



HOUSE OF LORDS

EUROPEAN UNION SUB-COMMITTEE FOR EXTERNAL AFFAIRS European External Action Service Evidence - Written

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Professor Steven Blockmans, Senior Research Fellow & Head of the EU Foreign Policy Unit, Centre for European Policy Studies – Written evidence

EEAS re-loaded: some recommendations for the 2013 review

Pursuant to Article 13(3) of Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (EEAS), the High Representative (HR) is held to provide a review of the organisation and functioning of the EEAS by mid-2013. The review will cover, “inter alia”, the implementation of Article 6(6), (8) and (11), so as to ensure an adequate geographical and gender balance and a meaningful presence of nationals from all Member States in the EEAS. “[I]f necessary”, the review will be accompanied by appropriate proposals for the revision of the 2010 Council Decision (e.g., suggestions for additional specific measures to correct possible imbalances of staffing). “In that case”, the Council will, in accordance with Article 27(3) TEU, revise the Decision in the light of the review by the beginning of 2014.

As such, the 2013 review will offer an important first formal opportunity to assess the strengths and weaknesses of the EEAS, to address some of its current weaknesses, and to give a new impetus to its further development. Whereas Article 13(3) of the 2010 Council Decision specifically mentions organisational matters as subjects of the review, the formulation of the provision is sufficiently open-ended to allow the reviewers the room to address more than just (short-term) organisational issues. Indeed, it would be a shame not to use the review process prescribed by the 2010 Council Decision as an opportunity to also look into the Service’s overall contribution to attaining the objectives of the EU’s foreign policy (cf. Article 21 TEU), and into its cooperation with the member states’ diplomatic services, the services of the European Commission, the Council General Secretariat, and the European Parliament. While successes have been achieved on all of these counts and can thus serve to show the value added by the EEAS,¹ important improvements to the organisation and functioning of the Service should still be made.

However, there are obvious limits to what can be achieved in the 2013 review process, as some organisational changes would require not just a revision of the 2010 Council Decision but of the underlying Treaties, and/or the composition of the institutions in the wake of the next elections for the European Parliament in 2014.

If it ain’t broke, don’t fix it. This is also the mind-set of a group of scholars gathered under the banner of “EEAS 2.0” who, with an eye to the forthcoming review, are about to publish a legal commentary to the 2010 Council Decision, in search of the interpretative margins of

¹ See, e.g., S. Blockmans, ‘The European External Action Service One Year On: First Signs of Strengths and Weaknesses’, CLEER Working Paper 2012/2, available at <<http://www.cleer.eu>>.

appreciation to accommodate necessary changes to the organisation and functioning of the EEAS “à droit constant”.²

In practice, and like in any other bureaucracy, changes to the organisation and functioning of the EEAS continue to be made on a daily basis, without the need of opening what in some member states is seen as Pandora’s box of negotiations on the 2010 Council Decision. The fear of endless negotiations rests on the risk that talks may extend into the areas covered by the flanking Staff and Financial Regulations and thus require co-decision by the European Parliament.

Although the lead clearly lies with the High Representative, the 2013 review process should systematically involve all member states, Commission services, the Council General secretariat, the European Parliament, think tanks, NGO’s and civil society organisations. A roadmap should be adopted by the High Representative and communicated by the EEAS. A ‘listening’ period should be organised so as to collect ideas and opinions, for the member states to consider during the first Gymnich of 2013. The High Representative should then present her report by the end of June 2013, with an aim to take on the short-term priorities before the end of 2013, while leaving more ambitious proposals to amend the organisation and functioning of the EEAS for the next legislative cycle and/or the next round of Treaty revision.

On the basis of the foregoing and earlier analyses of both the strengths and shortcomings of the EEAS,³ recommendations can be made to address some of the organisational weaknesses of the Service, under at least 4 headings:⁴

I. The role of the EEAS in promoting the coherence of external action needs to be reinforced:

- A joint communication on the comprehensive approach to foreign policy-making should be urgently adopted by the Commission and the High Representative and implemented by all members of the EU external action family. The comprehensive approach should make full use of the hybrid role of the HR/VP, mobilise the different tools at the EU’s disposal,

² The legal commentary will become available in January 2013 on the websites of a number of participating think tanks and academic centres of excellence, including that of CEPS at <<http://www.ceps.eu>>, SIEPS at <<http://www.sieps.se>>, and the EUI at <<http://www.eui.eu/DepartmentsAndCentres/Law/Publications/PublishedWorkingPapers.aspx>>.

³ See, e.g., S. Blockmans, ‘Fit for Purpose? The European External Action Service One Year On’, OXFAM Briefing Paper 159, 23 January 2012, available at <<http://www.oxfam.org>>; and L. Erkelens & S. Blockmans, ‘Setting Up the European External Action Service: An Act of Institutional Balance’, in 8 European Constitutional Law Review (2012), 246-279.

⁴ More points can be made and have been made, especially on policy substance. See, e.g. E. Burke, ‘Europe’s External Action Service: Ten Steps Towards a Credible EU Foreign Policy’, CER Policy Brief, 4 July 2012; F. Krätke and A. Sherriff, ‘Gearing Up for the 2013 EEAS Review: Opportunities, Challenges, and Possible Approaches’, ECDPM Briefing Note, No. 44, November 2012; and S. Lehne, ‘The Review of the European External Action Service in 2013’, Carnegie Europe, 15 November 2012.

in close interaction with the member states and in close cooperation with other international actors, and make optimal use of scarce resources.

- In order to facilitate cross-cutting coordination and integrated foreign policy-making, the EEAS should develop the necessary expertise with regard to those internal EU policies which have an important external dimension, such as transport, energy, climate and migration.
- The EEAS should be better joined up with the Commission's DG DEVCO, both at headquarters level and in EU Delegations. To this end, the 'Working Arrangements' concluded between the Commission and the EEAS on 13 January 2012 should be revised.⁵

2. The VP persona of the High Representative's mandate needs to be strengthened:

- The VP should chair monthly meetings of the previously called 'RELEX group', composed of Commissioners in charge of the various aspects of external action (trade, enlargement & ENP, development cooperation, humanitarian aid & civil protection, even monetary affairs), so as to actively coordinate external policies within the Commission. Under Barroso I, this group used to meet on a monthly basis; under Barroso II, it has met only handful of times.
- To alleviate some of the stress on an over-burdened HR/VP position, a deputy should be appointed to replace the HR as (first) Vice-President in the Commission, e.g. when s/he is unable to attend the meetings of the college. The hybrid position currently embodied by the Commissioner for the ENP provides a good source of inspiration for this type of deputation: all of his staff within the previous DG RELEX has been moved to the EEAS on 1 January 2011, but together with his cabinet, he plays an active role within the structures of the Commission. Incidentally, detaching the responsibility for the ENP from the portfolio of EU enlargement may send a clearer signal to neighbouring countries (especially those on the southern borders of the Mediterranean) what not to expect from the EU and its institutions, i.e. a membership perspective.
- In line with the argumentation presented at the outset of the previous point, a political deputy (possibly from a member state – rotating Presidency) should be appointed to replace the High Representative for his/her responsibilities under the CFSP.

3. The structure of the EEAS needs to be reinforced:

- The security policy and CSDP structures should be simplified and properly integrated into the EEAS. A rebalancing should take place between the military elements and the insufficiently strong civilian crisis management capacities.

⁵ SEC(2012) 48, Ref. Ares(2012) 41133.

Professor Steven Blockmans, Senior Research Fellow & Head of the EU Foreign Policy Unit, Centre for European Policy Studies – Written evidence

- The Commission's Service for Foreign Policy Instruments should be fully integrated in the structures of the EEAS. The EEAS should have the responsibility for the management of the CFSP budget and should be given the right of operational expenditure.
- The EU Special Representatives and their staff should be fully integrated into the geographic and thematic services of the EEAS.
- The split between EEAS and Commission staff in EU delegations should be overcome by strengthening the authority of the Heads of Delegations and allowing them to delegate more responsibilities, simplifying reporting lines, and ending the current separation of financial circuits. To this end, the 'Working Arrangements' concluded between the Commission and the EEAS on 13 January 2012 should also be revised.
- The Corporate Board of the EEAS should also be simplified. The division of labour between the top executives has to be clarified and, here too, clear reporting lines should be established.

