The Service was created outside the Commission structures partially because several member states were reluctant to leave CFSP in the hands of the 'EU executive'. The resulting body is expected to support the HR/VP in her different capacities, including as Chair of the Foreign Affairs Council and as Vice-President of the European Commission, responsible for the horizontal coordination

of EU's external action. Fulfilling such a demanding job description has unsurprisingly been very far from easy.

As a matter of fact, the Service and its leader have been amply criticized by insiders and external observers alike since the very first months of their existence, especially for their initial inability to respond decisively to the Arab Spring, while poor internal management, deepening mutual mistrust *vis-à-vis* the European Commission and underlying tensions with member states have affected their credibility and authority, both in Brussels and beyond. However, the HR/VP and her Service have over time brought home a series of encouraging diplomatic successes, including the brokering of deals over a planned referendum in Bosnia and on Serbia-Kosovo relations, and the positive involvement in the delicate nuclear talks with Iran. Moreover, albeit insufficient in the light of recent developments, the mediation efforts by Lady Ashton to bring Egyptian political forces at the same table after the ousting of President Morsi highlighted the importance of the EU as an 'honest broker' in international peace-making. At the same time, the EEAS has issued its long-waited and much-debated mid-term Review, managing to conduct a difficult self-assessment and formulate a number of realistic recommendations for addressing complex institutional matters.

While it can be argued that the EEAS is finally beginning to see some light at the end of the tunnel, a number of mid-term challenges remain, some of which will need to be necessarily addressed by renewed EU institutions and different European political leaders. This paper aims at examining a number of management, inter-institutional, operational and substantial issues which have to be tackled in order to make European foreign policy work better.

Putting the 'EEAS House' in Order: Management, Inter-Institutional and Operational Issues

Forging an 'esprit de corps', streamlining the organizational chart and deputizing the HR/VP: three priorities for a better EEAS management

The mix of intergovernmental and community elements is also reflected in the composition of the EEAS staff. The Service comprises staff from the former DG RELEX of the European Commission, the Council Secretariat and the diplomatic services of member states[1]. The

---

1   The July 2010 Council Decision establishing the organisation and functioning of the EEAS [Council of the European Union, 2010] demands that staff from member states should represent at least one third of all EEAS staff at Administrator (AD) level. This target is very close to being achieved: the EEAS Review put the current figure at 32.9%.

fact than more than two thirds of EEAS staff came from within the EU has helped to ensure continuity in EEAS' relations with those bodies and with external partners as well. However, having personnel from three main different sources, with heterogeneous organisational cultures, has proved challenging for the Service. In order to achieve a common *esprit de corps* within the EEAS, more will need to be done on this front, not least by providing adequate and common training for the staff (Helwig, Ivan and Kostanyan, 2013).

The creation of the EEAS, the consequent transfer of human resources and the initial lack of clear organizational rules created uncertainties among the personnel of the new body, and even led to some of them moving back to the European Commission or other EU institutions. In order to recruit and retain high-quality personnel, clear management rules and career incentives should be provided for all the staff categories working in the EEAS, including for seconded national diplomats. At the same time, flexible staff rotation procedures between the EEAS and EU institutions, especially the Commission DGs working on external action, should be developed. The merging of pre-existing EU structures and pressures from member states to allocate their diplomats in senior positions has also led to a top-heavy EEAS organisational chart, with too many managerial posts. It is now time to reduce these managing positions, simplify the internal chain of command, streamline hierarchies and smooth working methods.

