



The European External Action Service

Roadmap for Success

A Chatham House Report by
Brian Crowe



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Cover image: EU High Representative Javier Solana meets a soldier of the Spanish troops in EUFOR during his trip to the Democratic Republic of Congo on 12 September 2006. Courtesy of the Council of the European Union.

Contents

	Foreword by <i>Robin Niblett, Director, Chatham House</i>	5
	About the Author	6
	Acknowledgments	6
	Executive Summary	7
	Policy Recommendations	8
1	Introduction	9
2	The Context: Why Present CFSP Arrangements are Dysfunctional	11
3	The Lisbon Treaty's Foreign Policy and External Relations Structure	13
4	The External Action Service in 2015	16
5	Conclusion	27
	Notes	28

Foreword

Chatham House is pleased to have the opportunity to publish this report on the European External Action Service. Brian Crowe brings to the topic his considerable first-hand experience of the inner workings of the European Union's foreign policy-making process, as do members of the Senior Experts Group with whom he developed the ideas contained in this report. Most importantly, the broad subject of improving the capacity of the EU to act beyond its borders is a pressing one. Outside challenges to the prosperity and security of European citizens are multiplying, from the rise of a more assertive Russia and growing political instability in parts of the Middle East to the need to negotiate meaningful controls on global carbon emissions, as well as the likely consequences of unavoidable global warming through desertification, droughts, floods and large-scale migration to competition for resources and even actual conflicts, for instance over water. As the report notes, the ability of even the largest EU member states to influence these developments or cope with their consequences is minimal. We need to explore more seriously ways of acting collectively

through the EU – however complex and unpredictable this process might be – and so bring to bear our collective economic and political weight, to pursue our common interests in finding solutions to these challenges.

In the context of this major strategic question, it may seem strange to focus specifically on the future of the EU's External Action Service. The report does, however, put it in its political and institutional context. As it makes clear, the major innovation is the combination of functions entrusted to the new EU High Representative. The EAS is an important means provided to the EUHR to do the job delegated by the member states.

The creation of the EUHR and the EAS in the Lisbon Treaty is not in itself a commitment to, let alone a guarantor of effective common EU foreign policies. The report makes a powerful case, however, that the institutional choices that are made in the next few months about how the new EAS is designed and operates will carry direct implications for how effectively EU member states and the EU as a whole are able to influence the world beyond their borders and the world's impact within our borders.

The recommendations contained in this Chatham House report offer some clear choices for policy-makers to consider over the coming months as they finalize the arrangements for the functioning of the European External Action Service. These choices will have an indirect but no less important effect on the EU's ability to live up to its potential as a constructive proactive and effective actor on the international stage.

Robin Niblett
Director, Chatham House

About the Author

Sir Brian Crowe is currently Deputy Chairman of Chatham House, European Director at the Centre for Political and Diplomatic Studies, Oxford and a Director of ITT Defence.

Sir Brian worked until 2002 for Javier Solana as Director General for External and Politico-Military Affairs in the EU Council of Ministers. Before going to Brussels in 1994 he served in the British Diplomatic Service where his last three posts were Economic Minister in Washington DC, Ambassador to Austria and Deputy Under Secretary of State (Director General) for Economic Affairs in the Foreign and Commonwealth Office. Other postings included Moscow and Bonn.

Since returning from Brussels, Sir Brian has worked as a consultant and occasional lecturer, writer and instructor on EU and transatlantic affairs. He was Visiting European Fellow at the University of Canterbury, Christchurch, New Zealand in 2003.

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Executive Summary

Even the largest EU member states are no longer in a position on their own to shape international events or the world we all live in. Acting together in the EU they have shaped the international trade agenda. They have been much less successful in foreign policy for a combination of reasons, largely lack of will and poor arrangements. The Lisbon Treaty sets out to remedy the second of these, perhaps helping also to remedy the first in a world in which that becomes increasingly vital for European interests.

The inadequate performance over the years flows essentially from the incremental way in which the original informal European Political Cooperation among foreign ministries evolved into what became the treaty-based Common Foreign and Security Policy (CFSP) in the Maastricht Treaty. What worked inadequately in an informal but undemanding arrangement would not function a lot better when it was formalized without being substantially adapted to the EU's new ambition to be an actor on the world stage. Ad hoc additions such as the creation of the High Representative for the CFSP by the 1997 Amsterdam Treaty could only be palliatives.

The Lisbon Treaty seeks to make the EU's foreign policy arrangements fit for purpose for the first time (although not without new areas of potential friction), *inter alia* by combining in one person (the new High Representative of

the Union for Foreign Affairs and Security Policy, EUHR) the responsibilities hitherto held in Brussels by three (President of the Council, High Representative for the CFSP and Commissioner for External Relations). It also endows the EUHR with an External Action Service (EAS) at home to advise and to manage agreed policies, and abroad to be his or her eyes and ears.

The Treaty is thin on detail about the EAS: little more than that it is to assist the High Representative and be composed of officials from Commission, Council and member states. It is to be established by the Council on a proposal from the new EUHR in agreement with the Commission and after consulting the European Parliament. Substantive work on this proposal was suspended after the failure of the Constitutional Treaty in 2006 and is being resumed only with the ratification of the Lisbon Treaty.

Setting up the EAS with so little guidance from the Treaty is likely to be contentious. The EU institutions could well quarrel about control, accountability and budgetary responsibility. Member states could disagree on staffing, role and accountability (to them or to the EUHR?). So, looking ahead a few years, this report considers what the most important undecided issues (most of them) are in setting up the new service and recommends solutions, a 'roadmap for success'.

The recommendations are set out both individually at the end of the relevant discussion, and collectively in the next section of this report. Their approach is to look at what is needed to make the EAS the most effective possible instrument for its task of assisting the EUHR (the only task given to it by the Treaty), so that he or she can in turn effectively advise and preside over the Council, manage/coordinate (as appropriate) the Commission's external relations and implement the EU's foreign, security and defence policies in the interests of the member states which have agreed them.

Policy Recommendations

- 1** The EUHR/Vice President of the Commission (VP) must have the authority to fulfil his/her Treaty responsibility of coordinating effectively the external responsibilities of other Commissioners. He/she should have a deputy or deputies covering the whole EAS, i.e. CFSP and Commission responsibilities, including coordination.
- 2** EU delegations abroad should come under a unified administrative management reporting to the EUHR/VP.
- 3** The EAS should also support the President of the European Council in respect of his/her foreign policy responsibilities. There should be no alternative and inevitably competing foreign policy bureaucracy.
- 4** CFSP and Commission business should be handled in an integrated way by EAS geographical desks, which (along with the EAS missions overseas) should be in neither the Council nor the Commission but in a separate Agency.
- 5** Chairmanship of committees subordinate to the Foreign Affairs Council should be determined pragmatically, but guided where possible by the principle that the chair should be in the hierarchy managing the policy.
- 6** EU missions abroad should be used actively as the instrument for conducting the EU's business with third countries. Special Representatives will continue to be justified where a more regional approach, including shuttle diplomacy, is needed.
- 7** The assumption by the EAS and its missions abroad of functions on behalf of member states should be gradual, voluntary and only with the agreement of the EUHR/VP that the EAS's primary function of assisting him/her to run the EU's foreign and security policy is not undermined.
- 8** Priority should be given to ensuring high-quality staff for the EAS, including first-class secondees from member states. To ensure excellence without fear or favour, an independent panel should provide a short list of candidates from which the EUHR/VP can make final choices.
- 9** Commission, Council Secretariat and member states should encourage suitable and interested staff to consider secondment to the EAS, often more than once, as career-enhancing. They should release personnel for appropriate training and give priority to getting training programmes going.
- 10** The EAS will need strong management and a strong manager to assist the EUHR/VP.