4. Cooperation with member states' diplomacies needs to be strengthened:

- In the interest of cost-saving and in a drive for increased efficiency, information exchange should be further regularised and procedures harmonised, at headquarters, but also in representations to multilateral institutions and in bilateral postings. The potential of co-location of member states' embassies with EU Delegations should be examined.⁶ What is being done by the UK in the context of cooperation with Commonwealth countries like Canada could also be done in the framework of the EEAS.⁷

November 2012

⁶ A good example is provided by a Memorandum of Understanding signed by the EEAS and Spain to establish Spanish Embassy on premises of EU Delegation to Yemen, Press release A 568/12Brussels, 10 December 2012.

⁷ See S. Blockmans and S. Carrera, 'The UK-Canada Agreement on Mutual Support of Missions Abroad: Loyalty Compromised?', CEPS Commentary, 18 October 2012.

Edward Burke, Associate Researcher, FRIDE / University of St. Andrews – Supplementary written evidence

1. I am grateful for the opportunity to present a written response on the question of how to improve EEAS accountability. The EEAS has been subjected to sustained scrutiny and criticism since it was launched in December 2010. Some of the criticism has been fair; much has not.

2. For example, the High Representative / Vice President has done well in establishing a new ‘crisis management board’ (which integrates planning for general crisis response among various bits of the EU), and in introducing the concept of ‘a crisis platform’ to respond to specific conflicts or natural disasters. In addition she has created high-level task forces to deal with specific third country governments in the European neighbourhood. These task forces bring together senior personnel from the EEAS, Commission, European Investment Bank, European Bank for Reconstruction and Development, Union for the Mediterranean and other agencies in a forum for drafting assistance proposals, monitoring progress and solving problems with foreign partners.

3. The 2011 Strategy for the Horn of Africa is also a worthy attempt by the HR/VP to establish better institutional coherence between (and within) the EEAS, the Commission and member-states. The short-term security measures taken to deal with escalating problems of terrorism, insurgency and piracy in the region (primarily through a naval mission, Operation Atalanta) and a security sector training mission (the EU Training Mission Somalia), are now being matched by long-term thinking on how to resolve political and socio-economic problems at the root of conflict. The EEAS proposed – and member-states approved - a major increase in EU financial support for the African Union Mission in Somalia (AMISOM). AMISOM, along with Somali troops, have been steadily pushing the rebel, extremist al-Shabaab movement away from main population centres

4. The HR/VP also deserves praise for her role in chairing international talks on Iran’s nuclear programme. Her stewardship of these difficult negotiations on a complex and urgent challenge to international security has highlighted a diplomatic capability within the EEAS that many had hastily thrown into question. The HR/VP has also presided over the introduction of complex and robust sanctions that have severely hurt Iranian and Syrian government interests.

5. But the EEAS has also failed to meet expectations in some areas. The HR/VP and the EEAS are not in the lead on key areas of foreign policy – for example, with respect to external development assistance. In 2011 the European Council complained that Commission aid programmes, such as those under the European Neighbourhood Policy Instrument, did not sufficiently reflect the strategic priorities identified by member-states and EEAS diplomats.

6. Presently the influence of the HR/VP and the EEAS on the Commission on foreign policy matters is based more on collegial co-operation than executive authority. In some areas of the EU's external relations, the HR/VP has less power than that enjoyed by the former commissioner for external relations, Benita Ferrero-Waldner, before the amalgamation of the latter's post with that of HR/VP under the Lisbon Treaty. The directorate-general for external relations was not transferred wholly to the EEAS. Instead, some assets were kept by the Commission, including the international climate negotiation unit that was transferred to the new directorate for climate action. Similarly, Ferrero-Waldner was able to draw upon more trade and energy experts to assist her in developing a broad diplomatic agenda than is the case in the EEAS under Ashton. Meetings of the group of external relations commissioners (commissioners whose duties involve working with partners outside the EU) have been much more infrequent since the EEAS was established than before.

7. In sum, the EEAS has made real gains on behalf of the EU – in places such as the Balkans, the European Neighbourhood, the Horn of Africa and Yemen. But it has also failed to realise some of its ambitions – there are persistent problems with Strategic Partnerships, Policy Coherence for Development (PCD) etc. These failings are not always of the EEAS's own making but that of the Commission or the member-states. I have already submitted a report I wrote for the Centre for European Reform on the EEAS, which provides a detailed description of these successes and failures - "Ten Steps Towards a Credible EEAS" - and will not repeat this discussion here.

8. The EEAS budget is overseen in a similar fashion to that of the Commission. Its main budget allocation and lines of spending are carefully scrutinised by the member-states and the European Parliament (the latter also has the right of approval). Oversight and engagement by national parliaments on the question of EEAS spending could be improved.

9. The Lisbon Treaty envisioned more engagement by national parliaments in overseeing the activities of the EU. To their credit both the HR/VP and senior EEAS officials have spent a considerable amount of time briefing member-state parliamentarians. But such exchanges are done on an ad-hoc basis. European and/or foreign affairs committees often listen politely to

Edward Burke, Associate Researcher, FRIDE / University of St. Andrews – Supplementary written evidence

updates by the HR/VP and the EEAS, ask a few questions based on the particular interests of individual legislators before thanking the HR/VP or the relevant EEAS official for their time.

10. In the past the EEAS sought to counter criticism by pumping out ‘good news’ stories. Member-state governments, parliamentarians and civil society were often left unconvinced. The EEAS needs to learn to re-balance towards ‘under-promising and over-delivering’. Only when the EEAS is seen to consistently meet its objectives will member-states allocate it more resources and responsibilities for the conduct of their foreign policy. It needs to build trust including, most pressingly, among the legislatures of member-states.

11. The following are five suggestions to improve EEAS accountability:

i) Appoint an EU Advisory Board

12. The EU should consider appointing an EEAS 'board of elders' to advise, monitor and evaluate the EEAS's progress and needs. Its members should be respected former foreign ministers, diplomats and experts. The board would report annually to the Council on EEAS progress and challenges – making recommendations to member-state governments, national parliaments and the EU institutions. The board would have no executive powers and would be limited to advisory duties.

ii) Establish an EU foreign policy committee drawn from national legislatures

13. A more consistent and organised means of national parliament–EEAS exchange and oversight would be to establish a committee of legislators from the rotating ‘troika’ of member-states that meets to agree the agenda for their three sequential EU presidencies. This would meet every six months (once per presidency) to put questions to the HR/VP and the EEAS on budgetary and programmatic issues. A foreign policy committee made up of parliamentarians from 27 member-states would be unworkably large.

14. A troika foreign policy committee drawn from member-state parliaments should not be seen as a reversal of the Lisbon Treaty, which gave the HR/VP the lead in managing the foreign policy agenda of the EU. But a critical rationale behind retaining a limited rotating presidency is getting some EU business out of Brussels and bringing it to the citizens of respective member-states. The same logic should apply to EU foreign policy.

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15. EU foreign policy remains largely inter-governmental – emphasising the importance of enhancing oversight over the EEAS by national parliament. A troika foreign policy committee would give national legislatures an increased sense of ownership over the EEAS, enhance inter-parliamentary cooperation and give Europe’s diplomats increased exposure in the member-states.

16. The membership of a troika foreign policy committee could be drawn from existing parliamentary committees on European or foreign affairs in each member-state. A chairman would be nominated from each of the three member-state parliaments to coordinate the meeting during his or her country’s presidency, including topics for discussion, requests for information and witnesses from the EEAS and elsewhere. This meeting would take place in the rotating presidency country and would be prepared by the relevant parliamentary liaison offices in Brussels in consultation with their home parliaments.

