



The Setting Up of the European External Action Service (EEAS): Laying the Basis for a More Coherent EU Foreign Policy?

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This article will analyse the decisions taken insofar by the Council on the setting up of the EEAS and the remaining grey areas. In particular it will be questioned as to whether the new aspects that will (or most likely) feature the new diplomatic service (the design is still nebulous in some parts) will efficiently support the new High Representative/Vice President Ashton to fulfil her mandate and consequently enhance the coherency of EU foreign policy.

Introduction

At the European Council held in Brussels on 29-30 October 2009, the EU leaders endorsed a document¹ containing the outlines of the European External Action Service (EEAS), the new diplomatic corps that will assist the new double-hatted High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission (HR/VP), Baroness Catherine Ashton. This text – the Swedish Presidency report on EEAS prepared and agreed by Member States Ambassadors in the Coreper meetings preceding the summit – will serve as a guideline for the proposal that the HR/VP has to make on the setting up of the EEAS.

The new HR/VP will be then “responsible for harmonising and coordinating the EU’s external action between the Commission and the Council”.² Although she has been criticised as not having a background in foreign affairs and security, the new HR/VP can bring to the role her experience as EU Trade Commissioner and her knowledge on nuclear disarmament. The connection between trade and security and the increasing attention to nuclear issues are two areas on which the EU should focus. In particular the fact that she has worked within the Commission College and knows the complex EU mechanisms puts her in a better position to fulfil her difficult mandate than any other figure with no experience in the EU institutions. The European Parliament seemed to be quite satisfied with the appointment because Ashton as an ex-Commissioner represents a continuity of the Community method and already demonstrated to take into account the consultative role of MEPs.

Background: the new provisions of the Lisbon Treaty on CFSP

After several obstacles that seriously undermined its implementation – the last ones collapsed on 3 November with the ratification of the Treaty by Czech President Václav Klaus – the Lisbon Treaty finally entered into force on 1 December 2009. In the area of EU external action, the treaty sets out the creation of two new posts: the Permanent President of the Council (accepted by the former Belgian Prime Minister Herman Van Rompuy in charge for 2 and half years) and the double-hatted HR/VP, both appointed on 19 November 2009. These two new roles must ensure coherence in EU foreign policy, at least reducing the current fragmentation of representation of the Union on the international scene. In particular the new HR/VP will emerge as the main personality for external affairs, taking charge of the functions previously exercised by the 6 month rotating Presidency, the High Representative for CFSP (formerly Javier Solana) and the Commissioner for External Relations (formerly Benita Ferrero-Waldner). According to Articles

¹ Council of the EU “Presidency Report to the European Council on the European External Action Service”. Available at: <http://register.consilium.europa.eu/pdf/en/09/st14/st14930.en09.pdf>

² Dagand, S., “The impact of the Lisbon Treaty on CFSP and ESDP”, *European Security Review* No. 37, ISIS Europe, Brussels, March 2008. http://www.isis-europe.org/pdf/2008_artrel_150_esr37tol-mar08.pdf

18 and 27 of the Treaty, HR/VP Ashton will conduct Common Foreign Security Policy (CFSP) by making proposals and presiding over the Foreign Affairs Council as well as representing the EU for matters of CFSP and political dialogue with third countries and international organisations.³ In addition, in order to reduce the inconsistencies associated with the complex pillar system (the dualism between Community and intergovernmental aspects of EU foreign policy), Ashton will also occupy the position of Vice-President of the Commission. Thus the HR/VP will not only be responsible for CFSP “as mandated by the Council”,⁴ but she will also coordinate the work of the Commission DGs with external responsibility. Through this personal union of two functions, the new chief of foreign policy (on paper) can ensure greater consistency of the Union external affairs by bringing together the new crisis management operations carried out by the Council (CFSP) with the traditional external policies located under the Commission remit (aid, trade, enlargement, development).