1. Introduction

It is now widely recognized that even the largest EU member states have relatively little ability to shape policy and events in our increasingly globalized world. If they have that ambition, therefore, they must work with others to have an impact. In the European context these ‘others’ can only mean the EU. This has been demonstrably, and successfully, the case in multilateral trade negotiations for decades, first in the GATT and now in its successor the WTO. It has been increasingly the case also in the foreign policy field, sadly rather less successfully.

Nevertheless, the EU does have major foreign policy successes to its credit, ranging from the most successful project of all, its own enlargement to central and eastern Europe and the democracy and stability this process has produced in the eastern half of the continent. (The same prospect is held out to the countries in the western Balkans.) The EU has led the world on climate change and also on the International Criminal Court. Other foreign policy successes, in terms of process if not yet of outcome, have been its leadership in negotiations with Iran over the latter’s nuclear ambitions, and the EU’s role in the Quartet in the Middle East peace process.

The EU is also a major provider of development aid and other mechanisms to enable countries to modernize and regenerate. This is a reminder of the importance of a point made by the former External Affairs Commissioner Chris Patten. Although the foreign affairs work of the Commission may seem rather prosaic, it is often what Patten calls the ‘back office’ that ‘provided most of the content of a [foreign] policy – or, at least, most of the content that worked.’¹ Foreign policy is not just about political matters; it is often as much about trade and/or aid.

The main causes of the failure to agree and promote a common foreign policy are a combination of external and internal factors. Externally, even fully agreed common EU policies may not be successful in the jungle of world affairs. Even united, the EU is not always powerful enough – or is not yet good enough at using the power it has – to shape events. Other international actors are not necessarily amenable to EU objectives. Nonetheless the EU often lets itself down, even when it has agreed common policies, by not making full use of the instruments and resources at its disposal.

‘ Governments as well as popular opinion in all member states accept the need for foreign policy at the European level and want it to be more effective ’

Internally, the main cause of failure is simply a lack of ability to agree or, to put it more bluntly, an absence of the political will needed to make the compromises necessary to arrive at a common position. EU governments have not shown themselves good at rising above domestic considerations to pursue a common goal. Nowhere is this clearer today than in the EU’s policy, or rather lack of policy, towards Russia. The EU’s inability to agree to a common line on almost anything to do with Russia makes it natural for an increasingly assertive and power-seeking Russia simply to ignore Europe’s interests where this suits it. The same syndrome may be developing with China.

It is easy to be broadly prescriptive about what needs to be done to overcome these failures to agree:

- greater priority needs to be given by governments to common European action as a way of obtaining national policy aims;
- the leading players in the EU (notably Britain, France and Germany) need to have a better common understanding among themselves and thus be in a position to lead;

- generally, there needs to be more ‘political will’ to succeed at the European level.

But so long as politics are national rather than European, it is hard to be optimistic that domestic national concerns will be subordinated to EU-wide interests except under serious pressure of events. It is hard to promote maximalist European policies against the reality of minimalist political will.

It is nonetheless clear that governments as well as popular opinion in all member states accept the need for foreign policy at the European level and want it to be more effective. *Eurobarometer* surveys for the Commission show Europe’s citizens to be in favour of EU involvement in defence and foreign affairs – according to the most recent survey, 68.1 per cent of them favour joint decisions between national governments and the EU in this field.²

A contributing factor to the lack of political will has been the absence of a single figure in the Brussels institutions with the authority to provide leadership on behalf of the ‘European’ interest. Authority has been split between, on the one hand, a six-month *national* rotating presidency responsible only for the management of foreign and security policy, and on the other a Commission (President and External Relations Commissioner) responsible broadly only for the EU’s external trade and aid and with an ambivalent role in foreign policy in the political sense. The one person with a ‘European’ remit in foreign policy has been the High Representative for CFSP, whose authority under the Amsterdam Treaty, however, extends only to ‘assisting’ the presidency. Only the periodic but brief, agenda-crowded and somewhat ritualistic meetings of the European Council itself can provide leadership – but of a type that is wholly unsuited to the day-to-day management of foreign policy.

The importance of the Lisbon Treaty in the external relations field is that it remedies these defects and provides

for leadership – insofar as institutional change can. It cannot, of course, create the political will. But if well supported by the member states and well managed by the key actors, most notably the new EU High Representative for Foreign Affairs and Security Policy (EUHR) and the new standing President of the European Council, working closely together and serviced by the new External Action Service (EAS), the Lisbon Treaty provisions can help to create the circumstances in which political will emerges. As Sun Tzu, the great Chinese military strategist and author of the *Art of War* in the 6th century BC, might have put it, they can create the conditions in which agreement becomes possible.

The role of the High Representative and of the External Action Service which he (used here and henceforth for convenience in the Churchillian sense of man embracing woman) will head will thus be crucial; it is far from an answer to all the difficulties arising from the shortage of political will, but a vital component if the problems are to be answered more successfully.

The future success of the EU will depend on its ability to meet the challenges of globalization and of a world in which the weight of individual European countries has been declining steadily and will decline further as countries such as China, India and Brazil gain in economic and political weight. The only hope for European countries to maintain global influence is to act together in the EU. The success that the EU has long had through acting together in the field of international trade needs to be replicated in the foreign policy field.

Against this background, the report discusses and makes recommendations about the establishment of the External Action Service (and inevitably, therefore, also the expanded post of High Representative). It starts with a brief survey of how the EU has got to where it is now in foreign policy terms, and then addresses what needs to be done to make the External Action Service a reality.

2. The Context: Why Present CFSP Arrangements are Dysfunctional

The economic and political impetus behind the 1957 Treaty of Rome did not include any notion of the then EEC being involved in international affairs other than trade. Hence what became the European Union was not originally designed to handle foreign policy, which was deliberately left for member states alone. From 1970 informal systems evolved to handle foreign policy under the label of European Political Cooperation (EPC) as, increasingly, member states found that working together at the European level increased their leverage in international affairs. Informal procedures evolved outside any treaty framework and were not formalized until the Single European Act of 1986 (and subsequently the Treaties of Maastricht in 1992 and Amsterdam in 1997) established the current mechanisms for the formulation and management of what became the Common Foreign and Security Policy (CFSP). One rather jaundiced author has described this process of evolution as one in which ‘EPC transmogrified into the CFSP, like a caterpillar into a butterfly’ but the CFSP, he says, is unlike a beautiful butterfly because it is ‘cumbersome and colourless and has great difficulty in getting off the ground.’³ A look at the procedures tells us why he takes that view.

To this day, the management and implementation of the CFSP is the responsibility of the Presidency. In the early years after 1970 the Presidency relied for this entirely on its

own foreign ministry and missions in third countries. Later, to provide continuity as well as support (especially for small member states), Presidency foreign ministries received small-scale reinforcement from the preceding and succeeding Presidencies. Later still a small (multinational) permanent EPC secretariat was established in Brussels to assist the Presidency.⁴

Meanwhile the Commission, appointed for a five-year term, continued to be responsible under separate decision-making procedures for many of the economic and other instruments giving the EU leverage as an international actor. The Commission’s 123 overseas delegations served the Commission, not the Council or the member states. Even where a country holding the Presidency was not represented (often the case with smaller countries), it was not the local Commission delegation but the embassy of the next available country in line to hold the Presidency that acted in the CFSP field. The Presidency had no authority over the Commission, nor did the Commission, the Presidency and the member states always work in harmony.