17. To promote continuity, at the end of each ‘troika’ of presidencies the three chairmen would present a joint report to their successors from the next troika of member-states on issues covered, resolved and of continued interest or concern.

iii) Strengthen oversight by the European Court of Auditors over EEAS activities

18. The European Court of Auditors (ECA) occasionally issues reports on the impact of funds spent in pursuit of EU common foreign and security policy and development assistance goals. Recently the Court issued a report warning of management failings (in addition to positive findings) with respect to the activities of the EU Rule of Law Mission in Kosovo (‘EULEX’). The ECA provides a useful, if limited, oversight mechanism for the activities of the EEAS. This role could be expanded but, in doing so, the ECA would likely require additional staff/expertise.

iv) Harmonise EEAS budgets

19. Funds provided by member-states outside of the main budget - for example the separate budgets created for each individual EU Special Representatives or Common Security and Defence Policy (CSDP) mission - complicate oversight. These must each be considered in turn and are often subject to less scrutiny than the EEAS’s main budget. Member-states should consider simplifying such practices – for example by integrating the EUSRs’ funding and personnel within the main structure of the EEAS while maintaining overall spending and staffing.

v) Make more EEAS reports available to national parliaments

20. A more systematic exchange of information between parliaments and the EEAS is both desirable and feasible. The EEAS could more routinely send unclassified versions of Mission/Delegation reports to the responsible parliamentary committee in each member-state.

2 December 2012

Dr Hylke Dijkstra, Department of Politics and International Relations, University of Oxford – Written evidence

HISTORICAL BACKGROUND

1. The establishment of the European External Action Service (EEAS) was the direct result of the Treaty of Lisbon, which entered into force on 1 December 2009. The EEAS was, however, not created from scratch. It was essentially a *merger* – in Brussels and in third countries – between the foreign policy services of the Council of Ministers and the European Commission complemented with a significant number of national diplomats seconded from the capitals. The establishment of foreign policy bureaucracies within the context of the European Union (EU) goes back a long time with the Single European Act (1987) and the Treaties of Maastricht (1993) and Amsterdam (1999) bringing important innovations as well.

2. The *European Commission* has long played an important role in the area of external relations. As a key actor in trade policy it has entertained extensive bilateral and multilateral contacts with third countries and international organisations. In addition, the Commission has been an important player in development and humanitarian policy with a very significant budget. Moreover, the Commission has been the key negotiator in the field of enlargement and has (had) therefore strong contacts with many countries in Central and Eastern Europe and the Western Balkans. Many of the policies were implemented through the headquarters in Brussels consisting of the Directorates-General External Relations, Trade, Development, Enlargement, EuropeAid, ECHO.⁸ In addition, and importantly, the Commission established over time a network of 130+ delegations in third countries.

3. While the Commission played a pivotal role in external relations broadly defined, member states have also been interested in cooperating on foreign and security issues. They thus created European Political Cooperation in 1970, which became the Common Foreign and Security Policy (CFSP) following the Treaty of Maastricht. To cooperate more effectively, the member states have delegated over time many bureaucratic resources to the *Council* in order to prepare and implement common decisions in the context of the CFSP. The EPC Secretariat of the Single European Act was a first example. This office was subsequently integrated into the General Secretariat of the Council in 1993. And finally, with the Treaty of Amsterdam, the member states significantly expanded these Council bureaucracies in the area of foreign policy, including through the creation of the post of High Representative for the CFSP, whose first office-holder was Dr Javier Solana (1999-2009).

4. It is difficult to underestimate the significance of these Council services in the development and implementation of EU foreign policy in the period prior to the Lisbon

8 These are the names of the relevant DGs prior to the Treaty of Lisbon.

Dr Hylke Dijkstra, Department of Politics and International Relations, University of Oxford – Written evidence

Treaty.⁹ Solana had a private office and a 30+ strong dedicated Policy Unit. In addition, there was DG External Relations of 250 officials.¹⁰ This Directorate-General consisted of relevant regional units, such as the Western Balkans, Middle-East and Africa, as well as two Directorates for Defence Issues and Civilian Crisis Management. The Council machinery furthermore consisted of a 200 officer strong EU Military Staff, some 70 officials working the Civilian Planning and Conduct Capability, and 100 intelligence officers in the Situation Centre.¹¹ In addition, Solana had a dozen Special Representatives, who all had their own staffs, reporting directly to him.

NEGOTIATING THE EEAS

5. One of the main fears during the negotiations of the Amsterdam Treaty, and in the period after its entry into force, was the potential competition and incoherence between the Commission and the Council services.¹² Would the Commissioner for External Relations, Lord Chris Patten at the time, or the High Representative for the CFSP, Javier Solana, speak for the Europe Union?¹³ While some of the predicted 'turf battles' really turned out 'turf tensions' and were limited to specific institutional aspects,¹⁴ it created an important input for the European Convention, in charge of drafting the Treaty establishing a Constitution for Europe. In line with some of the federalist rhetoric of the Convention there would be *one* Union Minister for Foreign Affairs, *one* EEAS, and *unified* Union delegations in the context of EU foreign policy. While the rhetoric was watered down, the substance remained the same in the Lisbon Treaty.

6. The establishment of the EEAS was a classic case of 'incomplete contracting'. The Lisbon Treaty only noted that the EEAS would consist of Council, Commission and member states officials (see article 27(3)). It did not stipulate the scope of the EEAS, the balance between Council, Commission and member states, accountability structures, or how the organogram

9 e.g. H. Dijkstra (2008) 'The Council Secretariat's Role in the Common Foreign and Security Policy', *European Foreign Affairs Review* 13(2), pp. 149-166; G. Mueller-Brandeck-Bocquet and C. Rueger (eds), *The High Representative for the EU Foreign and Security Policy: Review and Prospects*, Baden-Baden: Nomos; H. Dijkstra (2012) 'The Influence of EU Officials in European Security and Defence', *European Security* 21(3), pp. 311-327.

10 Note that there was a difference between DG External Relations in the Commission and DG External Relations in the Council.

11 All these staff figures are estimates.

12 Report by Reflection Group (1995) *A Strategy for Europe*, Brussels, 5 December; The Economist (2000) 'Chris Patten, Becalmed in Brussels', 20 January.

13 D. Allen (1998) "'Who Speaks for Europe?': The Search for an Effective and Coherent External Policy' in J. Peterson and H. Sjursen (eds), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, Routledge: London.

14 C. Patten (2005) *Not Quite the Diplomat: Home Truths about World Affairs*, London: Allen Lane; H. Dijkstra (2009) 'Commission Versus Council Secretariat: An Analysis of Bureaucratic Rivalry in European Foreign Policy', *European Foreign Affairs Review* 14(3), pp. 431-450.

should look like. These questions became subject to further negotiations with the member states, the Commission and the European Parliament. The Commission was involved because the EEAS would mostly draw on its resources. The Parliament was involved as the establishment of the EEAS required amendments to the financial and personnel regulations, over which the Parliament has a formal say.

7. The scope of the EEAS was an interesting topic. Would the EEAS be solely a merger between the DGs External Relations of the Commission and Council (narrow scope), or would it include all external relations services of the European Union, including trade, enlargement, development and security policy (broad scope)? The eventual compromise was somewhere in the middle. Services dealing with trade, enlargement and development implementation stayed largely in the Commission, while development programming and security policy, including military policy, became part of the EEAS. The member states made the right decision to include military policy in the EEAS, because splitting it from the rest of the work of the EEAS would have fundamentally undermined the comprehensive approach of the EU to foreign policy.¹⁵ Arguably, however, security policy has not yet been fully integrated in the EEAS. It is still a separate set of Directorates (located in the top-right corner of the EEAS organogram) and most civil servants dealing directly with the Common Security and Defence Policy (CSDP) have their offices in a separate building.

8. The discussions over the balance between the Council, Commission and member states staff was equally interesting. Because many of the negotiating parties were unfamiliar with the details of the Brussels structures, it took some time to come to a compromise.¹⁶ Initially, for example, some people thought that the EEAS should not have permanent staff and that all officials should be secondees with the Council and Commission staff *also* going back to their institutions after 3-4 years. This was however clearly not possible because of the different sorts of expertise in the Council/Commission, on the one hand, and the EEAS on the other. Similarly, some people thought that the balance should be 1/3, 1/3, 1/3, yet this clearly did not take into account that the Commission staff was much larger than the Council staff. 1/2 Commission/Council and 1/2 member states was also suggested, but this would be a too strong requirement for the member states' diplomatic services. So the negotiating parties eventually settled for 2/3 Commission/Council and 1/3 member states.