The Lisbon Treaty and the Council decision establishing the EEAS do not provide for political deputies for the HR/VP. This has often been a problem given the overcrowded agenda of the High Representative. Establishing a system of deputies is clearly needed and has received wide support among the community of EU foreign policy experts. The appointment of formal deputies within the EEAS would raise legal challenges given the current wording of the Treaties. In the absence of a formal revision, more flexible arrangements should be sought for deputizing the HR/VP, depending on the issue and the interlocutor. In situations where meetings require debriefs on the CFSP by the HR/VP, such as those in the European Parliament's plenary sessions, the EEAS Secretary General or another high-level EEAS official would most often be best placed to replace the HR/VP. Current institutional arrangements should be modified in order to allow this practice. As for political dialogue with third parties, the current *ad hoc* arrangements of having a Commissioner, the Foreign Minister of the rotating Presidency or senior EEAS officials to substitute the HR/VP should be made clearer in order to ensure a proper representation of the EU. This could also be a more widely used role for other EU national Foreign Ministers. National Foreign Ministers no longer enjoy the lights of the European Council summits and many of them would be eager to take on a temporary, yet prestigious European role, either alone or in a group.

Building an effective inter-institutional framework for EU foreign policy

The creation of the EEAS outside the structures of the European Commission has been difficult. The Commission has lost its DG External Relations but it has retained important portfolios such as trade, development, humanitarian assistance, and the external aspects of policies such as migration and climate change. Constituencies in the European Commission feared that the new body would be dominated by member states and this would also lead to the politicization of their work: this was especially true for the DGs Development and Humanitarian Aid. The division of labour between the EEAS and the Commission DGs on the programming of financial instruments has also raised numerous questions and taken some time to settle.

The HR/VP is expected to ensure the consistency and overall political coordination of the Union's external action, but does not possess an enforcement authority over the other Commissioners, or the services they lead. Although the HR/VP is the designated Chair of the Group of External Relations Commissioners – the RELEX group[2] – this has rarely met and the RELEX group did not have a proper coordination role in the Barroso Commission. In order to facilitate smoother cooperation between the EEAS and the Commission services dealing with external action, the coordination potential of the RELEX group should be fully exploited. Coordination will also require a better clarification of the division of responsibilities between the HR/VP and the relevant Commissioner in the areas of Enlargement and Neighbourhood Policy, where the EEAS retains key policy interests, an issue also mentioned in the EEAS Review. Moreover, given the important external action portfolios retained by the Commission, the EEAS should be more fully involved in the Commission's policy planning in these areas.

The fact that one third of the EEAS staff come from the member states, including many of the higher management positions, has increased trust in the Service by national capitals, which sometimes can look at the EEAS as a potential competitor in foreign affairs. The Service receives stronger support from small and medium member states, since it allows them to channel their foreign policy preferences through the EU and gives them access to better information and diplomatic networks. Since EU's main foreign policy decisions still ultimately rely on the political will of member states, the HR/VP and EEAS should strive to ensure that member states trust and fully use the new system. At the same time, member

---

2   The group consists of the Commissioners responsible for Development, Enlargement and Neighbourhood Policy, International Cooperation, Humanitarian Aid and Crisis Response, Trade and Economic and Monetary Affairs.

states should focus more on providing substantial inputs and the political drive necessary for an active EU foreign policy.

Prior to the Lisbon Treaty, the member state assuring the rotating Presidency of the Council was the one bringing the political drive in EU foreign policy. The rotating Presidency is no longer setting the CFSP agenda, but it still retains an important role in EU external action, for example by chairing the meetings of the Foreign Affairs Council in its Trade format, COREPER and some of the Council working groups which are crucial for the Union's external action, such as the Foreign Relations (RELEX) Counsellors. The rotating Presidency is also involved in representing the EU in various external formats and in countries where the EU lacks a Delegation. These should be enough reasons to work for a more structured cooperation between the EEAS and the rotating Presidency.

With the entry into force of the Lisbon Treaty and the creation of the EEAS, the Commission Delegations in third countries have been transformed into EU Delegations, assuming the representation of the whole EU and the intra-European coordination previously fulfilled by the rotating Presidency. While representation in third countries is generally successful, representation of the EU in multilateral organisations has proven to be much more challenging, due to legal uncertainties and opposition by some member states to an enhanced role for the EU. The 'General Arrangements on EU Statements in Multilateral Organisations' agreed by the Council in October 2011 have not fully clarified the matter (Council of the European Union, 2013).