The Maastricht Treaty put the EPC Secretariat into the Council Secretariat (where it was eventually merged into the Directorate General for External and Politico-Military Affairs), but little else changed. The Commission became ‘fully associated’ with CFSP, i.e. it could participate but was not regarded as a full member in its own right in what remained a strictly intergovernmental activity. The Commission’s overseas missions, like the Commission itself, remained responsible only for Commission issues (in shorthand terms, aid and trade), and were not used for CFSP purposes, which were handled by the Presidency. Not surprisingly this caused confusion to foreign policy actors in third countries, and provided opportunities for driving wedges to all but the best-intentioned.⁵

Palliatives were introduced over the years for these somewhat dysfunctional arrangements. One was the appointment by the Council of EU Special Representatives for particular regions (for example, the Middle East or the African Great Lakes), in part to make up for inadequacy of representation in third countries by a six-monthly rotating Presidency. By far the most important palliative was the creation of the post of High Representative for the CFSP

(HR/CFSP) by the Amsterdam Treaty in 1997, and the appointment to that post in 1999 of the internationally respected figure, Javier Solana, which papered over the cracks in the CFSP arrangements, if only for a while.

‘ Good institutional arrangements will not of themselves deliver the desired result, but their absence certainly makes this more difficult ’

Javier Solana coped heroically, establishing himself and the EU as a foreign policy player, in the Balkans, in the Middle East and latterly over Iran, by dedication and willingness to take on a back-breaking workload. But he still had no institutional authority (the Amsterdam Treaty gave

him the function only of assisting the Presidency and the Council), nor any representation abroad (although he did his best to overcome this by extensive personal telephone networking and by the ad hoc appointment of personal representatives).⁶

Perhaps not surprisingly, relations have often been difficult between successive Presidencies eager for domestic reasons to profile themselves and still responsible for the management of the CFSP, and an activist High Representative, eager to take on that management but with no institutional authority and no representation of his own abroad.

Good institutional arrangements will not of themselves deliver the desired result (in this case coherent, agreed, objective-oriented foreign policies), but their absence certainly makes this more difficult. However, the political will to achieve common policies and institutional arrangements for arriving at and implementing them are mutually reinforcing.

3. The Lisbon Treaty's Foreign Policy and External Relations Structure

The Lisbon Treaty sets out to turn these rather accidental arrangements into something more sensible and coherent, not an easy task given the different stakeholders with often competing interests involved. It does this not by creating any new authority, nor by transferring any further responsibilities from national capitals to the Brussels institutions, but rather by reordering authority and responsibilities among existing Brussels foreign policy actors (essentially the Presidency, High Representative and Commission) to make them more fit-for-purpose. At last the member states are providing the means for the EU to conduct more effective common foreign policies, in two important ways:

- 1 By combining in one person the functions hitherto carried out separately by three different people (President and chairman of the External Relations Council; High Representative; and Commissioner for External Relations). The new Treaty thus provides the opportunity for greater cohesion and more effective leadership in the management and implementation of the EU's external relations.
- 2 By giving the new EU High Representative for Foreign Affairs and Security Policy/Vice President of the Commission (EUHR/VP)⁷ a supporting staff of his own (to be called the European External Action Service, or EEAS – henceforth EAS) both in Brussels

and in posts abroad, incorporating the existing Commission delegations and two Council liaison offices. The member states have thus given him an important tool to do the job, namely the support at home and abroad necessary for keeping himself informed and implementing agreed policies, in addition to continuing but more limited use of Special Representatives where local resident representation is not enough.

None of this changes the fundamentals of the EU's Common Foreign and Security Policy. The singular noun can be misleading, in that the CFSP does not seek a common, let alone a single policy across the whole foreign policy spectrum, but rather individual common policies towards individual issues or countries. Where the member states fail to agree (by consensus), there is by definition no common policy and member states are free to pursue their own individual policies (compatibly with any other policies which might have been agreed). Even where a common policy has been adopted, member states' hands are not tied, nor are their national voices silenced. What is required of them is no more than that they should act and speak in support of the agreed common policy, a logical consequence of their agreement to it.

‘The Iran success has been cited by critics to show that the Treaty's reforms are not necessary. The opposite is the case: Iran showed the messiness of the existing arrangements’

But if the reforms are an opportunity, they are also a challenge. They can be no more than a contribution to a more effective EU foreign policy. Even more important will be a determination among member states to make the new arrangements work as intended, notably by giving higher priority to the achievement and implementation of

common policies as an objective in itself and to the EUHR as their spokesman.

In particular, member states, especially the larger ones which have traditionally seen themselves as actors on the world stage, will need to show a genuine willingness to put the EUHR in the lead on their behalf (as they have done already in their dealings with Iran and in the handling of many Balkan issues), and to support the structures necessary for him to be effective, notably the EAS. This includes extending even further the current arrangements for information and intelligence sharing and common analysis.

Iran is perhaps the best example both of the need for this and of how it can work to the common benefit. The so-called EU3 (France, Germany and the UK) started negotiations with Iran in 2004 about its nuclear weapons programme outside the EU framework. But they and the other member states recognized at the European Council in December 2004 that the EU collectively carried more clout (in this case with both Iran and the US) when it acted as one than any individual member state or group of member states – not least because it was the EU, and not the individual member states, that had the levers and incentives (essentially aid and trade) to influence Iran. (The result was that negotiations continued with Solana involved and latterly he has sometimes held talks with Iranian representatives on his own.)

The Iran success has been cited by critics to show that the Treaty's reforms are not necessary. The opposite is the case: Iran showed the messiness of the existing arrangements, a messiness which fortunately was overcome. But it continues to be illustrated by the fact that it is the HR/CFSP who pragmatically has been mandated to take the lead (against the spirit if not the letter of the existing Treaty, under which the Presidency should be in charge).

The large member states active in international relations have a special responsibility to make the EU's foreign policies work, as they have done over Iran, because without their full involvement and active support no EU foreign policy, and therefore no EUHR, can succeed. Equally the EUHR and the large member states – with whom he must inevitably work closely – must earn the confidence of the other member states by showing that their concerns are being met. And they must all have

regard to the Commission's treaty responsibilities in wide areas of foreign policy.

Respect for the Commission's role will be all the more necessary because the double-hatted arrangement of combining in one person Council and Commission responsibilities moves away from the separation of institutional powers underlying the original treaties. In consequence it has within it evident sources of tension over accountability with different decision-making and budgetary arrangements under the Treaties: the EUHR/VP and the External Action Service will be accountable to different institutions for different policies, or to both for some policies:

- to the Council on CFSP issues;
- to the College of Commissioners on external relations issues;
- and, at one further remove, to the European Parliament on issues dealt with by the Commission.

The different Commission, Council and indeed Presidency responsibilities under the Treaties have often clashed historically and are typically resolved by negotiation (even, on occasion, by confrontation) among the institutions. Giving these potentially clashing responsibilities to the same person could conceptually make their reconciliation easier. In practice, it will take goodwill and determination to resolve the difficulties, disagreements and power-plays to which it seems bound to give rise, and power-players are not always known for their willingness to compromise. Failure to do so could vitiate the sought-for increased coherence in EU external policies.