9. In terms of the contribution of the member states, it is important to note that national diplomats bring much needed diplomatic experience and expertise to the table, which the Commission and the Council did not originally possess. Bringing in national diplomats, of course, also allows the member states more control over the policy produced by the EEAS and the Union delegations in third countries. Yet it is worth noting that if the requirements

¹⁵ The comprehensive approach entails using a combination of development, security and diplomacy in foreign policy. This is supposed to be the unique selling point of the EU.

¹⁶ Putting COREPER and people from the Council and Commission's Secretaries-General in charge of designing the new structures was probably not the best idea, as their knowledge for the specific demands of foreign policy tends to be limited in many cases.

for the member states in terms of secondments become too high, it undermines the resources in the capitals and therefore as well the member states' ability to keep control over the EEAS. While diplomatic services everywhere in the EU are under pressure, this is particularly an issue for many of the smaller member states.

10. Finally, it is worth to say something on the accountability and hierarchal structures of the EEAS. It is striking that the EEAS very much continues to look like the European Commission. Essentially the Council staff and national diplomats have been integrated in the what formerly were the services of the Commission. This is understandable, because the former Commission services make up the bulk of the EEAS.¹⁷ It is also regrettable, because the European Commission has never been the best model for rapid reaction, short lines and the speed that foreign policy formulation requires. It is, for example, an insider joke in Brussels that the current High Representative is always the last EU actor to put out a statement, via traditional or social media, reacting to events in international relations.

FUNCTIONING OF EEAS

11. It is not a secret that the performance of the current High Representative, Catherine Ashton, and the EEAS has been underwhelming. Her performance was perhaps acceptable in the twelve months following the entry into force of the Lisbon Treaty, during the difficult negotiations on the EEAS, but it has not markedly improved. The current line of communication is to blame all the problems with EU foreign policy on the member states themselves. Michael Mann, spokesperson of the High Representative, for example, writes in a letter to *The Economist*, "EU foreign policy remains the business of its member states, so any progress can only be achieved if there is consensus. The idea that the high representative for foreign affairs can forge her own foreign policy against the will of member states is unrealistic. She can prod, push and pull, as she often does, but she cannot charge ahead without the backing of the 27".¹⁸

12. It is indeed worthwhile noting that changes in governments in France, Germany and the United Kingdom have not made the life of EU officials, working on foreign policy, easier. To put it bluntly, Javier Solana and his civil servants (1999-2009) had a much easier job working with the Blair, Chirac and Schröder governments, which much more permissive towards independent action by the EU on the international scene than the current governments. The economic crisis is another problem for the EEAS, because it simply means that the member

17 Yet it is also noteworthy that Commission people, in particular, have had their hand in the design of the EEAS (e.g. Catherine Day, Christian Leffler, Patrick Child, James Morisson). In addition, Commission President Barroso has been operating effectively pre-empting and affecting the negotiations. See Z. Murdoch (2012) 'Negotiating the European External Action Service (EEAS): Analyzing the External Effects of Internal (Dis)Agreement', *Journal of Common Market Studies* 50(6): 1011-1027; L. Erkelens and S. Blockmans (2012) 'Setting up the European External Action Service: An institutional act of balance', *CLEER Working Paper* 1.

18 *The Economist* (2012) 'Letters to the Editor', 17 March.

states are less interested in foreign and security policy dossiers. Finally, the war in Afghanistan has put indirectly enormous pressure of EU foreign policy. It means that there are no military resources for any EU operation; and without actual EU operations, the dynamism in the area of security is low.

13. Complaining is, however, not what the High Representative is hired for. She should instead try to get ahead of the member states by taking initiatives and by showing leadership. Very few of the member states have genuinely global foreign policies, so if the High Representative waits until all the member states have made up their mind about a crisis half-way across the globe, it is clearly too late. Solana, for example, prevented open EU disagreement during the Israel-Lebanon war in 2006 by just stepping on the plane and acting as if he spoke for Europe without having an actual formal mandate.¹⁹ There is also a visibility problem. For example, after an informal meeting of the ministers of foreign affairs in Cyprus last September, the foreign ministers of France, Germany and the United Kingdom held a joint press conference calling for more sanctions on Iran.²⁰ Ashton was not there, nor mentioned in the press, in spite of having chaired the meeting and being the sole EU negotiator on the Iran non-proliferation dossier!

14. One of the frequently heard comments is that the High Representative has too many jobs to do and that she cannot be everywhere at the same time, particularly since she does not have a private plane at her disposal. This has never been a very strong argument. Solana managed, after all, with even less resources. In some years, he visited the Middle-East 7-8 times a year to speak to all the relevant local actors. Furthermore, the United States Secretary of State is also terribly busy, so there is absolutely no reason why the EU High Representative cannot handle. The essence boils down to prioritising, trusting high-level civil servants, and sacrificing one's personal life. One of the issues that may come up again during the EEAS review is to have a system with deputies or to delegate tasks to the other EU commissioners. Such discussions are likely to be fruitless and will not solve the underlying problem.

15. It is also important to note is that many of the high-flyers in the foreign policy services under Solana have resigned, retired, or been sidelined. To mention a few of the best and brightest, Pieter Feith (former Deputy-DG External Relations), Stefan Lehne (former Director Western Balkans) and Lt-Gen David Leakey (former DG EU Military Staff) no longer work for the EEAS. Robert Cooper (former DG External Relations) is now a 'counsellor'. These have been, to a large extent, natural developments but it would have been useful to keep the old guard in place, as they were officials with international networks and had the capability to get things done. Many of their replacements lack such skills. As a

19 H. Dijkstra (2011) 'EU External Representation in Conflict Resolution: When does the Presidency or the High Representative Speak for Europe?', *European Integration Online Papers* 15(1), pp. 1-23.

20 BBC (2012) 'UK, France and Germany call for tighter Iran sanctions', 8 September.

matter of fact, many of the current high-level officials have a Commission background, which does not lead to the desired results.

16. Needless to say, all the problems surrounding the establishment of the EEAS and the lack of leadership at the top have not improved the morale amongst lower-level staff members. The EEAS is, at the moment, *not* the most exciting place to work in Brussels or the ideal career destination for the best and brightest in the national diplomatic services. Diplomats and officials from the small and medium-sized member states would, in theory, be able to take much more initiatives and be in an influential situation on the world stage while working for the EEAS rather than their national administrations, which have much less cloud. In the current practice, this is not the case.

THE WAY FORWARD

17. There is a thus serious risk that EU foreign policy and the EEAS will become even less relevant over time. The track record of the last years is insufficient and there is little sign of improvement. The Western Balkans, for example, is full of examples of missed opportunities of EU foreign policy, the Middle-East Peace Process is no longer on the international agenda, an adequate response to the Arab Spring has yet to be formulated, and the High Representative and her staff have been rather naive to think that they could reach a negotiated settlement with Iran without the appropriate sticks. In a decade, which is not favourable for the EU and its foreign policy, it is thus of paramount importance that common institutions such as the EEAS do not under-perform. The final section of this submission therefore puts forward a number of recommendations.

18. The most important is that member states continue to invest in the EEAS and the delegations in third countries.²¹ Member states, including the larger ones, have to realise that unilateral foreign policy has limited effect in an era of multi-polarity. They should leave much more initiatives, implementation and photo opportunities to the High Representative and the EEAS. They should also make better resources available for the EEAS. Few member states, for example, have currently serious policies in place to guarantee national diplomats sufficient career advancement when they come back from their secondment to the EEAS. Ideally, in the medium to long-term, spending some time in Brussels or in an EU delegation should become a requirement for promotion to specific (ambassadorial) posts in the national diplomatic services.

19. The member states should also invest in a more serious appointment procedure for the new High Representative in 2014. Clearly this post requires someone with vast political, diplomatic and multilateral experience, international networks, and the authority of a former Head of State and/or Government. As things currently stand, it is likely that the nomination

21 S. Lehne (2011) 'More Action, Better Service: How to Strengthen the European External Action Service', *Carnegie Endowment Policy Outlook*, 16 December.

of the Commission President is becoming further politicised with the pan-European parties (European People's Party, Party of European Socialists, etc.) each putting forward their candidate for 2014.²² If this indeed happens, it is important that the post of High Representative will not become subject to subsequent horse-trading with positions such as the European Council President and Parliament President. This was what happened back in 2009.