The EEAS and EU member states should also do more to pool and share resources between EU Delegations and member states' embassies in third countries. This refers to both practical arrangements regarding logistics, but also to reporting, joint initiatives and information-sharing. Besides political will, sharing sensitive information will require additional funding for improving secure communication links between the EU Delegations and member states' embassies. Given that the biggest part of the staff in EU Delegations is employed by the European Commission, the EEAS and the Commission should also strive to improve arrangements and cooperation in EU Delegations, including in the management of external assistance programmes, which is limited by the current Financial Regulations. Moreover, having more policy entrepreneurial and administratively flexible Delegations would better serve EU's interests around the world (Balfour, 2013).

Enhancing EU's foreign policy outlook

It is becoming clearer that the EEAS should focus its resources to achieve a better strategic planning of EU foreign policy. This is also a recommendation of the EEAS Review and a clear necessity of the Service. However, EU's strategic body, the one in charge of defining the "general political directions and priorities" of the EU is the European Council, an institution which has become increasingly involved in decision-making, including in the area of foreign policy. The meetings of the European Council are prepared by the President of the European Council and the General Affairs Council, involving the rotating Presidency and the Commission, but not the HR/VP. This makes for a weaker link between the towering heights of the European Council and the EEAS – including the Council working groups that it chairs – and stresses the need for an efficient coordination between the EEAS and the rotating Presidency of the Council. An adequate formulation of EU's strategic objectives would also require a review of the 10-year-old European Security Strategy and the continuing development and updating of regional and thematic strategies.

Engaging with an Ever-Changing World: A Selection of Global Challenges and Mid-Term Priorities for EU Foreign Policy

Understanding emerging global trends and their foreign policy implications

The world is undergoing a series of considerable, interrelated transformations, which will deeply affect European interests for the next decades to come. As anticipated by a number of recent forecasting studies (EUISS and NIC, 2010; EUISS, 2012; IAI, PISM, RIE and UI, 2013), these include:

- The emergence of an increasingly polycentric world order, marked by a more diffused, yet still fragmented distribution of global power, notably to the advantage of non-Western major powers such as China, India and Brazil, but also of middle-sized regional actors including South Africa, Turkey and Indonesia.
- The rise of locally specific but globally connected civil society movements claiming political freedoms and basic civil rights, but also more transparency and accountability by political authorities, from the 2011 uprisings in the Arab world to the recent civil protests spanning from Europe to Latin America.
- A dynamic, yet contradictory socio-economic development outlook, marked by the continuing, though slower growth of non-Western economies and generally higher living standards in the formerly known 'third world', but also by contagious financial instability, growing environmental degradation, risks of unsustainable competition for natural resources, and rising inequalities within societies.

▪ An unpredictable international security landscape, combining fairly conventional chal-
lenges – i.e. potential regional conflicts, trans-national terrorism, proliferation of wea-
pons of mass destruction, organized crime and failed states – with relatively new threats
such as cyber-attacks, piracy, scarcity-fuelled tensions, climate change-induced catastro-
phes and risks of militarization of global commons, including the outer space.

Such demanding global trends entail both challenges and opportunities for EU foreign poli-
cy: more plurality among world powers will reshape Europe's geopolitical clout, but it also
offers a valuable opportunity to advance EU's commitment to collective governance solu-
tions; a globally interconnected public opinion is likely to put Europe's diplomacy under a
closer scrutiny, but it also allows it to reach out to distant societies through its significant
'soft power' assets; the challenges of 21st century global economy are already putting Eu-
ropean economies and societies under considerable pressure, but the 'old continent' may
still resort to its cutting-edge technological expertise and its unique governance tools to
benefit from world interconnectedness; external threats may impact Europe's security given
its geographical proximity to several sources of instability and the relative openness of its
societal models, but the EU and its member states possess a rather sophisticated foreign
policy toolbox, combining diplomacy, development and defence assets, which, if properly
resourced and targeted, can provide a decisive contribution to global stability and prosperity.
This overarching set of global challenges should be duly taken into account in a number of
priorities which, in our view, should characterise the EEAS' mid-term policy agenda.

