
FOREIGN POLICY AND DEFENCE

Building a European External Action Service: a Difficult Birth?

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“*In fulfilling his mandate, the High Representative (HR) shall be assisted by a European External Action Service (EEAS). 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 EEAS shall be established by a decision of the Council. The Council shall act on a proposal from the HR after consulting the European Parliament and after obtaining the consent of the Commission” (Article 27.3, Treaty of Lisbon).*

In foreign policy terms, the EU's global partners often have to deal with the competing external relations bureaucracies of the European Commission, the EU's Council Secretariat (itself acting separately for both the HR and the six-month EU Presidency) as well as the different diplomatic services of the member states. That situation reflects the uneven development of the Union's foreign policy machinery since the development of 'European political coordination' in 1970 and the EU's beginnings as a purely economic entity. Nevertheless the Union has managed – through the creation of a HR for Foreign Policy and almost 20 years of adopting common positions on all but the most controversial external issues – to create the expectation that it 'should' have a serious foreign policy that can mobilise diplomatic, military and civilian resources and deploy them worldwide.

The foreign policy provisions of the Lisbon Treaty are a clear effort to satisfy that expectation. The clauses sketch out how the EU should overcome the mess of bureaucratic (and the resulting legal and political) obstacles to more coherent decision-making and delivery on external policy. On the delivery side, a major priority is the need to overcome the artificial separation between the political wishes of the EU's foreign ministers and the Commission's technical and financial resources. Hence the Treaty's negotiators agreed to the establishment of a foreign policy council and quasi-diplomatic service to link the political legitimacy of the member states to the EU's amalgamated foreign policy machinery.

Moving on from ambiguity: confronting difficult questions

The establishment of a new semi-permanent Presidency for the European Council and a newly empowered HR are attempts to make EU external action more politically legitimate. Though the politicians and civil servants will wrestle to define the boundaries between those posts, two factors would seem to suggest the posts will add value. First, similar tensions tend to exist between the Prime Minister and Foreign Minister in normal nation states, but these are not insurmountable. Second, the first incumbents of the posts – Herman Van Rompuy and Catherine Ashton – are consensual rather than combative figures. Their shared disposition is likely to keep inter-institutional rivalry under control.

However, the job of designing an effective external action service to support both the HR and the Council president will still be a complex and complicated business, not least due to the challenges of incorporating over 130 Commission overseas representations and establishing control over a foreign policy budget worth up to €50 billion (over the period 2010-2013). Other key issues to be tackled in the negotiations that will establish the service are its scope and size, legal status, the recruitment, rotation and promotion of EU ‘diplomats’, the establishment of a headquarters, and the level of control the service will have over its own organisation and finances.

Scope and staffing

The EEAS should start small, but should be flexible enough to grow where there is demand for its services. Early proposals tabled by the EU’s Swedish Presidency show that the core of the new service will be composed of single geographical and thematic desks (human rights, counter-terrorism, non-proliferation and so on) currently working separately in the Council and the Commission. Enlargement will remain the responsibility of the Commission even where the EEAS has geographical desks dealing with candidate countries. Trade and development policy will also remain the responsibility of other Commission directorates. This rather minimalist approach highlights the natural reluctance of well-established Commission directorates to be absorbed into any new body and underlines that effective coordination with other bodies will be a central factor in whether the new EEAS works as a concept. However, the EEAS will – uniquely – incorporate the EU’s crisis management structures set up to service the Common Security and Defence Policy (CSDP). That includes the so-called ‘Crisis Management and Planning Directorate’, the ‘Civilian Planning and Conduct Capability’, the EU military staff and the Joint Situation Centre, a small unit of seconded intelligence experts. EU ‘special representatives’ – political figures appointed as the EU’s face in particular regions or on thematic issues – will be included, too. The EU’s entire budget for Common Foreign and Security Policy (CFSP) matters as well as its supplemental ‘Stability Instrument’ should become the core of the EEAS budget, though spending decisions will still have to be rubber-stamped by the Council and largely administered through Commission structures.

Member states seem content to let the Council and Commission decide between themselves how best to amalgamate their services. But the governments have set the proviso that one third of staff vacancies in the EEAS should be filled by secondees from their own services. This is to avoid excessive weighting of the service towards the organisational culture of the Commission. A formula for making HR decisions on EEAS appointments compatible with geographical balance is to recognise the HR as the appointing authority, using a transparent and meritocratic procedure while ensuring adequate geographical balance (due to the need for a meaningful presence in the EEAS of nationals from all EU member states). A recruitment procedure would be established, associating representatives of member states, the Commission and the General Secretariat of the Council.

Finally, it has been accepted that the EEAS should have a wide scope, assisting not only the HR but also the President of the European Council and the President as well as the members of the Commission in their respective functions. The EEAS will be more useful and relevant, and ensure coordination between the new President with the new HR. Of crucial importance is whether the EU's external delegations will serve as an effective information-gathering system, which is the key added value the EEAS might provide to member states and the Union's institutions. Central to this is how effective its heads of delegations become in coordinating external EU action. For example, not all staff in the new 'EU' overseas representations will be EEAS-affiliated: the Commission will still post separate representatives abroad, for example, for trade and development. But the head of the EEAS delegation will need to coordinate the activities of all EU staff serving under the delegation's roof, a power that the Lisbon Treaty does indeed imply (under the Treaty, the HR has the right to coordinate all externally related policies of the Union, an authority which presumably will extend to the management of the overseas missions.)