However it appears clear that the HR/VP will be a very difficult job. Many experts considered it impossible and pointed out that Ashton needs to be a “superhuman gymnast”⁵ to deal with her numerous and challenging tasks. In theory the HR/VP should not only make proposals for CFSP and chair the Foreign Affairs Council but she should also be able to attend Commission meetings every one to two weeks. Critical voices add that Ashton would inevitably need to prioritise her work, leading her to privilege some aspects (intergovernmental and generally large states’ demands) at the expense of others (Community projects). The EEAS, the new diplomatic corps, will be set up to assist the HR/VP in fulfilling her mandate.⁶ It is indeed relevant to see which features and procedures this new entity will cover, how it will be structured and whether it will take in consideration accountability aspects.

The EEAS

Besides the HR/VP and the President of the Council, the Treaty of Lisbon sets out the creation of the European External Action Service. This will be an entity autonomous from the Commission and the Council, formed not only by personnel coming from both institutions (Commission DGs and Council Secretariat) but also 1/3 of the EEAS will be seconded staff from national diplomatic services. At present there is discussion of a size from 2000 up to 7000 (the latter being the maximal size that also would include the 123 EU Delegations around the world), but the debated size is more likely to be towards 1500-2000. However the new service will start small and grow gradually. It will be fully operational in 2012 and will be subject to review in 2014.

With its “sui generis” nature,⁷ the EEAS is created to overcome the pillar structure and lay the basis for a more coordinated and coherent EU foreign policy. Thus the EEAS will be responsible for both CFSP and community matters to enable the double-hatted HR/VP to fulfil her difficult mandate.

The Structure

Crisis Management Structures

Regarding the structure in support of the Common Security and Defence Policies (CSDP, formerly ESDP),⁸ the 10 page Presidency paper reports that the EEAS will inherit the same organisation and chain of command from the Council Secretariat. The Crisis Management and Planning Directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC) and the EU Military staff (EUMS) will be attached directly to the HR. The Situation Centre (SitCen) – the Member States Intelligence sharing hub – will also be part of the service, as will the elements of the Commission Crisis Response and Peacebuilding unit – however placement of the latter is still unsure (see diagram).

³ Council of the EU “The High representative for Foreign affairs and Security Policy/the European External Action Service”, November 2009. Available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/111301.pdf.