Strengthening Europe's leverage in its closer neighbourhoods

The EU retains vital interests in its neighbourhoods, due to historically troubled, yet politi-
cally significant bilateral relations, growing economic interconnectedness, increased labour
migration flows and pending regional security issues. The worrisome uncertainties surround-
ing internal political developments in virtually all the countries affected by the Arab Spring
and the insufficient commitment to truly democratic reforms in many capitals of Eastern
Europe and the Southern Caucasus have put the recently renewed European Neighbourhood
Policy under considerable pressure and highlighted the need to enhance the effectiveness of
its condition-based rationale and the flexibility of its financial assistance mechanisms.

Therefore, the EU should further boost its transformative power on the closer neighbours
through strengthened promotion of human rights and the rule of law, political pluralism and
democracy, sustainable growth, progressive intra-regional integration and security sector
reform. Moreover, the EU should provide: increased and bolder engagement with the coun-
tries in the Eastern Partnership – including Belarus and Azerbaijan – and Russia; sustained

diplomatic efforts to encourage a steady return to democratic rule in Egypt and to press for a concerted and multilateral solution to end humanitarian violations and instability spillovers in Syria; enhanced efforts for the resolution of 'protracted conflicts' in the East and continuing military and civilian commitment to secure the South's unstable neighbours in the Sahel and the Horn of Africa, including through enhanced mediation support capacities; more courageous and tailor-made concessions on mobility and trade, as well as stronger support to local civil society organizations in both neighbourhoods.

Deepening the political dimension of Transatlantic relations

Transatlantic relations arguably remain the indispensable policy catalyst of a Liberal international system. Although sporadic diplomatic crisis have sometimes brought nervousness between Brussels and Washington – most recently in the case of US spying on some EU diplomatic missions – Transatlantic relations have shown a considerable amount of resilience over time, which is in turn cemented by a substantial sharing of interests and values, even more so in the light of the on-going transition to a more plural international political arena. The recent launch of negotiations over a Transatlantic Trade and Investment Partnership confirms the relevance of Euro-American relations as a source of much-needed economic growth, as well as its valuable potential as a standard-setter for future bilateral and multilateral agreements in this area.

Such an unprecedented *momentum* should be fully exploited by Europe in order to deepen the political dimension of its relations with the United States, for instance by: strengthening EU-US policy dialogue and information-sharing to better tackle transnational challenges such as terrorism and cyber-attacks; reinforcing both political cooperation and operational synergies between NATO and CSDP, which in turn requires far stronger European defence integration, including in its key industrial aspects; exploiting the full potential of Euro-American diplomatic *tandem* on the Middle East Peace Process, the Iranian nuclear *dossier* and the 'protracted conflicts' in Eastern Europe; shaping a joint agenda for advancing global environmental governance.

Engaging emerging powers in a polycentric, yet interdependent world order

The rise of non-Western powers represents a key feature of the 21st century world system. Indeed, a wide range of heterogeneous actors, spanning from China to Mexico, has been crowding the global stage at least since the end of the Cold War, making the international political arena increasingly polycentric and stressing Europe's long-dated 'relative decline'.

Such an unparalleled transformation in world affairs has the potential to increase political pluralism and strengthen international cooperation *vis-à-vis* global challenges, but it does not come without significant problems, among which the potential prevalence of 'balance-of-power' solutions to regional tensions (like in South-eastern and Central Asia), or the rise of 'state capitalism', 'resource nationalism' and other phenomena of disguised protectionism (for example in China and South Africa) challenge both the functioning and legitimacy of a truly Liberal international order.

