Chapter 4

The European External Action Service: Can a New Institution Improve the Coherence of the EU Foreign Policy?

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Introduction

The Treaty of Lisbon created the post of High Representative of the Union for Foreign Affairs and Security Policy (HR/VP). Furthermore, Article 27 of the Treaty of Lisbon states that the High Representative 'shall be assisted by a European External Action Service (EEAS). This service shall work in cooperation with the diplomatic services of the member states and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the member states. The organization and functioning of the European External Action Service shall be established by a decision of the Council'. This Decision was approved by the EU Council on 26 July 2010.[1]

The establishment of a permanent secretariat, separate from the existing European Union (EU) institutions, to better coordinate the interests of the member states is not a new idea in the field of EU foreign policy, and particularly of Common Foreign and Security Policy (CFSP). In 1972, French President Pompidou already proposed an autonomous 'thinking secretariat', based in Paris, to be responsible for the then European Political Cooperation (EPC) set up outside the existing treaties in 1970 (Glaesner 1994). The integrationist countries of the Benelux opposed the proposal, because they saw a strong challenge for the Commission's powers. Fifteen years later, on 1 July 1987, the Single European Act established the first permanent EPC Secretariat. It was located inside the Secretariat General (SG) of the Council, with a budget provided partly by the Commission and partly by the member states. The EPC Secretariat was served by a small staff and played a limited role vis-à-vis the member states but also the Commission (Nuttall 1992). The EPC Secretariat disappeared in 1992 when the Treaty of Maastricht transformed the EPC into the CFSP. The coordination of the

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1 EU Council (2010) Council Decision 2010/417/EU of 26 July 2010 establishing the organization and functioning of the EEAS, Official Journal of the European Union, L. 201, 3 August 2010.

then 'second pillar' of the Treaty was again devoted to the member states rotating presidencies in connection with the SG of the Council. The latter got an increased role when the Treaty of Amsterdam decided, in December 1999, that the Secretary General of the Council, Javier Solana, became also the High Representative for Foreign Affairs and Security Policy.

The Convention on the Future of Europe launched again, in February 2002, the idea of a permanent secretariat. The Treaty establishing a Constitution for Europe proposed an EEAS to assist the new European Minister of Foreign Affairs who should also become the Vice-President of the Commission responsible for all aspects of the EU foreign policy. The rejection of the Constitutional Treaty after the negative referendums in France and the Netherlands, in 2005, did not change the perspective to set up a permanent secretariat. The proposal on the EEAS remained the same in the Treaty of Lisbon, except that it was not to serve a European Minister for Foreign Affairs anymore, but a High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission (HR/VP) under the British insistence to avoid the term 'minister'. Catherine Ashton, the appointed HR/VP, started her job on 1 December 2009 and the EEAS its activity, a month later, on 1 January 2010.

This chapter will analyse the EEAS as a bureaucratic institution set up to reduce transaction costs between the multiple actors of the EU foreign policy-making.[2] It will consider the three policy functions that the EEAS assumes: the coordination (both horizontal and vertical) of interests, the circulation of information and the production of new ideas.

Building More Coherence

The literature on EU foreign policy often emphasizes the vital need for coordination in a multi-actors polity. This literature is very often normative and concludes that the many transaction costs between the actors are at the root of a lack of coherence or consistency, which implies a lack of effectiveness of the EU foreign policy (Duke 2006). As Christopher Bickerton points out, this kind of assertion 'equates effectiveness with the institutional centralization typical of modern nation-states' (Bickerton 2011: 172–3) To complete Bickerton's relevant remark, one might add that a large part of the literature largely mythologizes the centrality of states in the shaping of foreign policies. Comparative studies show that states face regular imperatives of fragmentation between the ministries of foreign affairs and other central ministries, as well as between foreign ministries and subnational governments, especially in federal states such as Canada (Nossal, Roussel and Paquin 2007).