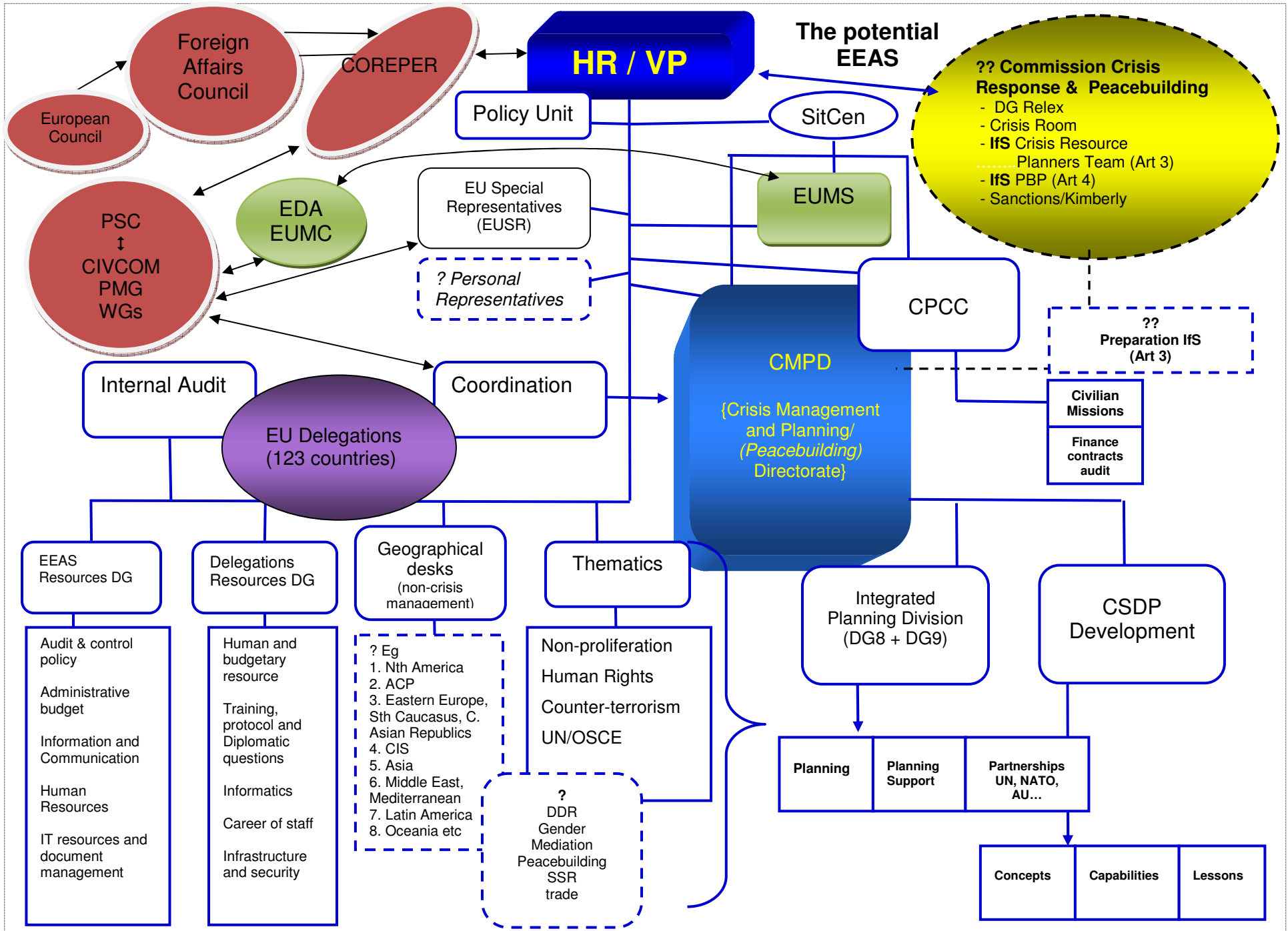
⁴ Art 18(2) TEU.

⁵ Avery, G., “The New Architecture for EU foreign Policy”, in Avery, G. et al. (eds.), *The people’s project? The new EU Treaty and the prospects for future integration*, *Challenge Europe issue 17*, EPC, Brussels, December 2007, p.20.

⁶ Article 27(3) TEU

⁷ Council of the EU “Presidency Report to the European Council on the European External Action Service” (Point 16).

⁸ For an analysis of CSDP, see the CSDP Mission Analysis Partnership www.csdpmap.eu – to be launched in January 2010.



Therefore the EEAS will preserve the same functions and procedures of the Council Secretariat structures. During the Coreper negotiations some Member States (in particular France) pushed to exclude the EUMS from the EEAS. Luckily this did not occur, as if it had, the EEAS would have lost the military expertise in the strategic planning and review of CSDP, reducing the capacity of combining civil-military elements. This unique component of the Union is very useful in crisis management operations. Indeed an EEAS with only civil crisis management department would have weakened this capacity of integration of the two elements and lost an added value.

However the structure could have been streamlined to increase in efficiency. The chain of command is still particularly complex – the CMPD, CPCC and EUMS are all attached directly to the HR/VP but not unified in a same chain – and could have been simplified to better assist the HR/VP. It is still unclear where the HR/VP Personal Representatives – if they are to continue - will sit in the EEAS. Experts presupposed that the easiest solution is to have one deputy for each single “hat”. It is then probable that one will stay in Commission and the other will cover the intergovernmental dimension. Regarding her position, Ashton declared that her office will be in the Commission.⁹ At present it is too early to interpret this decision as a pledge for privileged attitude towards Community dimension.