Training

The EEAS will gradually develop its own diplomatic culture. In the absence of a European diplomatic school, this will occur through an organic blending of different foreign policy traditions from the member states and the administrative culture of the Council and Commission. It is too early to tell if this will culminate in something more profound: a sense of purely 'European' interests in international relations. But at the start the service will at least require basic diplomatic training programmes, the embedding of Brussels *'fonctionnaires'* in national diplomatic ministries, and special accelerated training for specific vacancies in delegations overseas.

There are currently two different EU diplomatic programmes, funded and owned by the member states that could be a useful basis and experience for training in the new service. These are the 'Young Experts in Delegation', started in 1984, and the 'Seconded National Experts in Delegations', started in 2002. The aim of both was originally to train young experts and officials from member states, over a two-year period, to serve in the European Community External Service. But since an external action service was first proposed almost

ten years ago, both programmes have been developed as a basic training platform for a future EEAS (the YED even styles itself as a nascent “European Diplomatic School”). Both programmes also offer one-month crash courses to officials due to be posted to delegations overseas.

In the longer term, the EU may decide to establish an actual European Diplomatic School. Such an academy would be designed to give junior diplomats the linguistic, diplomatic, leadership, negotiating and protocol skills necessary to do their jobs. But the parameters of such training could only be set after the service has existed for at least a few years.

Organisational and financial independence

EU leaders have already agreed that the EEAS – and therefore the HR – should have full control of its own budget and staff. The High Representative will propose an EEAS budget as a separate section of the EU budget and be the final authority for the release of funds and the appointment of staff. This system would allow the European Parliament to have an indirect but important instrument to control the EEAS (the leaders ignored a weak attempt by the European Parliament to make the service financially dependent on the Commission, but the Parliament will still have some control of the service via its control of the overall EU budget). Staff from member states should have temporary status, but with the same opportunities, rights and obligations as those of staff coming into the service from the Commission or from the Council.

Relationship with national diplomatic services

Inevitably, the EU’s national diplomatic services will have mixed reactions to the fledgling EEAS. Many ambitious diplomats are naturally attracted by the new opportunity that the EEAS represents. But some will see it either as a competitor or a potential nuisance. The appointment of two relatively unknown candidates to the posts of Council President and HR in November 2009 was a ‘coming down to earth’ moment. It is clear that most member states will not wish to interpret much of the Treaty in an ambitious way where this could constrain their future action. The Treaty already contains two declarations underlining that the HR or the EEAS will not affect the current competences of member states in foreign policy or their standing in bodies like the UN. But the main text of the Treaty requires the member states to second staff to the service and provides for close coordination between the service’s overseas delegations and the member states’ diplomatic and consular missions around the world. Hence a rather existential question facing the EEAS at its inception would seem to be: if it cannot become a centralised ‘European diplomatic service’, how exactly can it add value to the efforts of national services and how will it work with them abroad and in international institutions?

In general, one area of value-added is coordination: the head of the EEAS delegation in each country should coordinate overall EU policy on site with the so-called national ‘heads

of missions'. But a more specific idea is that the new EU delegations would assume some responsibilities for consular services, the coordination of humanitarian assistance and interventions in crisis situations. Though diplomatic protection can only be provided by a state, emergency consular services could be carried out by the seconded national diplomats serving in EU delegations. The EU delegations could also assist in the processing of visa applications in some regions. This is also a national power but member states have long applied uniform rules for the standard issuing of visas. Member states – while insisting that they maintain the final say on whether to grant or refuse a visa – have indicated they are open to the EEAS performing such tasks, not least because of the costs of individually equipping their consular services to deal with biometric technologies. However, the establishment of a European external action service will not automatically imply a reduction of most national diplomatic services: the majority of member states will still wish to conduct most of their foreign relations on a bilateral basis. It is more important in the medium-term that the Union's current foreign policy becomes more coordinated and more tangible than rhetorical, particularly in international organisations such as the International Monetary Fund and United Nations.

Other recommendations

The reality is that it will be several years before observers can measure whether the reforms to the EU's external representation laid out in the Lisbon Treaty can be judged as fundamental improvements. For example, most analysis carried out to date do not consider what role the EU's rotating presidency will have at working group level, or whether these will now be chaired by an EEAS official. But in the initial period of creation it seems certain that – to have a discernible impact – the service must:

- Begin cautiously. The EEAS will take at least five years to build before it is able to display its potential and make a proper submission for funds from the EU budget. A simple merger between the relevant desks of the Council and Commission will be work enough for the first two years. More ambitious structures and roles can be developed later, such as consular services and so on. The member states should be patient and give the service time to deliver.
- Develop a system of deputies. Javier Solana, the previous HR, worked an average of 100 hours per week. The very significant expansion of the new HR's role will require deputies to be appointed. There should be at least two: one in the Council and one in the Commission. The HR should expand the current system of double-hatted special representatives, which will form the upper tier of the EEAS.
- Develop unique specialisations. Aside from its peacekeeping and civilian protection wing, the EEAS should have a special representative to oversee external action related to internal security threats like terrorism and mass migration. This person should sit on the proposed Standing Committee on Internal Security (COSI), also being established in the 2010-2011 period, as a means of joining up the different EU agencies working in the area. The EEAS should keep abreast of the external effects of EU internal security

cooperation and be able to feed in its own priorities from the foreign policy side, for example, on counter-terrorism.

- Be elite. To succeed, the EEAS will need the best people. This is an obvious point but one which cannot be taken for granted. In the past, member states have off-loaded difficult or below-par staff to the Council and Commission. Commission delegations abroad have been criticised at times for lacking staff with proper diplomatic training or crisis management credentials, and for poor political reporting. It is crucial that the EEAS avoids such a reputation and develops a tradition of excellence early on. In this initial period, the onus needs to remain with the member states to ensure that the service has some of Europe's most capable diplomats and for the HR to insist that this is the case from the start.