2   The term 'institution' is used in this chapter as a concept of political science and not in the sense of the Treaty on the EU that does not recognize the EEAS as an institution of the EU.

The EEAS is at the centre of a coordination function that runs along two axes: horizontally, between the EU member states and the EU institutions that have competences and expertise in the development of EU foreign policy (particularly the Commission); and vertically, between the 27 EU member states which have not relinquished their own national foreign policies.

The *horizontal coordination* between the EEAS and the Commission is the one that involves the most bureaucratic transactions. For example, aid programmes are managed within the European Commission by DEVCO as well as other DGs or services (such as ECHO or FPI), each of these having their own staff in EU Delegations. The policies in cooperation and humanitarian aid must often be coordinated with other aspects of foreign policy, in particular the CFSP, headed by the EEAS. This coordination does not come naturally due to the competition and differentiation that oppose the different actors. Stefan Keukeleire and Arnout Justaert have demonstrated in the case of Congo and Kosovo that 'each EU actor often concentrates on the realization of individual projects without taking into consideration the general scope of the required structural reforms. In the case of policy reforms in Congo, the problematic relationship between the CSDP missions and the Union Delegation resulted in a context where the required coordination was either limited or totally absent' (Keukeleire and Justaert 2012).

This example is just one among many. It demonstrates how the EEAS, which is supposed to ensure horizontal coordination, does not always succeed in facing the Commission DGs. EEAS and Commission officials are thus led to invent new institutional procedures to overcome distrust. The Executive Secretary General of the EEAS and the General Director of DEVCO are working for instance on the establishment of common procedures, aimed at making the working relationships between their officials more fluid. These efforts for a better coordination are politically backed by the HR/VP Catherine Ashton and by the Commissioner Andris Piebalgs in charge of development policy.[3]

The EEAS is also confronted with bureaucratic infighting to ensure the vertical coordination with member states. It has, however, more institutional procedures to ensure that vertical coordination, confirming institutionalist analyses, according to which procedures reduce transaction costs in bureaucratic bargains between multiple actors (Guess and Farnham 2011). The main resource available to the EEAS is the permanent chairmanship of the Council committees in charge of EU foreign policy. Since the entry into force of the Lisbon Treaty, EEAS officials have taken the place of the rotating presidencies at the head of most of the committees and working groups, as the HR/VP chairs all the sessions of the Council on Foreign Affairs, Development, and Defence issues.

In the field of CFSP, the presidency of an influential committee as the Political Security Council (PSC) now belongs to an official of the EEAS, the Swedish diplomat Olof Skoog. This institutional innovation places the EEAS officials at the heart of vertical coordination, which enables them to provide more continuity

3   Interview, French Permanent Representation to the EU, 22 February 2012.

than the rotating presidencies in the past. Member states officials accept the legitimacy of the EEAS permanent chairpersons in Brussels without too much resistance.[4] In the EU Delegations, the Heads of Delegation and their staff also chair coordination meetings between the EU and member states. Because it is institutionalized, the task is well accepted by the bilateral ambassadors, even if they may express some complaints about the low diplomatic skills of some Heads of Mission. There are however specific topics that some member states still refuse to discuss in meetings chaired by the EU Delegations, considering that they must remain within the jurisdiction of rotating presidencies. This is the case for consular cooperation. The British government, through the Foreign Office, is opposed to an Europeanization of consular protection – such as the evacuation of civilians in times of crisis – to avoid operations it does not want to pay for. All meetings related to consular protection therefore remain chaired by the rotating presidencies of the Council, and not by the EEAS, either in Brussels or in the Delegations.[5]