Geographical desks

The new geographical desks (combined from competencies of the Commission (DG Relex, Dev, AIDCO, Trade) and Council) will be incorporated in the EEAS to feed into the Integrated Planning Division and the CSDP Development section (see diagram). Thus the new diplomatic service could produce Country Strategy Papers (CSP) and assist Ashton in defining priorities for external action. The duplication of desks, which resulted from the aforementioned division of labour between the two main EU institutions, will be eventually eliminated. Thus the single desk principle will draw closer Council and Commission, enhancing the coherence of the EU foreign policy machinery. However, the CMPD might also have geographic desks – with specific crisis management competency - but this should not duplicate the work of the new EEAS geographic desks which will have overall responsibility for relations with the countries under their remit.

The set of tasks that these desks should perform has not been clearly defined. In particular it is has not been determined whether these desks would hold a comprehensive approach and be responsible for the programming of all aspects of the external action (from security to development). The Presidency report only points out that the “single geographical desks should play a leading role in the strategic decision-making”.¹⁰ These competences will likely be decided by the HR/VP Ashton, who has to submit her proposal for the organisation of the EEAS by the end of April 2010 at the latest. On the contrary what already appears to be clear is that enlargement, aid and trade will remain fully competence of the Commission.

Regarding the possibility of tasking the EEAS with development programming, NGOs and officials operating in the developing sector have been firmly contrary. Fearing that the development objectives as poverty eradication would be set aside by other political priorities, they insist that the development and long term assistance should be separated from security policies. MEP members of the Development Committee also objected to the possibility of fully integrating Development into the EEAS. In their Opinion on the institutional settings of the EEAS drafted by the rapporteur MEP Eva Joly (Greens), they called for the development cooperation to be an autonomous policy area that needs to continue to be carried out fully by DG Development in the Commission.¹¹

⁹ Declaration during AFET Committee meeting, European Parliament, Brussels, 2 December 2009.

¹⁰ Council of the EU “Presidency Report to the European Council on the European External Action Service” (Point 9).

¹¹ Opinion of the Committee on Development on the institutional aspects of setting up the European External Action Service. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-430.270+02+DOC+PDF+V0//EN&language=EN>

However, the increasing complexity of modern crises requires a comprehensive approach in crisis management operations. Sudan and Afghanistan are typical examples. If the EU wants to be a credible and influential actor on the international stage, it has to improve the coordination between CFSP and long term development assistance policies. The EU has a wide range of tools (EU is the world largest aid donor) but has not proved to be able to combine its two dimensions (intergovernmental and community) in an effective way. If the two dimensions are kept separate the effects of EU foreign policy are destined to remain limited.

Therefore the EEAS represents an opportunity to improve the current situation. The inconsistencies cannot be overcome simply through the personal union of the HR/VP. It is also necessary that at least tighter cooperation channels between the diplomatic service and Commission DGs with external responsibilities are established, if the EEAS will not be tasked with long term assistance and development programming. Only in this way it would be possible to do a step ahead towards a more effective coordination and synergy of the EU external policies.

Thematic desks

The EEAS will be provided with thematic desks, also fed into the CMPD (see diagram) to focus on specific topics that are particularly relevant for EU foreign policy. As for geographical desks, including desks with similar themes from the Council and Commission will help to eliminate duplication. This could be a very positive aspect because in the past overlapping competences were the causes of several territorial infighting between the two institutions, such as the ECOWAS case on the control of small arms and light weapons (SALW) in 2005. Therefore the EEAS seems to bring more clarification and at least reduce the scope for turf wars between the Council and Commission.

However, so far it has not been specified which themes the EEAS would cover. Several rumours raised concern about the possibility that important civilian aspects such as mediation, Security Sector Reform (SSR) and gender perspectives may be sidelined. This would be particularly damaging for the preparation of CSDP missions, which insofar have demonstrated a strong civilian focus (21 out of 27 ESDP and EU missions have been 'civilian'). To disregard civilian aspects would mean to ignore the specific nature of CSDP.