20. Notwithstanding adequate accountability structures, the EEAS requires less hierarchy, a more decentralized structure, and shorter lines between the High Representative and the desk officer. At the moment, there are often 4-5 people standing in-between the High Representative and the desk officer, which seems simply too many for the area of foreign policy which requires rapid response. Similarly, internal bureaucratic procedures, which have been adopted from Commission standards, need to be relaxed if they undermine the work of the EEAS. Most important, however, is a change in culture, in which people take responsibility and initiative, and do not have to discuss everything with everyone. It is not difficult, for example, to find 4-5 units in the EEAS dealing with Kosovo. This still excludes the relevant units in the Commission's Enlargement and Justice DGs.

21. Finally, the foreign, development and security services in the EEAS should be better integrated in order to achieve a genuine comprehensive approach. This implies more than having coordination meetings with all relevant actors around the table. A structural integration of difference services has to be considered and command and control of CSDP operations has to be made more inclusive. In the United Nations, for example, people have thought much harder about how to combine scarce military, diplomatic and development resources effectively. The ongoing EU review of the Crisis Management Procedures lack such innovation and creativity.²³

22. In conclusion, the EEAS is the most recent step in the centralisation of foreign policy in the EU. Its establishment has not come at the best possible moment amidst the economic crisis and several increasingly euro-critical governments. This should, however, not be used as an excuse for what can be considered an unsatisfactory start of the EEAS. Instead, the EEAS should work harder to get its own house in order, unilaterally take more initiatives, and work with the member states to make EU foreign policy more effective in these dire economic times.

26 November 2012

22 The candidate of the pan-European party that wins the EU Parliament elections will then become the Commission President (after a formal nomination by the European Council).

23 A. Mattelaer (2012) 'Reviewing the EU's Crisis Management Procedures', *IES Policy Brief 4*, November.

The European Centre for Development Policy Management – Written evidence

1. The European Centre for Development Policy Management (ECDPM²⁴) is a development cooperation and international relations ‘think and do tank’, established as an independent non-partisan foundation in the Netherlands in 1986. Our main goal is to broker effective partnerships between the EU and the Global South, particularly Africa. ECDPM organises and facilitates policy dialogues, provides tailored analysis and advice, disseminates timely information, participates in South-North networks and carries out policy-oriented research with partners from the South. ECDPM receives institutional support against our strategy and workplan from seven EU member-states.
2. ECDPM has developed considerable expertise on EU external action in the post-Lisbon context²⁵, and has a strong track record for policy and impact evaluations. Recently, two authors at ECDPM, Andrew Sherriff and Florian Krätke, published a Briefing Note on the 2013 review of the EEAS.²⁶ The below Submission of Evidence will draw on this and other publications of ECDPM.

Interpreting the EEAS

3. The Council Decision establishing the EEAS²⁷ notes that it was designed to support the High Representative in her mandate to conduct EU foreign policy, externally represent the EU and coordinate other aspects of EU external action. In addition, the EEAS is mandated to support and cooperate with the Member States’ diplomatic services, the General Secretariat of the Council and the Commission services to ensure consistency between the different areas of the Union’s external action and between those areas and other policies.
4. The High Representative has remarked that the EEAS is not meant to speak with a single voice on foreign policy issues, but is instead designed to assist in delivering an integrated European message (‘joined-up government’). The EEAS thus aspires to be a single diplomatic presence, speaking ‘on behalf of a single, globally active legal entity’, and therefore a platform for European values and interests.

The 2013 EEAS review

²⁴ See www.ecdpm.org

²⁵ See, for instance: van Seters, J. and H. Klavert. 2011. EU development cooperation after the Lisbon Treaty: People, institutions and global trends. (Discussion Paper 123). Maastricht: ECDPM. www.ecdpm.org/dp123.

²⁶ Krätke, F. and A. Sherriff. 2012. Gearing up for the 2013 EEAS Review: Opportunities, challenges, and possible approaches. (ECDPM Briefing Note 44). www.ecdpm.org/bn44.

²⁷ Council Decision of 26 July 2010 establishing the functioning and organization of the European External Action Service, (2010/427/EU). http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf.

5. The review of the EEAS, to be completed and presented by the High Representative in 2013, is likely to be a process of political bargaining. Whereas national and institutional interests are expected to drive the review, a strong argument can be made for the need for learning and accountability at this stage. The EEAS is a young service, established amid arguably adverse circumstances (i.e. the Eurozone crisis and the Arab Spring).
6. Reviews or evaluations fundamentally have two objectives: to learn from experience and adjust strategies, operations and resources accordingly, and to demonstrate accountability towards key stakeholders. A review of the organisation and functioning of the EEAS would therefore, given the current climate of austerity, provide an opportunity to increase the credibility and legitimacy of the EEAS. Clearly it is of benefit to respond to the rising demands for public scrutiny of the EU, and to showcase the added value of not only a new EU institution but also the much-contested Lisbon Treaty as a whole.
7. Most publications on the EEAS produced in the run-up to its establishment and the upcoming review are based on positions and interests. While such outputs are not invalid, they are often based on a selective understanding of what the EEAS should be doing and how it is doing it, not objective assessment – this leaves ample room for such efforts to be dismissed by stakeholders involved in the review.
8. Insofar as opinions on the EEAS continue to be based on normative positions or interests rather than evidence-based analysis, stakeholders involved in the review could stand to draw on insights from the practice of conducting reviews, evaluations and audits in order to realise the opportunity to enhance the legitimacy of the EEAS by promoting learning and accountability.
9. The Lisbon Treaty and the legal texts related to the review²⁸ remain open to a degree of interpretation; the object of the assessment is therefore open to ambiguity, which deters from learning and accountability. We argue that there is a wealth of experience to draw on, from which several essential components of the review can be distinguished in order to increase the rigour of the process and therefore the legitimacy of its outcome.

Obstacles to learning and accountability for the EEAS

10. Before a structured approach to reviewing the EEAS can be established, several obstacles to such an endeavour need to be noted. First, the EEAS' ability to perform is not the result of its operation alone but rather of a range of trust- and interest-based relations and interactions. The complex institutional arrangement originating from the Lisbon Treaty, and the EEAS' position within that arrangement, renders it challenging to identify the (extent to which) actions and results (were) affected by the EEAS rather than by a) the High Representative, b) the inter-governmental dialogue process on foreign and security policy and c) (inter)actions with/of the Commission Directorates. Crucially, a significant amount of time has been devoted to adjusting and giving shape to the post-

²⁸ Articles 13 (3) and, by extension, Articles 6 (6), (8) and (11), of the Council Decision of 26 July 2010.

Lisbon configuration in the past two years – these ‘construction’ efforts should be distinguished from ‘actual’ strategic and operational activities of the EEAS;

11. Second, many observers have noted that the EEAS (particularly its senior management) have been constrained by the influence of the established actors in Brussels: the Commission and the Member States. It is debatable whether it is possible to genuinely review the EEAS without also assessing if its operating environment, shaped by its principal stakeholders and ‘competitors’, has been sufficiently enabling. This also brings into question whether the EEAS should be judged on its capacity to lead actions or rather facilitate discussions on foreign policy and external action. Most importantly, the position of the EEAS within the post-Lisbon configuration makes it challenging to distinguish the design phase from the execution of the review.
12. Third, in all likelihood the various stakeholders will assess and contest the EEAS on the basis of the purpose and objectives that they believe it should or should not have, rather than what was agreed. Articles 2 and 3 of the Council Decision offer some basis on which to structure the review.
13. Fourth, it is most likely too soon to thoroughly evaluate the sustainable impact the EEAS has had – there is however an urgent need for the service to account for progress made and actively learn from the past two years’ experience. While drawing the distinction between results and impact is not straightforward, lessons learned from past evaluation practice could be helpful, as clarified below.