Consequently, the EU and its member states must fully engage the world's rising powers in making the emerging international order more open, stable and democratic, for instance by pursuing more ambitious, comprehensive and politically meaningful relations with major players like China, India and Brazil, including on international security issues; supporting the advancement of regional integration organizations like ASEAN, the African Union and Mercosur; ensuring diplomatic efforts in helping to defuse tensions in geopolitical hotspots such as the Korean Peninsula, the South and East China Seas and the wider Central Asian region; increasing educational exchanges, civil society cooperation and intercultural dialogue as indispensable long-term complements to global economic and financial interconnectedness.

Advancing 'effective multilateralism' through a multi-layered governance architecture

Globalisation entails unprecedented interdependence among geographically distant markets and politically diverging communities. This is particularly true when referred to issues as diverse as international trade and finance, climate change, proliferation of conventional and unconventional weapons, the protection of 'global commons' and many others. All this calls for global burden-sharing through solid cooperation mechanisms and, when possible, common institutions. Although a credible alternative to a multilateral, rules-based global governance architecture centred on the United Nations is unlikely to emerge, a number of informal international *fora*, starting with the G-20, have progressively taken root to tackle common problems, notably those generated by the global financial and economic crisis. At the same time, the political stalemates still affecting multilateral frameworks like the World Trade Organisation's Doha Round and the United Nations Conference on Climate Change are encouraging bilateral, pluri-lateral or regional cooperation initiatives in those areas. Moreover, the potential of the post-Cold War UN Security Council as the ultimate guarantor of international peace and security has clearly shown its limits.

Given the EU's paramount interest in preserving multilateralism as the fundamental framework of global governance, Brussels will need to upgrade both the effectiveness and the legitimacy of multilateral institutions. This can be done, for instance, by encouraging substantial debate on the reform of leading institutions such as the UN and the International Monetary Fund in order to allow more leverage by, but also demand greater responsibilities to emerging powers, as well as by strengthening EU's representation and fostering intra-European coherence and solidarity both in multilateral and informal *fora*. In addition, the EU should contribute to shape a multi-layered global governance system aimed at better linking policy coordination in limited *fora* and normative convergence in regional organizations with universal rule-making institutions, especially in the areas of trade, finance and climate change, but also on growingly global issues such as management of resource scarcity and protection of global commons, where the EU could develop *niche* expertise and capacities through a more strategic and cross-cutting approach (Ahtonen and Frontini, 2013).

Conclusion: Towards a Stronger European Voice in Foreign Policy?

As this paper has tried to highlight briefly, the EEAS faces considerable mid-term challenges, spanning from internal management matters, to still delicate relations with EU institutions and member states, up to the largely unpredictable and globally stretched diplomatic agenda.

While the EEAS mid-term Review provides an encouraging response to a wide range of intra-EU intricacies, its full implementation as well as the more substantial consolidation of an EU 'foreign policy identity' will undoubtedly still require a considerable amount of inter-institutional negotiations, resource investment and political commitment by all parties involved, not least the member states. Major conditions of success in this respect will be given by the ability of the EEAS to provide more horizontal coordination and policy entrepreneurship in EU's external action, effective cooperation with the European institutions, more support by the member states, constructive and committed personalities both in Brussels and in national capitals, and the strengthening of a viable European socio-economic model underpinning a capable and credible EU foreign policy.

Last but not least, a longer-term challenge for the future EEAS will also be its ability to improvise creatively when responding to major foreign policy developments, perhaps treasuring Cardinal Richelieu's famous rebuke "*la diplomatie est une science mais qui n'a jamais cessé d'être un art*"[3].

---

3   "Diplomacy is a science, which has nonetheless never ceased to be an art."