Ideally the EEAS should not comprise only thematic desks such as weapons of mass destructions (WMD); counter terrorism; SALW; chemical, biological, radiological, and nuclear (CBRN) materials, organised crime and drug trafficking. Equally SSR; Gender and Security; disarmament, demobilization and reintegration (DDR); human security and human rights specialized desks should also be part of the service. In this way the EEAS could cover all security threats, crisis management, peace building and conflict prevention policies.

The Instruments – who and how?

The EEAS will be involved in the entire programming chain and preparation for strategic direction of the EU's policies on external action, thus playing a decisive role in enhancing the coherency of EU foreign policy. Current to the debate is how the HR/VP will orientate her priorities, thus the political aspects (whether mainly influenced by the States (inter-governmental) or Commission) will be at play.

To overcome the pillar division in crisis management, the preparation for CDSP/CFSP and the Instrument for Stability (IfS – but just the Article 3 Exceptional Assistance Measures and Interim Response Programmes¹²) – the more immediate-term responses - will be undertaken by the EEAS. The technical implementation for the IfS will be left to the Commission (entitled of the budget) and for the CSDP responses, will be through the new CMPD. For other CFSP measures, it will either be the EEAS or the Commission. The EEAS will be the preferred solution, keeping the two phases together and avoiding the division between preparation in the EEAS and implementation in the Commission. The EEAS will also

¹² Also in the IfS are Art.4 measures of assistance in context of stable conditions for cooperation.

play a leading role in programming of the longer term geographic and thematic cooperation instruments, how and who will be doing what is still to be decided, as the Presidency Paper states, “the specific division of labour for programming of geographical and thematic instruments...between the EEAS and Commission services will be determined before the end of 2009”.¹³ Equally the preparation of the three other instruments - the African Peace Facility, the Consular Cooperation budget line and the Electoral observation budget line - should be in the EEAS remit to facilitate their integration in the EU external action.

However, the envisaged division of tasks between EEAS and Commission seems to be problematic for short-term crisis management measures, namely missions financed from the CFSP budget and the short-term component of the Instrument for Stability (IfS). Since they are used for rapid response in situations of crisis, their success is inevitably linked to the rapid capacity of delivery (up until now the instruments were managed within DG Relex). In this particular case, the separation between preparation and implementation among two different entities is not without counter-indication because it will inevitably slow down the capacity to act quickly and flexibly.

The instruments aforementioned allocate significant funds, becoming meaningful tools if effectively combined with other external policies. Hence lies the question of how the rapid Commission Crisis Response structures (the IfS immediate response mechanisms Article 3, the crisis platform, the crisis room etc.) will be integrated into the CMPD or not – if integrated, thus affecting the aim of increased coherence, if not, merely repeating the former second pillar structure.

A solution would be to create a hybrid office in the EEAS with Commission officials, so that they can work jointly with EEAS staff. In this way the passage from preparation to implementation remains in the same unit and will not suffer any delay.

Staff seconded from diplomatic service of EU Member States

Besides EU officials, the EEAS will also comprise staff seconded from the diplomatic service of Member States. This represents an attempt to reduce the rivalry and diffidence between EU officials and national diplomats, eventually strengthening cooperation and creating an added value. The involvement of national diplomats would not only enrich EU foreign policy with national expertise and diplomatic preparation but would also contribute to bringing closer together European and national dimensions. However, since national diplomats would return to their countries after a stint at EU level as “temporary agents”, it remains to be seen to which extent they would combine national prerogatives with the EU common interest. Indeed, there may be a lack of will for EU Member States, particularly smaller States, to send their best or for people to find incentive for a short-term period. Hence, one commentary suggested a system of diplomatic circulation, through an ESDP fellowship, offering a five-year “mini-career”, including an assignment in an ESDP mission, secondment to other EU institutions, a year at a military academy and then a job in the Council Secretariat.¹⁴ In sum, overall it is a question of perspectives (some States are still Euro-sceptical) and political will that can be answered only in the long run.