Promoting learning and accountability

14. It may be tempting to simply accept that lack of clarity on the purpose and methodology of the review allows for broader scope and greater flexibility in adapting the agenda of the discussions to the political environment. However there is something to be said for setting clear expectations and methodological rigour in terms of delivering credible findings that help carry the service forward. A review informed by standard practices and agreed criteria for evaluations could lay the groundwork for further evaluations, for instance of the impact of EU Delegations or the EU integrated regional strategies.
15. Several components, which have proven their effectiveness in past evaluation practice, can help increase the rigour of the review and lighten the political pressure to a degree, and are therefore worth integrating into the process:
 - Establish terms of reference after an initial listening phase to guide the review, which clearly identify the basis, objective and timeframe of the review and specify the role of each stakeholder group;*
 - Linking internationally agreed evaluation indicators and criteria to the review, justifying alterations or deviations;*
 - Develop a structured set of key questions through which to conduct the review transparently, as well as a clear process for deriving conclusions and recommendations from the information presented;*
 - Highlight specific examples or case studies to gain an in-depth understanding of the role and value of the EEAS in specific circumstances.*

16. Point b) above is critical: the review will need to be informed by and based on established evaluation criteria around which to devise evaluation questions, such as those used by the Organisation for Economic Cooperation and Development (OECD) and the European Commission's former Joint Evaluations Unit²⁹. The criteria include: relevance, effectiveness, efficiency, sustainability, impact, coherence / complementarity and added value. The first five follow internationally agreed best practice for evaluations, while the latter two criteria are designed specifically for evaluations of EU initiatives in accordance with the '3 C's' of coordination, complementarity and coherence introduced in the Maastricht Treaty.³⁰
17. The agreed operational principles of the EEAS' function - coherence, stability, cost-neutrality and visibility - could be the yardstick(s) for the review, reflecting both the EEAS' grounding in the Lisbon Treaty and the guidelines of the Council Decision. The emphasis would be placed on the role of the EEAS in obtaining (perceived) results in specific situations, e.g. the crisis response in Haiti, in the Arab Spring countries, the integrated approach to achieving security and development result in the Horn of Africa and the Sahel, the role of EU in the Middle East Peace Process and maintaining peace and stability in the Balkans.

Policy coherence for development

18. Furthermore, the Lisbon Treaty contains several provisions³¹ relating to the EEAS' first operational principle (that of coherence) to development issues, stating that: "The union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries." This principal, more widely known as Policy Coherence for Development (PCD)³², clearly links to the mandate of the EEAS³³.
19. Given ECDPM's goals, it is of particular interest to us how the EEAS has responded to addressing development concerns. However, it would seem that policy coherence, even without the 'for development' attached, has not been a priority for the EEAS, but is rather seen as a long-term ambition for EU external action. In this regard, the High Representative and the EEAS have not shown the leadership and clear (organisational) commitments expected from the letter of the Lisbon Treaty. Our research has shown that EEAS staff considers PCD to be the responsibility of the European Commission. For PCD to have effect, it will need to be perceived as a continuous engagement in relation to all specific areas of EU policy.

²⁹ See http://ec.europa.eu/europeaid/evaluation/methodology/methods/mth_ccr_en.htm#03 and <http://www.oecd.org/dac/evaluationofdevelopmentprogrammes/daccriteriaforevaluatingdevelopmentassistance.htm>.

³⁰ See also the resource guides available at <http://www.three-cs.net/index.html>.

³¹ Specifically, Article 21 of the Treaty of the European Union and Article 208 of the Treaty on the Functioning of the European Union.

³² See also <http://www.oecd.org/pcd/>.

³³ Specifically, Article 3(1) of the Council Decision of 26 July 2010.

20. In conclusion, the review process and outcome will not make or break the EEAS, yet it nonetheless represents the most prominent milestone and formal opportunity for learning and accountability of the coming years. It is therefore important that those planning and implementing the process do so with their eyes open to potential options and challenges beyond those political in nature.

This evidence is submitted by Florian Krätke (and Andrew Sherriff of ECDPM, acting in their individual capacities.

5 December 2012

Hugo Shorter, Head of Europe Directorate – External, Foreign and Commonwealth Office – Supplementary written evidence

At the 1 November evidence session on the European External Action Service (EEAS) and in response to a question from Baroness Young of Hornsey, I agreed to write to you providing further information on where we thought there was more work to be done to ensure the EEAS plays its role to the full on Development.

As I said during the evidence session, the Council Decision establishing the EEAS sets out the division of responsibilities of the EEAS and the Commission for external action instruments and programming. The Commission retains the lead on development and trade and on managing external co-operation programmes, but the High Representative has the task of ensuring “overall political co-ordination of the Union’s external action, ensuring the unity, consistency and effectiveness of the Union’s external action by co-ordinating external assistance instruments, which include development funds”.

The relationship between the EEAS and the Commission is therefore fundamental to effective policy delivery on Development. For instance, while the Commission, through DG DEVCO, retains its role in the development and implementation of EU Development policy, the EEAS, through its Brussels based geographical desks and its network of delegations has also acquired a key role in shaping country programmes across the full range of the EU’s development portfolio. This is in addition to the EEAS’ role in outlining the EU’s ‘country strategies’, which will be in effect from 2014 – 2020 (the same time frame as the MFF).

The complexity of the inter-related roles of the Commission and the EEAS can create difficulties between the two. These difficulties can most acutely be felt during discussions in the EU’s internal working groups in Brussels. As the Commission and the EEAS establish the boundaries of their respective responsibilities, working groups can face long delays in reaching agreement. We have not seen a situation in which this has led to serious problems in implementation of policy on the ground.

The UK, along with other Member States, will continue to support the EEAS and the Commission to develop their working relationships and ensure smoother internal processes. Baroness Ashton’s 2013 Review of the EEAS will offer a key opportunity to discuss this further.

16 November 2012

**Professor Elena Korosteleva, Professor of International Politics,
School of Politics and IR, Rutherford College, University of Kent –
Written evidence**

**The EEAS and the third countries: organisation, management and
implementation.**

The case of the Eastern Neighbourhood.

Executive Summary

This report offers a preliminary analysis of the EEAS's organisation, management and engagement in the eastern neighbourhood. Drawing on the selective case-study of three Eastern Partnership countries (Belarus, Ukraine and Moldova), this submission offers tentative observations, which may be reflective but not necessarily representative of the wider tendencies within the EEAS, and which may require further substantive research into the structure and the process of the EEAS representations abroad.

Although acknowledging the enormous potential of the EEAS for framing the European Union (EU) as a global transformative force, the report also highlights some existing caveats that the EEAS' current organisation and management in third countries encounter, especially in the areas of:

Inter-institutional dynamics in the structuring of EU delegations (divisions of competencies and problems of coordination)

Relations between EU delegations and the Embassies of Member States (problems of coordination and leadership issues)

Relations between EU delegations and partner states' stakeholders (problems of outreach and effectiveness)

The report concludes that the organisational and management structures of the EEAS's missions in third countries currently proliferate internal institutional divisions, and unnecessary duplicate resources, thus rendering the EU's effort at cohesion in external action – that is, speaking with a 'single voice' - inefficient.

In particular, the EEAS' internal management needs to overcome the pervasive institutional bias towards the European Commission (EC) as the legacy of previous arrangements, and identify a clear unified structure of line management between the centre and in-country representation, to enable their functional continuity.

The EEAS' in-country organisational structure requires greater coordination, to develop a cross-institutional ethos, and at mapping out of expertise, to offer better coordination of policies and procedures. Furthermore, clear delineation of competencies should address the leadership issues in the process of engagement with permanent representations of Member States.

More collegial institutional learning between the delegations and the embassies of Member States is necessary to avoid the duplication of resources and to maximise the achievement of mutually intended outcomes. This is particularly relevant to identifying suitable pathways and synergies of engaging with local stakeholders and national governments in the partner countries, to avoid unnecessary separation of competences into political (traditionally the

Professor Elena Korosteleva, Professor of International Politics, School of Politics and IR, Rutherford College, University of Kent – Written evidence

domain of long-established embassies of the Member States) and technical/transactional/procedural (increasingly the domain of the delegations) spheres of influence of the EU collective representation abroad.