The Treaty and the External Action Service

The creation of the EUHR/VP with the authority and responsibilities described would be only half the job if he were not given the means to carry out his functions of policy formulation, negotiation in the Council and Commission and implementation on the ground. That is why he needs competent staff support not only in Brussels but also on the ground to act as his eyes, ears and spokesman in third countries where EU policies are to be

implemented – exactly the reason why countries with interests abroad have national embassies reporting to their own foreign ministers. In fact the basis already exists for such a staff for the EUHR/VP in the form of the staff in the Commission and Council Secretariat already working on external relations, and of the Commission's existing 123 delegations in third countries and with international organizations, mainly the UN (plus the two Liaison Offices maintained by the Council in New York and Geneva). The tasks for which they exist will continue to need to be done, but obviously it makes sense to reform them in line with the new arrangements in Brussels.

The Treaty, while thin on detail about the EAS, provides for this. It specifies that the EAS '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' with the task of assisting the High Representative in fulfilling his mandate.⁸ The 'Union delegations' (ie the Commission's existing overseas delegations) are also placed under his authority by the same clause. The Treaty says that the EUHR is to make a proposal to the Council to establish the EAS, 'after consulting the European Parliament and after obtaining the consent of the Commission' (legally and practically necessary since the Commission owns most of the assets and the Parliament shares budgetary powers with the Council). Of course, the

High Representative will also at that time be Vice President of the Commission.

Some progress was made between Council Secretariat and Commission in the first half of 2005 on the parameters for the EAS within the similar framework of the then Constitutional Treaty, before the French and Dutch referenda put a stop to the work. But discussions were contentious and sometimes ill-tempered, inevitably being seen by some on both sides as an opportunity to enlarge the weight of their institution in the new arrangements, or at least to prevent the loss of existing authority. For example, the possible absorption into an EAS (headed by someone who is Chairman of the Council as well as Commission Vice President) of around 6,000 Commission personnel (the present number working for the Commission's External Relations Directorate General in Brussels and its delegations abroad) out of a total Commission staff of 25,000 could be seen in the Commission as a significant loss of power and influence, and in the Council as giving preponderant weight to Commission personnel in the new service.

How these issues are resolved will affect the functioning of the EAS, so it may be helpful to consider how the EAS might ideally look once it has had time to bed itself in – say in 2015, six years after its establishment in 2009 (on the assumption that the Treaty is ratified by then) – and to consider some of the problems in the light of that.

4. The External Action Service in 2015

Overview

The EUHR and the External Action Service assisting him are an opportunity the European Union cannot afford to miss. They could be the means by which the EU achieves a great deal more in international affairs through better leadership, greater coherence and better use of existing resources. But like any exercise in restructuring, the new arrangements could become no more than a reshuffling of bureaucratic chairs if they are not handled with care.

Four organizational principles should be applied to the responsibilities of the EUHR and the EAS:

- 1 They should overcome the traditional divisions between foreign policy, defence and development – this cross-cutting approach is being examined in the United States by a review due to report to the new President in 2009.⁹
- 2 The EAS should be a new service with its own distinct ethos and not just a conglomeration of existing personnel, departments and overseas missions.
- 3 In appointments, priority must be given to merit, not nationality, although there will have to be some notion of balance.
- 4 The EAS should be adequately resourced to carry out the duties expected of it by member states and the institutions.

Geographical coverage at the centre

The EAS, required under the Treaty only to assist the EUHR, will need to cover all his responsibilities both in his CFSP/Council capacity and in his capacity as Commission Vice President for External Relations (VP). The staff to cover his CFSP/Council responsibilities presents little problem: it would include, from the Council Secretariat, most of the Directorate General (DG E) responsible for the EU's external and politico-military affairs, and the Policy Unit and should also include the Military Staff (see section on Headquarters staff below). But coverage in the Commission is more complicated.

Under the new Treaty, in addition as EUHR to his responsibility to 'conduct the EU's foreign and security policy', he will be one of the Vice Presidents of the Commission and in that role be charged with ensuring 'the consistency of the Union's external action'. The Treaty adds that he 'shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action'.¹⁰

Since the EUHR/VP will thus have responsibility for coordinating all CFSP and Commission external affairs activities, it would be rational for his service to have worldwide geographical coverage. The joint report of the Commission and Council Secretariat, submitted to the European Council in June 2005, foresaw that the EEAS under the direct authority of the EUHR/VP would comprise 'geographical desks which cover all the countries/regions of the world ... which should not be duplicated either in the [Council Secretariat] or the Commission ... [while] not prevent[ing] the Commission from organising its Directorate Generals in other fields ... so as to allow them to fulfil their tasks'.¹¹

This sounds simple and uncontentious but is in practice problematic. It would appear to require the transfer to the EAS of the Balkan, Turkish, African, Caribbean and Pacific desks now allotted to the Directorate-Generals/Commissioners for Enlargement and Development respectively. Other issues with external relations aspects – including (notably) enlargement and development themselves as policy areas, but also, for

example, environment, energy and multilateral trade as well as ECOFIN issues – would remain with other Directorates and Commissioners, answerable to the VP only indirectly in his coordinating role.

Brigading the EU's bilateral relations with and policies towards Balkan and African countries under the EUHR/EAS makes obvious sense, since they feature large on the CFSP radar screen, and indeed include EU military operations. But it makes less sense for managing enlargement, which is a major plank in the EU's Balkan and Turkey policies, and development, which is by far the largest element in the EU's relations with many African countries. Most dividing lines are arbitrary and the task here will be to find the most workable one. But an important principle guiding the decision is to avoid, or at least reduce, the creation of conflicting and overlapping baronies in the Commission. For example, there is potential conflict between poverty relief (which underlies EU and most member state aid programmes) and other foreign policy aspects which may give higher priority to good governance, human rights or other more political objectives. It is essential to avoid 'silos' within the Commission, or the EAS, allowing for the pursuit of conflicting objectives.

Senior management of CFSP/external relations

Whichever way the cake is sliced, there has to be a serious question whether one person, no matter how Herculean, can manage all this without one or more deputies. This is already a problem for Javier Solana as HR/CFSP, who is badly overstretched, and it can only get worse under the new arrangements. But the appointment of deputies is fraught with difficulty, not least for the obvious solution, another Commissioner.

A deputy who is also a Commissioner could be objected to on two grounds. The first is that the Commission has never previously observed hierarchical differences among Commissioners other than the President (Vice Presidents hitherto being largely honorific although one of them chairs the Commission in the President's absence).

However, the Lisbon Treaty changes this situation by giving the new Vice President a wide mandate with the authority to coordinate the work of other Commissioners (as Article 9E puts it, he will be 'responsible within the Commission ... for coordinating other aspects of the Union's external action'). On the other hand, development, multilateral trade and enlargement are powerful baronies with their own dynamic and often strong personalities. These may not take kindly to everything they do having to be agreed with a Vice President who may be seen as driven by other priorities (CFSP) and accountabilities (as EUHR and Chairman of the Council).

It is correspondingly crucial that the role of the EUHR/VP as coordinator should be a powerful one and that he should have the authority, with the full support of the President of the Commission, to ensure coherence. How this is achieved (for example by regular – perhaps weekly – meetings of the relevant Commissioners under the EUHR/VP's chairmanship or by other means) is an operational question to be decided within the new Commission.

Second, while the Treaty provides for the EUHR/VP to handle CFSP and Commission business, there is no such provision for anyone else in the Commission to do so.