The *vertical coordination* with member states is more difficult within international organizations than on the matter of bilateral diplomacy. A relevant example is the United Nations (UN) system where the EU is not represented in different ways within the specialized institutions. At the World Trade Organization, the EU has the same membership status as its individual member states. Since May 2011, the EU is an observer to the UN General Assembly, while the 27 states are full members.[6] At the UN Security Council, the EU has no representation as such, although the HR/VP is invited to address EU positions, as provided in Article 34 of the Treaty on European Union (Marchesi 2008: 24–6). It is therefore up to the EU Delegations in New York, Geneva and Vienna to chair the committees that coordinate the positions of 27 member states. In New York, the EU Delegation has therefore replaced, since the Lisbon Treaty, the Commission Delegation and the Liaison Office of the EU Council. It organizes some 1,300 meetings a year to reconcile the positions of the member states. Overall, there is a high coherence of the positions of the EU member states at the UN General Assembly. Disagreements are more numerous at the UN Security Council, where interests may diverge on sensitive cases. In June 2011, Germany (non-permanent member) abstained on Resolution 1973, creating a 'no fly zone' and calling for an immediate ceasefire in Libya, while France and the United Kingdom (permanent members) voted for it. Similarly, in October 2011, the vote about the application of Palestine to permanent membership in the UNESCO gave rise to a complete lack of coherence between EU members. France voted yes, Italy and the United Kingdom abstained, and Germany finally voted against (*Le Monde*, 31 October

4   Interviews, French and Swedish Permanent Representations to the EU, 22 February 2012.

5   Interviews EU Delegation in a third country, 2 November 2011; French Permanent Representation to the EU, 22 February 2012.

6   The EU status of observer at the General Assembly is the result of UN Resolution A/65/276 adopted on 3 May 2011.

2011). The enhanced coordination under the permanent presidency of the HR/VP and the EEAS has failed, in these cases, to reconcile the conflicting positions between large member states: the national rationale has prevailed. But besides these grand bargains, there is a majority of issues of far less sensitivity where the EEAS facilitates the coordination of member states' foreign policies, with a logic that remains bureaucratic.

The establishment of the EEAS has also forced the 27 member states to think more about how their positions appear in the statements of the international organizations. Once again, a search for procedure comes after a conflict. The United Kingdom has indeed been blocked in 2011 more than 80 EU declarations at the UN and the OSCE, on the ground that the EU position was mentioned only 'on behalf of the European Union'. Following this conflict, the EU Foreign Affairs Council defined on 22 October 2011 the cases in which the EU position can be expressed either 'on behalf of the EU', or 'on behalf of the EU and its Member States'. The Council Declaration foresees that the choice of these provisions belongs, first, to the EU Heads of Delegation. There are supposed to refer to the central structure of the EEAS in consultation with the Commission, only if a conflict happens at the local coordination level.[7]

The function of coordination builder – horizontal and vertical – is a primary task for the EEAS. It is not very visible, but produces effects in the bureaucratic phase of the EU foreign policy-making. Beyond policy routine (because foreign policy is also about routine), the EEAS has nevertheless no real power to influence the coordination when the issues are highly controversial between the member states. If you consider that a kind of classic separation still exists between 'politics' and 'bureaucracy' in the making of foreign policy, the EEAS is able to influence the second but not the first.

An Information Provider

The ability to circulate information through various networks is an essential function of modern diplomacy (Berridge 2010). Through its headquarters in Brussels, and its network of Delegations, the EEAS is expected to disseminate information to all EU institutions and member states on the activities of third countries and international organizations. The various stakeholders within EU foreign policy do not see the same added value in the information provided by the EEAS. For the European institutions (Commission, EP), the 140 Delegations are a useful source of information on third states' diplomacies and negotiations in international organizations. It is the same for the ministries of foreign affairs of the smaller member states like Estonia and Luxembourg, which have a limited network of bilateral embassies worldwide. However, the big member states like

7   EU Council (2011) Note du Secrétariat Général sur les declarations de l'UE dans les organisations internationales, N° 1591/11, 24 Octobre.

the United Kingdom, Germany and France, which have an extensive network of bilateral embassies, are much less sensitive to the flow of information from the EU Delegations.