The number of secondments has not been revealed. It is related to the final size of the service since national diplomats will account for 1/3 of total strength. The most debated number should be around 500, with large states providing 50 and small ones around 10. It is highly likely that national diplomats will

¹³ The geographic and thematic instruments being: the European Neighbourhood and Partnership Instrument, Development Cooperation Instrument, the European Development Fund, the Instrument for Cooperation with Industrialised Countries, the European Instrument for Democracy and Human Rights, the Instrument for Nuclear Safety Cooperation and the Instrument for Stability (namely the Article 4 measures of assistance in the context of stable conditions for cooperation). Council of the EU “Presidency Report to the European Council on the European External Action Service” (Point 9).

¹⁴ Korski, D. And Gowen, R., *Can the EU Rebuild Failing States? A Review of Europe’s Civilian Capacities*. European Council on Foreign Relations, London, October 2009. <http://ecfr.eu/page/-/documents/civilian-crisis-report.pdf>.

occupy top positions in key structures (i.e. Union Delegations) according to the strategic interest of their country of origin. This inevitably would make EEAS lean towards the intergovernmental dimension.

Union delegations

The 123 Commission Delegations abroad will be included in the EEAS under the authority of the HR/VP, becoming EU Delegations. As foreign ministries are provided with strategic information by national embassies abroad, Ashton will also have her staff on the ground to act as her eyes, ears and spokespeople in third countries. These delegations might send the HR/VP detailed reports on the regional state of affairs, providing expertise and allegedly enhancing the capacity of the foreign policy chief to conduct a more coherent EU external action. This would represent a step ahead, as Solana, unlike Ashton, did not have this vast and valuable source of information at his disposal.

Contrary to these rosy perspectives, some experts and critics point out that EU delegation staff, which up until now have mainly been tasked with trade portfolio and management of financial assistance for Community projects, will lack the necessary diplomatic professionalism to produce good reporting on political and security matters.¹⁵ As CFSP has been and will continue to be an intergovernmental area, Member States are reluctant to relinquish their powers to EU officials and want their national diplomats to take the lead in these policies. Consequently it can be envisaged that national diplomats will most likely to be appointed to the top positions¹⁶ – head of delegation, deputy etc. – strengthening the intergovernmental dimension of EU foreign policy in the representation with third countries. In this respect there's the danger that the nominees will be characterised by realpolitik considerations - with Member States competing on posts strategically relevant for their national interest – and the risk that national diplomats turn out to be just an extension of their governments at the detriment of the Union common view.

However, the EU Delegations will be able to resolve the problem of “local presidencies”. Before their creation, it has been up to the national embassy of the Member State holding the Presidency to represent the EU for CFSP in a third country. In the case the Member State had no in-country diplomatic representation, it had to rely on others to fulfil its role, creating confusion and reducing the EU capacity to exercise influence on local governments. Thus the creation of EU Delegations ensures global representation and continuity of action, enhancing the visibility of EU external affairs.

Accountability

As a modern diplomatic service and expression of European democratic values, it is crucial that the EEAS will be set up according to accountability aspects. Last October the European Parliament passed a resolution on the setting up of the EEAS (based on the report of the Constitutional Affairs Committee by Rapporteur MEP Elmar Brok (EPP))¹⁷ including opinion from the AFET Committee (Rapporteur MEP Annemie Neyts (ALDE)).¹⁸ This report explicitly asked for the anchoring of the diplomatic service to the Commission, so that MEPs could preserve their budgetary powers. However, the request was not taken into account by the Council, which decided to provide the EEAS with a “sui generis” status.

However this decision does not entail that MEPs will not have powers vis-à-vis the EEAS. Rather it seems that all Member States agreed that the service should be financed from the EU budget.¹⁹ If this will

¹⁵ Missiroli, A., “A Tale of two Pillars – and an Arch”, in Avery, G. & Missiroli, A. (eds), *The EU Foreign Service: How to build a more effective foreign policy*, EPC Working Paper N. 28, European Policy Centre, Brussels, November 2007.