Any solution would need to overcome these obstacles, but should not be impossible with common sense. There are several possible models:

- Allow the EUHR/VP to have as his deputy a second Commissioner with direct authority, under him, over the whole EAS covering (like him and the EAS itself) CFSP and Commission-responsibility matters. Such a deputy, if senior enough, could perhaps be the natural person to chair the Foreign Affairs Council in the (hopefully infrequent) absences of the EUHR;
- Allow Commissioners with responsibility for other aspects of external relations such as enlargement or development to keep their geographical desks (which would mean that the desks would work to both their own Commissioner on enlargement/development and to the EUHR/VP on CFSP). EUHR would then use them as deputies on a regional basis (at present there are three

Commissioners with geographical responsibility for different areas of the world);

- Make an outside appointment, which might be possible by Council decision even though it is not provided for in the Treaty, but would suffer from the disadvantage that the appointee, no matter how distinguished, could not have authority in the Commission and could not therefore cover both halves of the EUHR/VP's responsibilities or the EAS. This would be justified only if the EUHR felt in the light of experience that he needed a deputy to cover just CFSP issues, even though this would go against the grain of the Lisbon Treaty's objective of bringing greater coherence to the EU's external policies.

The best solution would be the appointment of a deputy who would have full powers across the EUHR/VP's dual responsibilities at his discretion.

Policy recommendation 1

The EUHR/VP must have the authority to fulfil his Treaty responsibility of coordinating effectively the external responsibilities of other Commissioners. He should have a deputy or deputies covering the whole EAS, i.e. CFSP and Commission responsibilities, including coordination.

EAS: coverage abroad

The Commission's existing delegations abroad cover all of the Commission's responsibilities in the third countries or five international organizations where the Commission is represented. All are under the administrative control of the Directorate General for External Relations, even where their work is largely for another Commissioner, for example, aid in Africa or WTO negotiations in Geneva.

This can obviously give rise to tensions where other Directorates General and Commissioners are directly responsible for the policy. But the Commission already has rules of coordination to deal with this kind of problem. Moreover, the problem of how foreign ministry-owned embassies represent

other government departments is a general one for the world's foreign services and there are effective best-practice solutions to ensure that EU missions act coherently.

Policy recommendation 2

EU delegations abroad should come under a unified administrative management reporting to the EUHR/VP.

Headquarters staff

The EAS will have a substantial headquarters staff. This will include, from the Council Secretariat, the Directorate General for External and Politico-Military Affairs (possibly excepting multilateral trade and development) and the Policy Planning and Early Warning Unit (PU). It should also include the Military Staff (EUMS).

While the EUMS' primary function is clearly to service the EU Military Committee (made up of representatives of member states' Chiefs of Staff), differentiating it from the civilian staff who are responsible only to the EUHR, the EUHR should continue to be able to ask for military advice informally but directly from staff in some sense answerable to him rather than only formally (and inevitably ponderously) through the Chairman of the Military Committee.

ESDP (renamed common security and defence policy, CSDP, in the Lisbon Treaty) makes a unique contribution to international crisis management through its ability to combine military and civilian capabilities in pre- or post-conflict situations. With at least a dotted-line relationship to the head of the EUMS, the EUHR will be in a stronger position to ensure the coherence of civilian-military relations, both in Brussels and in the field, for example, over the frictions which naturally occur between the military and civilian arms of administration in a Bosnia or Kosovo. It would be a regressive step to reverse the innovative arrangements for ESDP adopted by the Helsinki European Council in December 1999 by removing from the EUHR the authority over the EUMS which he now shares with the Military Committee.

The Situation Centre (SitCen), where intelligence from member states is shared and assessed, should ideally also be in the EAS, but there is validity in the contrary argument that since the SitCen also covers justice and home affairs, it should not be under the exclusive control of the EUHR.

From the Commission, the EAS will include the staff from the Directorate-General for External Relations and possibly other directorates (the geographical desks of the Enlargement and Development Directorate-Generals), as well as the Commission's existing overseas delegations.

From member states it will include seconded diplomats who should be recruited according to need and ability, not nationality (while a rough national balance is needed, member states must resist the temptation to insist on precise national quotas, which damaged the PU and is all too likely to result in poor-quality staff).

The headquarters staff will have its own offices (possibly in its own building), and the EUHR/VP and his Cabinet could be located there. It will give policy briefings and advice to the EUHR, service the Council Working Groups and Committees (Committee of Permanent Representatives or Coreper, Political and Security Committee or PSC, Military Committee etc). It will be responsible under the EUHR/VP for the implementation in external relations of the common policies agreed by the Council, as well as by the Commission acting on its own authority.

There is room for serious tension between the EUHR and the new standing President of the European Council who, in addition to his main function of coordinating the work of the European Council, will have responsibility for the EU's external relations 'at his or her level'. With the status that a former head of government has chairing the EU's senior decision-making forum, it will be very tempting for the incumbent to seek to make his mark on the international stage, and he could indeed make a substantial contribution to the EU's effectiveness in contacts at head-of-government level that are not available to the EUHR. Foreign policy in many countries is, after all, increasingly made in many countries, not least in the US, at head of government level. The President of the European Council and the EUHR will

need to manage this very carefully and work very closely together if they are not to undermine each other.

It will be crucial to avoid the creation of a second foreign policy barony to service the President of the European Council. The External Action Service should be responsible, under the authority of the EUHR, for providing foreign policy advice, briefing and other support for this position. The President of the European Council will naturally have his own staff, but they should be few and in his Cabinet/Private Office, not in a parallel and inevitably competing foreign policy bureaucracy. That would be a serious mistake, just when the Lisbon Treaty had succeeded in uniting the two often-conflicting Commission and Council external relations bureaucracies, driving a coach and horses through the intent of the Lisbon Treaty arrangements.

Policy recommendation 3

The EAS should also support the President of the European Council in respect of his foreign policy responsibilities. There should be no alternative and inevitably competing foreign policy bureaucracy.

Managing dual Council and Commission responsibilities

The responsibilities of the EAS headquarters staff will be of different and sometimes not easily reconcilable kinds.

In the first place they will be responsible to the Council for some aspects of their work and to the College of Commissioners for others. In either case they will be responsible through the EUHR, who will have to manage this potential clash of loyalties on his own as also on the External Action Service's behalf. It will be crucial that the staff, whatever their provenance, regard themselves as working for him, and not for their institution or country of origin.

Second, EAS staff will assume the traditional responsibility of the Council Secretariat for servicing working groups and committees in the external relations area, up to and including Coreper, as well as the Foreign Affairs

Council itself. This includes assisting the chairman of the meeting with procedural, tactical and (when wanted) policy advice as well as the administration of the meeting.

Third, EAS staff will take over the chairmanship of many meetings, although it is unclear which. The disappearance of the Presidency in the external relations field and the provision that the EUHR should chair the Foreign Affairs Council and his representative chair the Political and Security Committee leave open the chairmanship of all the other subordinate committees/working groups, including ultimately even Coreper when dealing with external relations. (An interesting question arises over who would chair the Foreign Affairs Council if the EUHR is unavoidably absent, e.g. on important business or just ill. The Presidency, and in its absence the next following Presidency, are removed from the equation by the Treaty, with no provision for a stand-in: a deputy EUHR who was senior enough might be acceptable to ministers.)

The experience of the Economic and Monetary Committee, with its chairman elected from among member state representatives for a period of years, is worth considering. But there is much to be said for the principle that the chair of the meeting should be in the hierarchy managing the policy. In the external relations field, this means officials answerable to the EUHR/VP. Otherwise the advantage of coherence, a primary objective of the reforms, risks being lost.

This would point to the chairmanship of any committees beyond the PSC dealing with external relations generally, and CFSP and ESDP in particular, being held by the EAS. One problem is that Coreper has a responsibility to ensure coherence in EU policies across the board – i.e. much wider than just external relations. The general assumption during the planning work on the constitutional treaty was therefore that the rotating Presidency would continue to be responsible for chairing Coreper, despite the resulting anomaly that the Presidency would not be responsible for managing either the Council itself or, probably, many of the preparatory working groups.