The EEAS' representation in third countries has much to offer in terms of the EU's visibility, political power, and technical prowess. However, for this to be effective, more attention should be given to rectification of current structural problems to enable the full potential of the new service.

I. Introduction

In accordance with the Lisbon Treaty's mandate and more specifically Article 21(3) TEU, the EEAS was established by Council Decision on 26 July 2010 to ensure '**consistency** between the different areas of the [EU] external action and between those areas and [the EU] other policies' (OJ L 201/31, point 2, 3.8.2010; emphasis added).

The EEAS' objectives include to assist the High Representative who is also the President of Foreign Affairs Council and the Vice-President of the European Commission (Ibid: Art 2) in the fulfilment of:

- the CFSP mandate of the EU, including the planning and conduct of the CSDP operations and missions, *without prejudice to dispositions of individual Member States*;
- the functions of the President of the Foreign Affairs Council, *without prejudice to the normal tasks of the General Secretariat of the Council*;
- the functions of the Vice-President of the Commission, having the responsibilities (inclusive of delivery of the European Consensus on Development and Humanitarian Aid) in external relations, and in coordinating other aspects of the EU's external action, *without prejudice to the normal tasks of the services of the Commission*.

The partial inclusion of relevant competences of the Member States, the Foreign Affairs Council, and the Commission into the remit of the EEAS, under the audit of the European Parliament, is purposeful and deliberate to enable inter-governmental and inter-institutional cooperation at the EU level, in an attempt (i) to maximise the utility of resources in response to budgetary constraints and security challenges; (ii) to overcome the governmental-institutional schism caused by the now defunct EU pillar structure, and (iii) to fundamentally promote the EU as a collective global actor and transformative force on the international arena.

In summary, the EEAS is envisaged to enable better coordinated and hence more effective inter-institutional and inter-governmental approach to EU external action, having access to and outreach *from* all relevant internal and external stakeholders. As a goal the project is

commendable and reflects the changing face of global public diplomacy and security challenges which requires a multi-level, polycentric and multi-agency approach in a restricted financial environment; however, the practice of reform, especially on the ground, and away from the central administration may not always enjoy a linear progression. This paper highlights three areas of the EEAS functionality which may require further attention, to avoid a parochial and often utilitarian view of the EEAS' representation abroad.

2. Inter-institutional dynamics in the EEAS in-country representations: organisation and management

Operationally the in-country EEAS is dependent on a gamut of structural caveats that may undermine its effectiveness. These include:

Organisational issues:

- **Conflictual Transference:** To launch the EEAS, a considerable part of the Commission's main body, including DGs RELEX, External Service and Development, as well as the Council's secretariat, have been transferred to the new service – but not in their *entirety*. The new institution has been set the short term but ambitious task of fostering a new 'institutional ethos' of collegiality. Consequently, the hurried launch has generated internal rivalries, especially between the EEAS (the Council staff) and the Commission, with the latter not only resisting the move, but also hedging and regaining competences where possible. Particularly evident has been the sabotage by the Commission and its staff (Smith, 22 November 2010) of the process of transference of DG RELEX with its expertise and financial responsibilities. Curiously, this transfer resulted in the retention by the Commission of some former DG RELEX competencies, including the responsibility over the EU delegations with the ambiguous remit of 'tasks not relating to the coordination of EU external relations'.³⁴
- **Reconfiguration of competencies in the EEAS:** with the transference of the Commission's and the Council's staff to the EEAS, new mapping of competencies and budgetary responsibilities naturally took place. However, given the dual institutional nature of staff recruitment, it caused considerable disorganisation in terms of configuring new and altering/curtailing old competencies to ensure procedural continuity of the new infrastructure, often leaving some unexpected gaps in line management and policy deliverance especially at the lower levels of the EEAS (EU delegations). This was duly reflected in the EEAS' annual report (2011: 39-40). In particular, the report states, 'the transfer of budgetary resources was not accompanied by a transfer of the corresponding support staff forcing Delegations to often enter a series of service level agreements with the Commission or the Council Secretariat to ensure administrative support (Ibid: 39), thus reverting back to the expertise and functions performed by the two institutions prior to the merger.

³⁴ For more information see http://ec.europa.eu/staffdir/plsql/gsys_page.display_index?pLang=EN.

Furthermore, the ‘split of staff between the two institutions’ often immobilised performance of those officials whose competences were curtailed, and who had to rely for further approval on the Heads of Delegation, as the only authorising officer for operational expenditure for both institutions. This, as the report concluded, affected ‘business continuity of the administrative expenditure of the delegations’ (Ibid: 40).

- **Reconfiguration of competencies in the Commission:** to adapt to the new environment, the Commission successfully lobbied to retain some responsibility for financial instruments and procedural competences. This however created a so called ‘coordination puzzle’ (Duke 2012), with overlapping competencies, and duplication of resources. In particular, an extensive range of financial instruments has been transferred to the EEAS, including the Development Cooperation Instrument, European Development Fund, European Instrument for Democracy, ENPI, Instrument for Stability etc., also the responsibility for strategic programming of national and regional indicative papers and action plans – a traditional competence of the DGs RELEX and DEV (Annex, OJ L 201/31, point 2, 3.8.2010). In response, the Commission succeeded in fighting its corner and retrieving many of the competencies, in some instances causing duplication of resources. Notably, it created a new service, a DG of the Foreign Policy Instrument (FPI) to take over the responsibility of the former DG RELEX in managing the operational budgets for the CFSP and other policy instruments (IC, EOMs, PPD).³⁵ This also included the Instrument for Stability, which has already been given to the EEAS; while the remainder of DG AIDCO and DG DEV were merged having retained responsibility for implementation of development aid. These Commission responsibilities appear to be if not in direct conflict, but at least in duplication with, the competences of the EEAS, and require further clarification and re-structuring to ensure full accountability and transparency of the service’s functioning.

Management issues:

- **Duality of management:** ‘Each Union Delegation shall be placed under the authority of a Head of Delegation’ (Art 5; point 2), who is directly accountable to and appointed by the HRVP in agreement with the Parliament. Owing to the dual nature of the agency comprising of the EEAS and the Commission staff, the Head may also receive instructions directly from the EEAS central administration and, where relevant to the stipulated competences (Art 221/2 TFEU), from the European Commission (Art 5; point 3). This however, naturally creates ‘insecurities about the lines of reporting and the accountability of the EU Delegations vis-à-vis Brussels’ (Austermann 2012). Furthermore, given prior institutional arrangements, a home bias effect in operations management may be observed, whereby the in-country staff, often directly recruited from and represented by the former Commission officials, tend to consult and seek instructions directly from the relevant sections of the Commission, rather than in consultation with respective EEAS desks. This was particularly evident from the author’s observation of the communication process between the Heads of EU Delegation in Belarus and Moldova and Commissioner

³⁵ For more information see relevant directorates and their responsibilities at http://ec.europa.eu/staffdir/plsql/gsys_page.display_index?pLang=EN..

Füle's Cabinet in the discussion of strategy and planning for new CSF and EAC initiatives.