¹⁶ Paul, J. “EU Foreign Policy After Lisbon”, CAP, Munich, June 2008.

¹⁷ Report of the Committee on Constitutional affairs on the institutional aspects of setting up the European External Action Service. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2009-0041+0+DOC+PDF+V0//EN>

¹⁸ Opinion of the Committee on Foreign Affairs on the institutional aspects of setting up the European External Action Service. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-428.281+02+DOC+PDF+V0//EN&language=EN>

¹⁹ Avery, G., “Europe’s foreign service: from design to delivery”, Policy Brief, EPC, November 2009.

be the case, the MEPs will still be able to hold their budgetary powers, ensuring the accountability of the diplomatic service. In this regard, MEP Franziska Brantner (Greens) maintained that the key is not the collocation but the accountability aspect of the service.

Conclusion

The EEAS will bring improvements in the framework of EU foreign policy. The principle of single desk in geographical and thematic areas and the inclusion of Commission delegations will benefit the EU external action in terms of coherence and visibility. The secondments of national diplomats will bring expertise and diplomatic professionalism and strengthen the ties between EU and Member States in foreign policy.

Tasked with both CFSP and Community matters, the EEAS (in theory) has a good potential to build a bridge between Council and Commission. However it still remains to be seen whether the EEAS will enable the double-hatted HR/VP to better coordinate Community and intergovernmental policies and eventually enhance the coherency of EU external action. In this respect, it is crucial – as it was explained in the case of geographical desks of EEAS – that at least effective channels of cooperation will be established between the Commission and the diplomatic service if the latter will not be responsible for the programming of development and preparation of Community instruments. But, if bureaucratic resistances and instinct of conservation of competences prevail, the EEAS will be just another entity in the complex EU external action machinery.

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CSDP Mission Analysis Partnership

ISIS Europe established CSDP MAP in 2008 (then ESDP MAP), which has been designed to fill a gap and a niche by collating think tank, research institute, NGO, government and EU institutional work on CSDP into one-place. CSDP MAP now has 18 partners across Europe [[ISIS Europe](#); [CICS Bradford University](#); [Clingendael](#); [CMI](#); [ECFR](#); [Egmont](#); [EPC](#); [FRIDE](#); [Fundacion Alternativas \(OPEX\)](#); [DCAF](#); [GRIP](#); [IRIS](#); [IFSH](#); [IAI](#); [Noref](#); [SIPRI](#); [UNIDIR](#); [ZIF](#). Observer: [ICG](#)] and growing. CSDP MAP is particularly important with the entry into force of the Lisbon Treaty on 1 December 2009. The Partnership is currently developing a web-portal to link to mission updates, research, lessons learnt and policy advice, which will be at www.csdpmap.eu & to be launched in January 2010.



The screenshot shows a web browser window with the URL <http://www.csdpmap.eu>. The page title is "ESDP MAP » ESDP Mission Analysis Partnership". The interface includes a navigation menu with "About" and "Contact" buttons. The main content area is divided into four sections: "ESDP Mission" (with a diagram), "EU Structure" (with the EU flag), "Countries" (with a world map), and "Thematics" (with a grid of boxes). On the right side, there is a list of partners and observers, including CICS Bradford University, IE, Clingendael, Heriot-Watt, Institute of International Relations, CMI, Finland, Egmont, Brussels, Belgium, ECFR, Brussels, Belgium, EPC, Spain, Fundacion Alternativas, OPEX, DCAF, Geneva, GRIP, Brussels, Belgium, IFSH, Paris, France, IAI, Italy, Noref, Norway, SIPRI, Sweden, UNIDIR, Geneva, and Observer: International Crisis Group. At the bottom, there is a footer with the text "Created by ISIS Europe" and "ESDP Mission Analysis Partnership is hosted by ISIS Europe. Any queries or updates, please contact isis@isis-europe.org. ISIS takes no responsibility for external links from this site." and the ISIS logo.