Political reporting practices are not yet stabilized within the EEAS. First, the central structures are still struggling to produce regular documents and debriefing for the meetings. EU Delegations learn to do their share of political reporting, as this task was underdeveloped in the former Commission Delegations, except in the major posts such as Washington or Ankara. In this respect, the arrival within the EEAS of national diplomats, used to writing synthetic telegrams on the political situation of a state or a negotiation, is changing the practices. A member of the Corporate Board of the EEAS, a national diplomat himself, points out: 'I see right away by its style whether a report is written by an official from a national department, or whether it is written by an official from the Commission. The first delivers a concise analysis of the political situation in the country of accreditation, while the second will attempt to do so.'[8]

In addition, the EEAS has not yet found a system that allows compatibility in the circulation of reports with the computer systems of the European institutions and the 27 ministries of foreign affairs. In spring 2012, the establishment of a system of encrypted email allowing the secure flow between the various actors remains a topic on the EEAS agenda. These difficulties highlight the constraints characterizing a foreign policy-making with multiple actors who had not been used to routinely exchange their positions.[9]

The function of information provider therefore remains subject to the widespread practice of political reporting. This requirement can be called a 'diplomatization' of an EU institution with new practices modelled on national diplomacies. There is a huge body of literature and case studies about the Europeanization of EU member states policies, even of foreign policies (Wong 2006). In the case of information providing, we can observe quite the opposite process. It is the practices of the European actors which have to adapt to the practices of the member states diplomacies. It is a good example to be cautious about the use and abuse of 'Europeanization' as an unidirectionale transfer of rules and practices from the EU to the member states. It is much more relevant to consider that interactions exist between the EU institutions and the member states institutions and that the influences of one model to the other are working both ways.

Producing Ideas

Since the 1990s, IR scholars have focused more on the special status of ideas in the making of foreign policies. As Judith Goldstein and Robert Keohane write,

8 Interviews, EEAS Brussels, 26 April 2011.
9 With the exception of the COREU system in the field of CFSP (see Bicchi and Carta 2011)

'even if we accept the rationality premise, actions taken by human beings depend on substantive quality of available ideas, since such ideas help to clarify principal and conceptions of causal relationships, and to coordinate individual behavior' (Goldstein and Keohane 1993: 5). One of the questions linked to the creation of the EEAS is its ability to produce original ideas on EU foreign policy, which appear an added value compared to what the national ministries of foreign affairs Commission produce. Expectations within national ministries of foreign affairs regarding the production of ideas by the EEAS are stressed in all interviews. There is a clear link between ideas and legitimization. Examples show that the EEAS Directorates have been able to generate their own ideas on several specific issues. Under the Polish presidency in 2011, the idea of a road map for the neighbourhood policy was launched within the Europe and Central Asia Directorate of the EEAS. Similarly, it is within the Crisis Management and Planning Department that the idea of creating a Regional Maritime Capacity in the Horn of Africa was born in 2012. Member states accepted these proposals.[10] On the other hand, the EEAS has not established itself as the producer of global strategic ideas on the future of the EU foreign policy. One issue that will arise on the agenda will nevertheless be the possible writing by the EEAS of a general report on the security of Europe, similar to that produced in 2003 by Javier Solana. Again, the foreign ministries of some big member states, such as the Quai d'Orsay and the Foreign Office, are not favourable to it, fearing that such an exercise could generate ideas they might not share. No doubt then that there is a contradiction between the intense necessity of compromising in the EU and the possibility to deliver a strategic meta-view of what the EU foreign policy should be.

Finally, the ideas produced by the EEAS are ignored by public opinion in the EU member states. Whereas the HR/VP is the source of numerous press releases, regularly answering questions to the European Parliament either in plenary or before the Foreign Affairs Committee, she is not present in the debates in member states. The linguistic fragmentation of the European public space makes the presence through speeches difficult in general. In addition, the major governments of the member states, which have diplomacies of global ambition, do not want it. Clearly, there is a lack of discursive dimension attached to the production of the ideas generated by the EEAS. This makes a difference between the HR/VP and the national ministries of foreign affairs, which often find a way of spreading their ideas through a discursive activity in their national public spaces. Despite the existence of a HR/VP and an EEAS, the foreign policy of the EU is characterized by a weakness of public discourse from Brussels, while all comparative analyses show that the discourse is an essential dimension to the legitimization of states' foreign policies within the democratic polities (Smouts 1999: 5–15).