Whatever the ultimate arrangements, it seems likely that in addition to the existing Secretariat functions of the Council Secretariat in the external relations field, the EAS will have important chairing functions. Attention

will need to be paid to both the quality and quantity of EAS staff available for this purpose, which is different from anything most of them have experience of. Where the chairing and servicing functions remain divided, there will be plenty of room for slips between cup and lip, and that therefore places a premium on first-class coordination between the Presidency chairing Coreper or working groups and the EUHR chairing the Foreign Affairs Council and PSC.

Where the EAS chairs meetings, should the Commission continue to be separately represented, as it always has been, at all meetings of the Council and its subordinate bodies/groups? It could be argued that this is superfluous since the EAS chair will now cover the Commission's external relations responsibilities. It could, however, be argued against this that the EAS chair is taking over the former Presidency function, from which the Commission function is quite different.

As a practical matter it would probably be a mistake to overload the chair with discharging the Commission's responsibilities. Moreover the tradition has always been for both the Commission and the country from which the Presidency chair is drawn to have separate representation in meetings. The purpose of this is to allow the chair to pursue impartially the search for agreement while at the same time allowing for his country's views to be advanced in the discussion. While this can be a bit of a charade, it serves a purpose which has often been useful and will continue to be useful also under the new dispensation. A sensible arrangement in line with these precedents would be to have separate EAS representation at meetings, distinct from both member states and chairman. Its composition would be decided by the EUHR/VP to ensure that the right expertise is present, whether from within the EAS itself or from other relevant parts of the Commission. The EAS chair and the EAS/Commission representative will clearly need to coordinate closely, as Presidencies and their national delegations now have to do.

In terms of organization, the EAS HQ staff must operate as a unified service, dealing in an integrated way with both CFSP and Commission business. To keep CFSP and Commission business organizationally separate would be to vitiate one of the points of the EUHR's

double-hatting (which is not to say that individual officials could not concentrate on one aspect of the desk's responsibilities).

With its mixture of responsibilities and accountability but operating as one entity under one political-level head (EUHR/VP), the External Action Service could not be part either of the Commission or of the Council. It is out of the question that it should be a new and separate EU institution alongside the Council, Commission, Parliament and Court of Justice. The obvious answer is to make it an Agency, analogous for example to the European Defence Agency, managing itself but with ties to both Council and Commission administrations. The devil, as always, will be in the detail, not least since it would make little sense to replicate in a relatively small agency the administrative and budgetary expertise of the Commission if they can be drawn on by the EAS.

Policy recommendation 4

CFSP and Commission business should be handled in an integrated way by EAS geographical desks, which (along with the EAS missions overseas) should be neither in the Council nor in the Commission but in a separate Agency.

Policy recommendation 5

Chairmanship of committees subordinate to the Foreign Affairs Council should be determined pragmatically, but guided where possible by the principle that the chair should be in the hierarchy managing the policy.

EU missions overseas

Under the Lisbon Treaty the Union delegations are specifically to be under the authority of the EUHR and will consist of the existing Commission delegations (plus the two Council Liaison Offices in New York and Geneva, merged with their Commission counterparts). The missions will be headed by ambassadors and staffed according to the needs of the post; for example, there might be a heavy emphasis on aid (developing

countries), foreign and security policy, or both CFSP and aid (some Balkan countries) or multilateral trade (Geneva). EU missions, like those of member states and the existing Commission delegations, will normally be accredited bilaterally to one or more (multiple accreditation) third countries.

It will be for the EUHR to consider whether in some areas of the world regional missions would not be a better way to ensure, for example, the more cost-effective distribution of development assistance. However, a model of regional rather than bilateral representation (as opposed to multiple accreditation, the practice on financial grounds of accrediting an Ambassador in one country – or even the sending country's own capital – to be at the same time non-resident Ambassador in one or more others) is in general an implausible one. Effective Ambassadors need to be local. Regional representation is typically justified where an issue requires shuttle diplomacy between various countries (e.g. the Great Lakes in Africa, the Middle East peace process), and this is best met by the established practice of Special Representatives with a wider remit, themselves drawing on the local EU missions.

There is a temptation for policy-makers at headquarters to conduct their business with third countries through the mission of that third country in Brussels. It saves the trouble of sending instructions and enables policy-makers in Brussels to talk to the diplomats of the third country themselves. This is largely what happens now, with the result that the Commission's delegations are often uninstructed. But the EAS should avoid this, learning from the experience of countries (including notably the US) which actively use their own embassies abroad to conduct their business. There is no substitute for getting at the policy-makers in the third country directly, and using overseas missions in this way also builds them up in their host country, makes them much better providers of reliable assessment back home, and increases their influence in the field.

Policy recommendation 6

EU missions abroad should be used actively as the instrument for conducting the EU's business with third countries. Special Representatives will continue to be justified where a more regional approach, including shuttle diplomacy, is needed.

Implications for national diplomatic services

The conversion of Commission delegations into EU missions and the disappearance of the Presidency in external relations have no direct consequences for member states' diplomatic missions in third countries and certainly do not mean that they will disappear or be superseded by the EU missions. It will be up to member states, in the future as in the past, to decide for themselves what, and what size, missions to retain. They will continue to make their own calculation of whether their political, commercial, consular, cultural or whatever interests make it worth having an embassy in a particular country.

The Lisbon Treaty requires the EAS to 'work in co-operation with the diplomatic services of the Member States'. Nowhere will this requirement be more obvious than in third countries in which member states as well as the EU have missions. The new EU missions, with foreign policy/CFSP responsibilities, will assume an importance which the old Commission delegations in most cases have not had (although in some cases such as pre-accession countries the Commission delegations are of particular importance).

This will go well beyond inheriting the existing coordinating role of the Presidency among member state embassies, in implementation of the obligation to produce joint reports and assessments for Brussels. Where the EUHR is engaged in active diplomacy on behalf of the EU, the EU mission will act for him in third countries involved. Because of this, and because the EU will typically have more to say on trade and aid than member state embassies, the EU Ambassador will often (and increasingly) become the most important European representative there, negotiating with the third country across the whole range of issues which have hitherto fallen separately to the Commission delegation on the one hand and the Presidency on the other. This is all to the good: it will be a consequence of the EU being a more effective international actor than individual member states, which is the whole point of the CFSP. It underlines the importance of high-quality personnel.

The increasing influence and effectiveness of a successful EAS will undoubtedly be seen by some national

diplomats (and, no doubt, national politicians too) as a threat. They will see it as reducing their own relative status as representatives (and even foreign ministers) of member states. It will be important that these inevitable nay-saying instincts be countered. If the EU is to have the effective foreign policy which all member states profess to want, then it is important that it has the instruments to achieve that. It will thus be strongly in the interests of all member states, including the larger ones with strong bilateral missions abroad, to help build up the EAS, whether by seconding good personnel, sharing information and facilities or other cooperation in Brussels and in the field.

There is often misunderstanding about the role of member states once there is an agreed EU common policy, and a mistaken belief that national voices and roles are thereby silenced or superseded. This is not the case. Member states then have an obligation to act in accordance with and in support of the common policy, not to desist from speaking or acting at all. So the success of EU missions in pursuing common policies does not mean that national embassies will no longer have a role in those areas. On the contrary, their support for agreed EU common policies exploiting their own national influence in the common cause will increase the EU's effectiveness.