References

Ahtonen, A. and Frontini, A. (2013) *Meeting Europe's Resource Challenge Within and Beyond EU Borders*, in Fabry, E. (ed.), *Think Global, Act European IV: Thinking Strategically About EU's External Action*, Paris: Notre Europe-Jacques Delors Institute (http://www.notre-europe.eu/media/tgae2013.pdf?pdf=ok)

Balfour, R. and Raik, K. (2013) *The European External Action Service and National Diplomacies*, Brussels: European Policy Centre (http://www.epc.eu/pub_details.php?cat_id=2&pub_id=3385&year=2013)

Balfour, R., 'Revolution from the Periphery', *European Voice*, 25 July 2013 (http://www.europeanvoice.com/article/imported/revolution-from-the-periphery/77970.aspx)

Council of the European Union, *Decision Establishing the Organisation and Functioning of the European External Action Service*, 2010/427/EU, 26 July 2010, Brussels

Council of the European Union, *EU Statements in Multilateral Organisations – General Arrangements*, 15901/11, 24 October 2011, Brussels

European Union Institute for Security Studies and National Intelligence Council (2010), *Global Governance 2025: At a Critical Juncture*, Paris: European Union Institute for Security Studies (http://www.iss.europa.eu/publications/detail/article/global-governance-2025-at-a-critical-juncture/)

European Union Institute for Security Studies (2012), *ESPAS Report 'Global Trends 2030 – Citizens in an Interconnected and Polycentric World'*, Paris: European Union Institute for Security Studies (http://www.iss.europa.eu/publications/detail/article/espas-report-global-trends-2030-citizens-in-an-interconnected-and-polycentric-world/)

Helwig, N., Ivan, P. and Kostanyan, H. (2013) *The New EU Foreign Policy Architecture: Reviewing the First Two Years of the EEAS*, Brussels: The Centre for European Policy Studies (http://www.ceps.eu/book/new-eu-foreign-policy-architecture-reviewing-first-two-years-eeas)

Istituto Affari Internazionali, The Polish Institute of International Affairs, Real Instituto Elcano and The Swedish Institute of International Affairs (2013) *Towards a European Global Strategy – Securing European Influence in a Changing World*, Rome-Warsaw-Madrid-Stockholm (http://www.euglobalstrategy.eu/nyheter/opinions/towards-a-european-global-strategy-report-release)

The Authors

Frauke AUSTERMANN is Assistant Professor in International Affairs at the Shanghai Campus of ESSCA, School of Management, LUNAM University. She holds a PhD degree in Political Science from Freie Universität Berlin and Renmin University of China and a Master's degree in International Employment Relations from the London School of Economics. She completed her undergraduate studies at Maastricht University and Sciences Po Paris. She was previously a Lecturer in European Studies at Maastricht University and has taught EU politics in Europe and Asia, such as at Fudan University in Shanghai, Vietnam National University in Hanoi, or Ateneo de Manila University. Frauke Austermann is a board member of the UACES Collaborative Research Network on EU-China relations, see www.uaces.org/china. Her research interests include EU-China relations, European diplomacy, and contemporary Chinese society and politics.

Caterina CARTA holds a PhD in Comparative and European Politics. She is lecturer at Vesalius College and associated GR:EEN researcher at the Institut d'Etudes Européennes de l'Université Libre de Bruxelles (IEE-ULB). Her research interests cover European Foreign Policy, European Diplomacy and External Relations of the European Union. She has just published a monograph on the EU's diplomatic service, with the title "The European Union Diplomatic Service: Ideas, Preferences and Identities".

Dario CRISTIANI is completing his PhD in International Politics of the Mediterranean at King's College London with a thesis focused on the EU and the Mediterranean since the end of the Cold War. In 2013, he was a Tübitak Research Fellow at Fatih University in Istanbul. He is associated with the Global Governance Institute in Brussels and contributes regularly to Jamestown Foundation publications, mainly on North African and Mediterranean issues.