10 Interviews, EEAS, 21 and 22 February 2012.

Conclusion

The EEAS is the outcome of a series of political compromises between the EU institutions and the member states rather than the result of a grand design. The creation of the EEAS (which is not the topic of this chapter) can be analysed with the model of bureaucratic politics (Allison and Zelikow 1999). The EEAS's staff members, coming from different administrative cultures, are still in the process of establishing new practices and in search of their own identity.

The EEAS contributes to the coherence of EU foreign policy only within the limits of what is allowed to a bureaucratic body. Its ability to influence the member states' interests through coordination remains limited when politics takes the lead in the debates. The EEAS does not validate then completely the neo-realist model that will assert that the member states dominate every phase of the foreign policy-making. The EEAS can play a role when the process implies the diplomatic bureaucracies. But as the process reaches the level of the ministers or the commissioners, the EEAS is not able to produce any added value in terms of coherence.

The EEAS does have a certain capacity to produce new ideas for the EU foreign policy that can influence the member states and the Commission. However, this capacity is not strategic, in the sense of producing a meta-project of what the EU foreign policy should be. The production of ideas is very sectorial and limited to specific dossiers.

The functional potentialities of the EEAS are not absent in the fields of coordination, information providing and production of strategic ideas, but with clear limits. There is one question for further research: to what extend do these potentialities depend or not on the profile of the HR/VP? Should the member states appoint a personality with a higher political profile than Catherine Ashton, would the EEAS acquire more functional potentialities as politics and strategy are concerned? The answer to that question is not obvious, because the high transaction costs between the various stakeholders of the EU foreign policy can also limit structurally the role of the EEAS, whatever the leadership of the HR/VP is.

Chapter 5

The EEAS and EU Executive Actors within the Foreign Policy-Cycle

Caterina Carta

Abstract

The Treaty of Lisbon provoked a massive reorganization in the field of external relations at the executive and administrative level. Instead of simplifying the institutional structure, this overall reorganization crowded even further the 'leadership table' (Nugent and Rhinard 2011: 13). Within the EU, with different intensity of cooperation, conflict and contamination, a variety of governmental actors share policy responsibilities in the making of foreign policy. This chapter aims to explore the role of executive actors which concur to the EU foreign-policy making by locating them in a simplified policy-cycle model. It is here suggested that this heuristic devise offers a streamlined analytical grid to order a wide cornucopia of actors, processes and political dynamics. The policy-cycle model serves as an simplified device to detect the position of bureaucratic and administrative actors in the policy process; the set of formal and informal procedures that order their interactions; and 'the cumulative effects of the various actors, forces, and institutions that interact in the policy process and therefore shape its outcome(s)' (Werner and Wegrich 2007: 50). In order to introduce EU executive actors' interaction in the making of foreign policy, this chapter presents a simplified cycle based on four main stages: 1) policy initiative; 2) policy formulation; 3) decision-making; and 4) implementation.

Introduction

The Treaty of Lisbon provoked a massive reorganization in the field of external relations at the executive and administrative level (Carta 2012; Duke 2009; Missiroli 2010). Instead of simplifying the institutional structure, this overall reorganization crowded even further the 'leadership table' (Nugent and Rhinard 2011: 13). Within the EU, with different intensity of cooperation, conflict and contamination, a variety of governmental actors share policy responsibilities in the making of foreign policy. This chapter aims to explore the role of executive actors which concur to the EU foreign-policy making by locating them in a simplified policy-cycle model. It is here suggested that this heuristic device offers