The EAS and multilateral organizations

Whereas changes in capitals of third countries stemming from the creation of the EAS should raise few problems with the host country, EU representation in multilateral institutions, notably but not only the UN, will raise significant problems. Typically the EU (actually legally still the European Community, represented by the Commission), as a non-state, cannot be a member but only an observer, with no right to vote and limited rights to speak (although physically separate, the present Council Liaison Mission in New York is legally part of the Commission Delegation).

At the UN there is no problem about Commission involvement in effect as an equal participant in the many informal negotiations and exchanges. In addition, the Commission has evolved a right to speak and represent

EU views in areas of EU competence, notably trade, in the General Assembly and in the UN's subordinate bodies such as ECOSOC. But preponderantly it is the Presidency, exercising its right as a nation-state, that speaks for the EU, certainly on foreign policy (CFSP) as well as in areas of mixed EU and member state competence. The Presidency is also responsible for internal coordination among the EU member states, the preparation and negotiation with others of draft resolutions etc., and the delivery on behalf of the EU of statements, explanations of vote and so on.

Under the Lisbon Treaty there should clearly be no difficulty over the EU mission's taking over the internal coordination and preparation role and even the informal negotiation with others of such matters as draft resolutions. But with the disappearance of the Presidency there will be a real problem over how the EU makes its voice heard formally in meetings.

Negotiation of a special status for the EU, giving it the rights of a state, would be the solution. But it would be very difficult or maybe impossible to achieve in view of the likely resistance of many other UN members, including on me-too grounds, many with their own collective observer organizations (there are some 70, e.g. the OAU, Arab League). A more evolutionary, pragmatic approach would be to seek to establish conventions rather than rules, for instance by exploiting openings such as the rules which have allowed Javier Solana to address the Security Council. These could be extended to the EU Ambassador with the sponsorship of the two member states that are permanent members (Britain and France), although this would often mean these countries' Ambassadors ceding to him a role they have enjoyed from the UN's earliest days. Equally pragmatically, the EU Ambassador could ask a member state Ambassador to speak for him in the General Assembly. A more problematic solution, but one that obviates the need to seek a change in legal status, would even be for the EU member states to invite the General Assembly to adopt a resolution that effectively gave the EU participation and speaking (but not of course voting) rights. These are difficult legal and politically sensitive matters which the EUHR will need to follow up. What is clear is that the EU representation in New York will need

to be considerably larger than the present Commission delegation.

In NATO too there could be consequences. Unlike in New York, there is no existing Commission delegation, even with observer status. But as the CSDP develops and the authority of the EUHR increases, who speaks for EU common policies in NATO could become an issue, not least because the present organization-to-organization way of conducting business (despite the large overlapping membership) is extraordinarily cumbersome. A right for the EUHR, supported by the EAS, to participate in the North Atlantic Council could represent a natural progression for a successful CSDP; but that is something for the future and would be dependent in particular on US willingness.

The EAS acting for member states

Many of the expectations surrounding the EAS have had less to do with its being an effective instrument assisting the EUHR than with enabling member states to save money by getting the EAS to act for them. Over time individual member states may indeed wish to consider the sense of maintaining their own diplomatic missions in capitals where an EAS mission could do the work for them, thus enabling them to achieve economies. It may not be sensible for 27 EU member states, with common commercial, aid and increasingly foreign policies, to duplicate each other in maintaining far larger numbers of foreign missions and personnel round the world, far more expensively, than the United States.

Smaller member states not represented in many of the countries where the Commission now has delegations, or wanting to make economies, may wish to move relatively rapidly towards a position where the EAS takes over the functions of member state missions. But there are two reasons for caution.

The short-term reason is the need not to complicate what will be a difficult bedding-in of the new EU missions abroad. They will need a period for adaptation as they take on new functions hitherto outside the purview of the Commission delegations which will form the new service's backbone, as it simultaneously assimilates personnel from different sources. The appointment of staff with the best

qualifications to key positions in the EAS, particularly the heads of EU missions, will require time and care. Getting the balance right between personnel with different loyalties, jealousies and relevant experience, not least in foreign policy, from Commission, Council Secretariat and member states will be a big managerial challenge.

Second, the purpose for which the EAS is being created must be given priority. Under the Treaty its stated mission is simply to assist the EUHR/VP. Member states may be tempted – and should resist the temptation – to regard the EAS as their common property, responsible to the Council rather than the EUHR. Member states should not, for example, be able to assume the EAS will automatically act for them in reporting, making representations or preparing their official or ministerial visits in countries where they have chosen not to be represented, and they should not expect to transfer to it, for budgetary or other reasons, non-priority activities which would be to the detriment of the EAS's core purpose.

If only because his success will depend on the support he receives from the member states, the EUHR/VP will be wise to be helpful and to pay attention to what the Council might want. But the EAS must take its instructions only from him and must be able to report to and act for him in a confidential relationship, not one in which everything that it does or reports risks being emptied of content for fear of offending a member state.

So the assumption of responsibilities for member states needs to be gradual and controlled. Many member states will in any case be anxious to maintain their own bilateral embassies. They will have their own entirely legitimate national interests which it is hard to see an EAS representing, notably bilateral trade and investment promotion, culture and national aid programmes. Far from undermining the EAS, member state embassies should be seen as reinforcing the influence of the EUHR and the EAS.

While there should be no question (and there is none in the Treaty) of the EAS muscling in on national representations, there will increasingly be areas of common concern in which member states will find it sensible to go beyond coordination of national and EU efforts to having a single representation in third countries for at least some of them. Consular affairs and visas are two areas which have been

identified as a possibility. However, even consular services may not be obvious for some member states which expect (or whose parliaments expect them) to act nationally to rescue their nationals in any emergency.

So the relinquishment of such hitherto national responsibilities to the EAS can only take place voluntarily. There is no reason why it should not be piecemeal, with smaller member states perhaps leading the way, always on the basis that the EUHR accepts the arrangements and has the necessary resources to implement them.

In due course the Council may take the view, and the EUHR agree and be satisfied with the resource implications, that the EAS (and therefore he) should act for some or even all member states in the field, whether in consular or other matters. Meanwhile it will remain for member states to decide in their own interest where to have diplomatic missions, and whether to readjust their representation in the light of the existence of EU missions.

Policy recommendation 7

The assumption by the EAS and its missions abroad of functions on behalf of member states should be gradual, voluntary and only with the agreement of the EUHR/VP that the EAS's primary function of assisting him to run the EU's foreign and security policy is not undermined.

Personnel and training

The success of the EUHR will depend on the quality and acceptability of his proposals and initiatives, his skill in negotiating them and his effectiveness in implementing agreed policies. These in turn will depend greatly on the professionalism of the EAS both centrally and in the field. Member states will only entrust their interests to the EUHR at home, and to EU missions in the field even at the level of political reporting, to the extent that they have confidence. In the field as at head office, therefore, the EAS will need to be of a quality at least as high as member states expect of their own diplomatic services. It will also need to be seen as credible from the beginning.

It is no criticism of existing Commission delegates or delegations, focused as they largely are on aid and trade, that they are generally not suited to the kind of political work for which the EUHR will look to them: they have generally not been required or trained to do it. Suitable Commission and Council officials can clearly be trained over time, but the new EAS will need a strong early and continuing input from member states in terms of capable and qualified personnel.

Member states should have a strong interest in sending some of their brightest and best on perhaps repeated secondments to the new service. This will strengthen the EAS, give the secondees valuable experience to their and their own country's advantage after their secondment and at the same time ensure that their own national cultures and approaches form part of the new service; overall, this should be a win-win situation.