Doris DIALER earned her M.A. and PhD in European Politics from the University of Innsbruck and completed a Master of Management Program at the Universitas Indonesia Jakarta and Gadjah Mada University Yogyakarta. She also studied History, Philosophy and Translation (German/English/French). Dialer has been working as a Political Advisor in the European Parliament since 2006. She publishes and lectures widely on the role of the European Parliament, European Public Affairs and EU Policy Fields. Doris Dialer is a board member of IGER (Innsbruck Group on European Research) and Visiting Fellow at the Krems

Danube University, the University of Innsbruck, Management Center Innsbruck and at the Berlin University of Professional Studies.

Ryszarda FORMUSZEWICZ is an analyst at the Polish Institute of International Affairs. She graduated from the Law Faculty at the Adam Mickiewicz University in Poznań and also completed postgraduate studies in comparative law at the University of Bonn. Her research areas include Germany's foreign and European policy and the European External Action Service.

Andrea FRONTINI is a Junior Policy Analyst in the World Programme of the European Policy Centre (EPC) in Brussels, Belgium. Prior to joining the EPC in February 2012, he was an intern in DG Enterprise and Industry at the European Commission in Brussels, at the Secretariat General of the Italian Atlantic Committee in Rome, at the Italian Mission to NATO in Brussels as well as at the Marketing and Commercial Affairs Division of Finmeccanica Spa in Rome. Andrea holds both a BA and an MA in International Affairs and Diplomacy from the University of Trieste (Gorizia Campus), an International Exchange Certificate from the Institut d'Études Politiques de Paris (SciencesPo) as well as a Postgraduate Degree in International Relations and International Protection of Human Rights from the Italian Society for the International Organisation (SIOI).

Niklas HELWIG studied at the University of Cologne and at the Victoria University in Melbourne. He received his degree in economics in summer 2010. Alongside his studies, he worked as a research assistant at the Jean Monnet Chair of Prof. Wessels at the University of Cologne and completed an internship at the broadcasting studio of the Second German Public Television (ZDF) in Brussels. As part of Marie Curie Initial Training Network on EU External Action (EXACT), he worked for the Centre for European Policy Studies and the Finish Institute for International Affairs. His research focuses on the institutional evolution of the Common Foreign and Security Policy and the post of the High Representative.

Paul IVAN joined the European Policy Center (EPC) in 2013 as a Junior Policy Analyst and works in the European Politics and Institutions Programme. Before joining the EPC, he was a diplomat working on the South Caucasus countries in the Romanian Ministry of Foreign Affairs, a researcher on EU politics and institutions at the Centre for European Policy Studies (CEPS) in Brussels and a researcher on EU external relations and security issues at the Romanian Center for European Policies (CRPE), where he remains an affiliated expert. He has also completed a traineeship in the European Commission and the European External Action Service (EEAS). Ivan holds an MSc in International Relations from the London School of Economics and Political Science (LSE) and bachelor's degrees in international relations, European studies and history.

Nicole KÖNIG is an early stage researcher in the Marie Curie Initial Training Network on EU external action (EXACT). She holds a Master's degree in Politics and Management from the University of Constance and another one in EU International Relations and Diplomacy from the College of Europe in Bruges. Before joining EXACT, she worked in a research project on early warning and conflict prevention at King's College (London) and as scientific assistant at the Institute for Advanced Sustainability Studies (Potsdam). As part of her PhD, she worked for the Istituto Affari Internazionali in Rome and the Trans European Policy Studies Association in Brussels. She is currently based at the Politics and International Relations Department at the University of Edinburgh. Her research interests include the Union's common foreign and security policy, international conflict management and development cooperation.

Gustav LINDSTROEM is Head of the Emerging Security Challenges Programme at the Geneva Centre for Security Policy (GCSP). He received his doctorate in Policy Analysis from the RAND Graduate School and M.A. in International Policy Studies from Stanford University. Prior to his tenure at the GCSP, Lindstrom served as a Senior Research Fellow at the EU Institute for Security Studies (EUISS). His areas of expertise include transatlantic relations, European Common Security and Defence Policy (CSDP), terrorism, non-proliferation, and cyber security.