- **Burden of competences:** Keeping line management dual and Commission and EEAS finances separate, especially in terms of the operational budgets of EU Delegations, places additional pressure and administrative burden on Delegations (Ibid). The occasional absence of the Head of Delegation from the office often immobilises staff from budgetary operations, in the light of the current competences gap caused by reconfiguration of responsibilities and new reporting lines for the recruited staff.
- **Unity or cacophony of interests:** The Commission home bias effect is further exacerbated by the EEAS entitlement to second national officials for staffing of EU delegations, and also by the insistence of the European Parliament on having a dedicated member of staff in EU delegations with reporting responsibilities to the Parliament, to ensure not only budgetary and legislative, but also its political control over the EEAS. Although this arrangement may, with time, predispose the desired multi-interest representation under the EEAS canopy; in the short term, however, it considerably inhibits the formation of solidarity and the new 'institutional ethos', while catering for differing internal interests. It also hinders cohesion and consistency in exercising competencies and delivering policies, especially given the nascence of the EEAS.
- **'Refraction effect':** Institutional divisions, conflicting or duplicated competences, and internal infighting and manoeuvring, are duly reflected in the functioning of EU delegations. From the commentary of local observers, and various stakeholders in the partner countries, it has transpired that the staff directly recruited from the Commission, always seem more responsive and efficient in their interactions with local communities.
- **Evaluation:** owing to its rapid institutionalisation whereby the EEAS, in order to launch, had to conciliate its multiple inter-governmental and inter-institutional stakeholders, the service is now subject to a polyphony of interests and their regular audit and evaluation. Although problematic, given the diverging institutional dynamics and polycentric interests within the EEAS, the EEAS central administrative staff are responsible for internal monitoring; however, external annual audit, emanates from the European Parliament and independent observers, and bring additional unnecessary pressure and scrutiny to the allegedly devolved authority of Delegations and their adaptation to the new diplomatic structures and challenges. The complexity of its organisation and polycentricity of interests (wearing many 'hats' and reporting to multiple stakeholders) hinder further institutionalisation of the EEAS's ethos and culture.

3. The EEAS in-country relations with Members States

This area of inter-institutional and intergovernmental relations still remains highly politicised and sensitive, given the lingering persistence of community pillars of competences, and the innate resistance of Member States to bargain over their sovereignty rights with the EU supranational institutions. This is further execrated by the changing nature of national public diplomacy, and the roles of diplomats in inter-governmental representations, the effects of which may not be known for a while.

Several particular tendencies in the relationship between the EEAS and Member States' Embassies are becoming apparent:

- **Representation of the EU**, to which the EU Delegations are now entitled by the Treaty, in practice seems to be circumscribed to representing the EU institutions only. This area of competence remains ambiguous and is interpreted differently by different stakeholders within the process, and is often demanded by embassies to be limited to the community method only. Therefore, the representative role of the EEAS, in the form of delegations, has in practice altered little, still rendering considerable presence and decision-making to the incumbent member states.
- **EU Consular Service**: Considerable ambiguity still remains in relation to the initially unclear definition of competences for EU Delegations vis-a-vis Consular Services. This led some member states, such as the UK, to further speculate about 'competence creep' (Duke 2012) leading to considerable mistrust between the delegations and embassies. Art 35 TEU only discursively refers to the competences of the EEAS in the sphere of consular activities, stipulating that the 'Union delegation shall support Member States in their diplomatic relations and in their role of providing consular protection to citizens of the EU in 3rd countries on a resource-neutral basis'. The Council's decision of 26 July 2010 further obfuscates the ambiguity by discursively mentioning that this assistance should come by invitation only (Art.5, point 10). This conflicts with direct responsibility of the EEAS over the CFSP and CSDP operations and missions in particular.
- **Asymmetrical division of labour**: While it may seem expedient to combine resources in the changing environment of the EU diplomatic service, and work collegially with Member States' representations, this is not always the case. Often, a tacit division of labour persists, whereby the technical and logistical responsibilities for training/recruiting/transacting etc. are proffered to EU delegations (some of which now appear to be better resourced), whereas political issues tend to remain the prerogative of Member States' Embassies. This division of labour may be of advantage in some cases (Belarus, or Ukraine) where excessive politicisation of relations may hinder the progress of reforms, and where some less politically involved stakeholders could make a useful contribution. In normal circumstances, however, such a perceptive division of responsibilities may offer disservice to the EEAS and the EU as a whole, by potentially impeding its development into a global transformative force, especially in the eyes of the local stakeholders.
- **Leadership issues**: As the author's observations in Belarus, Ukraine and Moldova note, more dialogue is now occurring between the embassies and EU delegations in the form of roundtables and joint workshops, which leads to better visibility of the EU as a unitary partner and donor in the eastern neighbourhood. At the same time, given the persistence of (mis)perceptions of the EU as a mere collection of member states in the eyes of partner countries, and their traditional prioritisation of bilateral relations with them, it may prove difficult for the Delegations, without further convergence with the embassies of Member States, to take leadership in delivering competencies and implementing policies it is now entitled to. Enhancing EU leadership, especially in the light of greater resources, capabilities and community remit available to the EEAS, is a two-level task: it requires both internal and external legitimation, especially in the neighbourhood, where bilateral levers of negotiation and statecraft may have run their course.
- **Outreach**: in neighbourhood countries the enduring perception of the EU is of a collective and often disparate player, a composite of 27 national interests, which renders preference to bilateral relations, with limited outreach for the new service especially in the application and usage of the new instruments including Civil Society

Forum, Business Community Forum, Local Authorities Forum, Youth forum etc. Unless more cooperation is afforded between different representations of the EU, the EEAS will struggle to receive its due external legitimisation in the neighbourhood.

4. EEAS relations with national governments and local stakeholders

- **Limited dialogue with national governments:** the EU Delegations in the eastern neighbourhood do not always enjoy similar treatment and access to Member States' national governments. The tradition and established presence of embassies, and their long-standing bilateral relations with respective host countries may further enhance bias *against* the EU Delegations, circumscribing their involvement to the sphere of technical/transactional issues. The EU's perception in the eastern neighbourhood is *not* of a cohesive whole, but rather as an assembly of national interests, which is often exploited differentially by the partner states, on a mutually reciprocal basis.
- **Differentiated priorities:** stemming from the above bias, and from the implicit differentiation of commitments between the EU Delegations and Member States, the former naturally tend to gravitate towards working with the alternative/oppositional stakeholders to the regime (NGOs, political parties and movements, youth organisations) through offering training, resources, education and monitoring. This contributes towards further misperception of EU Delegations as 'politically biased', and subversive, in the eyes of national governments, of political order in the eastern neighbourhood.
- **Duplication of effort:** national officials tend to avoid engaging with the EU Delegations and attempt to resolve their interests by lobbying specific Member States directly. Furthermore, as the author's research demonstrates, there is a widespread perception on the partners' side, that Member States are more nuanced, resilient, and enjoy better rapport with the local stakeholders (Korosteleva 2011; Korosteleva 2012). Time is clearly a factor here: Member States have been present in the host countries considerably longer than the EU representations; and they are more attuned to the local needs and culture. Furthermore, they are also better trained to engage with local communities, through prior cultural, linguistic and diplomatic exposure. They seem to be more aware and responsive, and display more perceptive attitudes towards compromise and accommodation of partners' needs, compared to a principled and uncompromising approach of the EU.
- **Access:** there has been a significant change in the past two years in terms of open access to the services of EU Delegations. It is true they have become more sophisticated and resourceful, in terms of offering a multitude of opportunities online and through other avenues. However, as many local stakeholders observe (Korosteleva 2012), with the upgrading of the EU Delegations, their direct accessibility has become limited, especially as a vital information resource. A general member of the public will not be able to access the building, without prior arrangement or appointment, which hitherto rendered open access to all interested parties. This may inhibit facilitation of EU visibility and deter engagement at a local level.

5. Conclusions/Recommendations

The future of the EEAS, centrally and through in-country representation, could be enormously beneficial for the EU's positioning as a global transformative force, and for overcoming inherent governmental and institutional divisions, in order to face external

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challenges more effectively. This however would not be feasible without addressing a range of organisation and management issues. In particular,

- More structural effort is necessary to ensure inter-institutional organisational and management coherence and competence continuity at the lower levels of the EEAS, especially in their in-country representations.
- Clearer delineation of roles and responsibilities of the EEAS' in-country representations in relation to Member States, is necessary to ensure cooperation, trust and balanced access to local/regional stakeholders.
- Collegial effort towards learning and engaging with local and regional stakeholders is required to foster awareness and allegiances of all-level stakeholders in the host country.

More crucially, the EEAS does not only need time to develop itself into a distinct and sustainable entity, with its own cultural and institutional ethos. It also requires careful restructuring to foster the production of 'bridging' (horizontal) rather than 'bonding' (vertical) social capital (Putnam 1993). Simply nurturing the organisational mind-set is not sufficient, and would not, on its own, address the matter of collegiality and cohesion. There has to be considerable structural reform within the EEAS to ensure that the duality of structures, loyalties and competencies is replaced by the collective service to the common good.

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