A degree of national balance is clearly needed in the EAS, as in all EU institutions, but even implicit (let alone explicit) national quotas which put balance over quality should be eschewed. The choice cannot be left to the EUHR alone without exposing him to undue pressures and rancour as member states jostle either for advantage, or to offload their own poor performers, in a service which will depend significantly on appointments from national foreign ministries. The kind of thing that must be avoided is a member state expecting to fill a post, with the choice for the EUHR limited to whomever that member state puts forward. A good solution would be an independent panel of respected figures who would sift candidates coming forward from member states, as from the Council Secretariat and Commission, disqualify anybody not up to standard and ensure that the HR chose from a very short list of properly qualified people.

Policy recommendation 8

Priority should be given to ensuring high-quality staff for the EAS, including first-class secondees from member states. To ensure excellence without fear or favour, an independent panel should provide a short list of candidates from which the EUHR/VP can make final choices.

Good training will be crucial. The EAS, notably but not only in missions abroad, will have to hold its own with national diplomats with long experience, which its people from the Commission and Council Secretariat lack. This can be compensated for by national secondments but all these people from disparate backgrounds will need some common precepts to work together for the EUHR/VP. There is therefore a need, and an urgent one, for extensive and intensive training programmes to teach Commission and Council staff about diplomacy and to teach national diplomats about the EU, so that the new service has the necessary mix of skills, including information gathering and processing, lobbying, political reporting, media relations and negotiation.

There is no need, nor indeed time at this stage, for the creation of an EU diplomatic academy which some have mooted.¹² Administrative and diplomatic academies/institutes already exist in many member states with the ability to teach the right expertise if given encouragement and funding. The so-called European Diplomatic Training Initiative has already been launched in a move to bring together all of those institutes that were interested in training the new EAS; it ran one pilot course before the French and Dutch referenda and could be rapidly built on for ambitious training programmes.

Priority also needs to be given to foreign, i.e. non-EU, language training. Although some European languages are widely spoken in other parts of the world, this is by no means universal and the best diplomats tend to have mastered the language of their host country: for example EU ambassadors in Moscow, Cairo, Beijing or Tokyo will be more effective if they can speak good Russian, Arabic, Mandarin or Japanese.

The EAS will almost inevitably be a service based on secondment, rotating its staff in the course of their careers from Commission, Council and member states. People with ambition and an interest in foreign policy will see advantage in the wider experience which working for a time in the EAS will give them, whatever their provenance. If they take to it and it to them, then they can serve in it again, in this way building up continuity of experience (including, importantly, language experience) in representing the EU abroad, and creating synergy and habits of

cooperation between the EAS and national administrations as people move backwards and forwards between them.

Policy recommendation 9

Commission, Council Secretariat and member states should encourage suitable and interested staff to consider secondment to the EAS, often more than once, as career-enhancing. They should release personnel for appropriate training and give priority to getting training programmes going.

Management

The EAS will need to manage itself and its own administrative budget. The import of national diplomats on a significant scale will give rise to tensions, particularly if they are seen to crowd out of plum jobs aspirants from the Commission or Council Secretariat. Managing and masterminding training for personnel seconded from Commission, Council and member states and fitting the right people from these different sources into the needs of the EAS abroad and at home will be challenging. Creating an ethos of loyalty to the EAS rather than the sending institution or country will also present management challenges. Personnel management will thus be a big responsibility.

Whether or not the EAS also becomes responsible for administering the Commission's very large aid programmes for which it will have policy responsibility, considerable budgetary expertise will clearly be needed.

These problems will only be satisfactorily dealt with under strong management. It is no secret that Javier Solana as HR/CFSP and Secretary General of the Council has had no interest in management and has relied on a Deputy Secretary General (Pierre de Boissieu) to manage the Council. The new EUHR/VP will need management of the highest quality for the EAS if it is to cope with these problems as well as inevitably contentious issues such as the budget.

Although the difficulty of integrating staff from different backgrounds into a single coherent service could be an early weakness, their variety should, with good management, become a strength. Staff from Commission, Council and member states will bring to the EAS a wide range of expertise and experience. Cooperation between staff from different EU institutions and member states should build up habits which will make for more effective EU foreign policy. This needs to be fostered.

Policy recommendation 10

The EAS will need strong management and a strong manager to assist the EUHR/VP.

5. Conclusion

The Brussels institutions for managing the EU's external relations have for years been working poorly. This is not just because of inadequate institutional arrangements. More important has been the reluctance of member states to recognize and give enough priority to achieving common policies. But it has been very much harder to overcome this reluctance and achieve results because authority and tasks have been split among a number of different actors with diverging interests and no clear leadership. The Lisbon Treaty reassigns functions and changes the roles of the principal actors so as to remedy these defects, providing for more coherent and effective leadership. In other words, the management of EU foreign and security affairs is at last being made fit-for-purpose.

The transformation into the EAS dealing with CFSP in the Council and EU affairs (Commission competence) in the

Commission, as well as the Commission's (and Council's two) overseas delegations, is an important element in the reforms. Its success will contribute to, as well as depend on, the success of the EU's foreign policy and of the EUHR/VP as an international actor on behalf of the EU.

It will also depend on a good start to then be built on, giving the EAS the credibility to be taken seriously by member states and third countries. Work on the parameters of the EAS was suspended after the French and Dutch referenda in 2005. It has, by mutual understanding, not been resumed to avoid its becoming an issue in domestic debates over the ratification of the Lisbon Treaty. This is despite a Declaration made at the time the Treaty was signed mandating the Secretary-General, the High Representative, the Commission and the member states to begin preparatory work on the EAS as soon as the Treaty had been signed.¹³ The postponement will put the work under considerable time pressure. This must not be allowed to result in decisions undermining the long-term effectiveness of the service, for example in making initial appointments.

Success will not come easily, since it will depend on the determination both of the actors in Brussels to overcome difficulties still inherent in the new arrangements and, above all, on the political will of member states to have common policies. It will be up to them to make good use of the new arrangements provided for in the Treaty.

Notes

- 1 Chris Patten, *Not Quite the Diplomat* (London: Allen Lane, 2005), p. 156.
- 2 *Eurobarometer* survey, Autumn 2007, p. 73:
http://ec.europa.eu/public_opinion/archives/eb/eb68/eb68_first_en.pdf.
- 3 Desmond Dinan, in *Ever Closer Union: An Introduction to European Integration*, 2nd edition (Basingstoke: Palgrave, 1999), p. 508. Dinan provides a useful, if somewhat critical account, of the evolution of EU foreign policy.
- 4 Though housed in the General Secretariat building, it was headed by a senior diplomat seconded from a member state and responsible to the Presidency, not to the Secretary General of the Council.
- 5 Compounded when Commission Heads of Delegation began increasingly to be called EU Ambassadors, which they were not.
- 6 For example to the Balkans, where one – in Skopje – is (uniquely) also the Commission's Head of Delegation.
- 7 For convenience this report will refer to the EUHR/VP where the High Representative for Foreign Affairs and Security Policy acts in his double-hatted role, and EUHR or VP respectively where he acts preponderantly in his Council or Commission role.
- 8 New Article 13a of the Treaty on European Union.
- 9 The non-partisan Project on National Security Reform – see: <http://www.pnsr.org/80/>.
- 10 New Article 9E of the Treaty on European Union.
- 11 Progress Report to the European Council on the European External Action Service, June 2005, doc. no. 9956/05.
- 12 The European Parliament proposed this idea in 1999 and the Council initially adopted it but later retreated. See Jorg Monar, 'The Case for a European Diplomatic Academy': <http://campus.diplomacy.edu/lms/pool/Trigona/European.htm>.
- 13 Declaration on Article 13a of the Treaty on European Union.