Dorota LISZCYK is an analyst at the Polish Institute of International Affairs. She holds M.A. in International Relations, M.A. in History and also completed postgraduate studies in European Law and PhD studies at the Jagiellonian University in Kraków, Poland. Her research areas include the Common Foreign and Security Policy with particular emphasis on institutional aspects as well as French European policy.

Heinrich NEISSER was Jean-Monnet Professor for political Science at the University of Innsbruck. He was 2nd national council president in the Austrian Parliament from 1994 to 1999. He is president of the Austrian research council, chairman of the Austrian Institute for Advanced Studies as well as president of the Austrian-Korean society. Neisser is besides President of the Austrian section of the International European Movement (Brussels).

Anja OPITZ is Senior Researcher (International Relations) at the Academy for Civic Education and Research Tutzing. She received her doctorate in Political Science at the University of Passau, working on civil-military interaction within integrated CSDP crisis management. Dr. Opitz lectures at the European Security and Defence College in Brussels and is a founding member of the Middle East and International Affairs Research Group (MEIA research). Prior to joining the Academy in November 2013, she was Assistant Professor at the Department of Political Science at the University of Innsbruck and worked as a Political

Advisor in the German Bundestag. In her research she focuses on Security Sector Reform, the development and operability of CFSP and CSDP with a special focus on civil-military cooperation and strategy in the area of conflict resolution. Her regional expertise includes North Africa and the Balkan countries.

Edmund RATKA is Associate Researcher at the Center for Applied Policy Research (CAP) at the University of Munich and Research Fellow at the Chair of International Politics at the University of Passau. Having studied political science in Munich and Aix-en-Provence/ France, he was a Visiting Scholar at Sciences Po Paris, the Center for Transatlantic Relations in Washington and the Institut français du Proche Orient (IFPO) in Damascus. He has recently coordinated several German-Tunisian research and teaching projects. His research interests include Euro-Mediterranean relations and the transformation of the Arab world as well as European integration with a special focus on foreign policy and Franco-German relations.

Jochen REHRL, Dr. iur., has worked for the Austrian Ministry of Defence and Sports and is currently seconded to the European External Action Service/European Security and Defence College in Brussels. In previous functions he occupied posts as Political Advisor both in Vienna and Brussels. His publications focus on Security Policy from a legal and political point of view.

Martin SCHMID is a policy advisor at the Department for Education Policy of the Austrian Federal Economic Chamber (AFEC) in Vienna. Before joining AFEC early 2012 he gathered work experience at the European Commission's Directorate General for Trade as well as in private sector European affairs. Martin Schmid studied Law and French at the Karl-Franzens-University of Graz, Austria, where he also worked as a student research assistant at the Department of Public Law and Political Science. He holds an MA in EU International Relations and Diplomacy Studies from the College of Europe in Bruges (Albert Einstein Promotion 2010 – 2011). His fields of interest involve EU trade policy, education policy, the EEAS as well as lobbying techniques in EU decision-making.

Christine STRASSMAIER is a consultant for travel security and crisis management at the Munich based Corporate Trust, business risk & crisis management GmbH. She assists small and medium sized companies in establishing a custom-made and comprehensive travel security system, starting from a traveller monitoring tool to an international security and medical assistance hotline. In addition, she conducts security evaluations and classifications of travel destinations and project sites as well as implementing security measures such as country specific trainings for travellers and expats. Before this position, Straßmaier worked as a security analyst for the MENA region at Siemens AG and EXOP GmbH. She spent an

extensive period studying Arabic in Syria, working in Dubai as well as travelling through the Middle East. Straßmaier holds a master degree in political science from the Ludwig-Maximilians-Universität Munich.