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The EU's Diplomatic Architecture: The Mid-term Challenge

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This Policy Paper is the tenth in a series that will be produced by the Jean Monnet Multilateral Research Network on 'The Diplomatic System of the European Union'. The network is centred on three partner institutions: Loughborough University (UK), Katholieke Universiteit Leuven (BE) and Maastricht University (NL). It also brings together colleagues from a wide range of academic institutions within the EU, and includes participants from EU institutions and non-governmental organisations. The aim of the Policy Papers series is to contribute to current debates about the emerging EU system of diplomacy and to identify the key challenges to which the EU's diplomatic system will need to respond in the short and medium term.

The EU's Diplomatic Architecture: The Mid-term Challenge

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Introduction

One year after its launching in December 2010, the debate about the role and functioning of the European External Action Service (EEAS) is more topical than ever. The new Brussels-based European diplomatic service, replete with its multiple delegations around the world, is a milestone in the institutionalisation of EU foreign policy cooperation. But, the hope that the new structures would contribute to a more pro-active, coherent and efficient foreign policy has yet to be realised. Frustrations have run so high that, aside from the press, a number of EU member states have started to openly express concern and criticism about the direction of developments.ⁱ This was most apparent in a letter submitted by the Ministers of Foreign Affairs of twelve countries to the High Representative (HR) highlighting some of the main problems faced by the Service as it approached its first anniversary and making recommendations for further action (8 December 2011).ⁱⁱ

Taking the above-mentioned letter as a starting point, this policy brief elaborates on some of the key challenges and suggests paths for future attention and action. With this in mind, the following issues were identified as priorities for further improvement:

- Strategic direction
- Internal organization of the EEAS
- Relation with the member states
- Inter-institutional relations (with Commission, Council General Secretariat, European Parliament)
- EU Delegations
- The Common Security and Defence Policy (CSDP)

Key Areas for Further Action

1. Strategic Direction

Formally strategic direction in European foreign policy comes from the European Council, with the Council translating the general guidelines into concrete policy decisions. In practice however, priorities are mainly set at the level of the Council. In the pre-Lisbon period, a key role in defining priority areas and objectives in European foreign policy was played by the rotating Presidency. The varying capacity of national capitals to provide direction, their temptation to abuse their term for hobby horses and the impossibility of a long term approach due to the short 6-month period at the helm were important motivations to get rid of the rotating chair in the area of European foreign policy.

In the post-Lisbon era, the hope that the appointment of a long-term chair of the Foreign Affairs Council (FAC) would strengthen EU strategic action has yet to be materialized. This not only has to do with the internal fighting around the design and control of the EEAS but also with the absence of

an overall grand design and the reluctance to make choices. The European Security Strategy goes back to 2003 and any attempts to revise and update it have only shown meager results. In addition the Union seems to have difficulties to make clear choices. By attributing the status of strategic partner to nine different countries, it is clear that the way the EU wants to position itself in the world is still lacking focus and direction.

The September 2010 European Council was a welcome attempt to put the question of the EU's strategic interests and objectives on the agenda but was subsequently side-lined by the financial crisis. The review of six of the strategic partnerships, illustrates the extreme difficulty of balancing interests and values which, ultimately, is a result of the ambivalence about the type of actor the EU wishes to be on the world stage at a time when new powers are emerging and relations with traditional partners such as the United States are under pressure. Hence, the definition of **medium- and long term objectives**, linked to the **mobilization of the required resources** both at the national and European level, should be a top priority.ⁱⁱⁱ This is not only key for the Union's interaction with third countries but also for those in the EU (Brussels, national capitals, EU delegations) formulating and implementing European foreign policy on a day-to-day basis.

2. Internal Organisation of the EEAS

The agreed **organogram** of the new Service looked suspiciously like any Commission Directorate-General – albeit with some superficial differences (Corporate Board, Policy Board, Divisions and Managing-Directors).^{iv} Notwithstanding this, it is apparent that there is still much joining up of boxes to be done. For instance, the precise role of the Policy Board is not immediately apparent (although that of the Corporate Board is more evident). Nor is it apparent how the five geographical divisions and the Global and Multilateral Issues division relate to one another (is a mainstreaming role envisaged for the latter, or are they pools of expertise and advice?). The imported crisis management bodies (the Crisis Management and Planning Directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC) and the EU Military Staff (EUMS) do not obviously relate to the relevant parts of the global and multilateral issues division (see CSDP below). Finally, the Foreign Policy Instruments (FPI) remains oddly in limbo (see Commission below).

Recruitment thus far has been marked by jockeying for senior positions and consequent, and justified, criticism of the low number of senior positions awarded to those from the newer Member States or women. Although much of this is a legacy problem, inherited from DG Relex, it is nevertheless essential that these twin imbalances are addressed if the desired 'buy in' and sense of collective ownership and responsibility is to emerge within the Service.^v Recruitment should, first and foremost, be based on merit, but it is inconceivable that there are so few apparently suitably qualified candidates from the newer Member States or, especially, women.

Many of the initial teething problems stem from the fact that the majority of the staff were transferred into the Service *en masse*, especially from DG Relex. As with any forced transfer, an untold number will find it difficult to adapt and may even resist. In addition to the former Commission and Council Secretariat staff, when one adds in the third component, national diplomats on temporary assignment, the issue of **organisational culture** and differing mind-sets come to the surface. This is one of the most difficult issues facing the Service. Although there are no simple solutions, the potential role that **training** could play in not only providing the necessary knowledge for EEAS officials but also as a means of developing an *esprit de corps* has yet to be fully exploited.^{vi}

3. Relations with the Member States

Relations between the Member States and the EEAS have been tense from the early days of the

service. It was agreed that the officials from the Member States should account for at least thirty per cent of the staff. So far, the HR is far from reaching this benchmark, as was noted in the letter of 12 Foreign Ministers above.^{vii} The national capitals concentrated their efforts in lobbying for senior posts especially in the EU Delegations, where the first appointments were announced in September 2010. The Member States nevertheless remain below the one-third composition at senior level (AD). Further streamlining of the **recruitment process** and further attention to the issues mentioned in the previous section, alongside the willingness of the Member States to forward the best and the brightest, are essential elements in developing the Service.

A second issue of tension between the EEAS and the member states relates to the **procedural aspects**. The PSC, in particular, has signalled that the agenda and key documents were not prepared and circulated in time. This situation has improved after the appointment of the permanent chair, Olof Skoog, and the nomination of permanent chairs of the working groups. Continued close cooperation with the Council General Secretariat should be made a priority.

Relations with the **rotating Presidency** have improved since the difficult transformative period under the Spanish Presidency. Today it is clear that the centre of gravity in CFSP no longer lies with the rotating chair but with the HR and her staff. Ashton has effectively shared the workload with the Foreign Ministers from the country holding the Presidency, e.g. with Radoslaw Sikorski of Poland. The Presidency has though indicated occasional difficulties related to communication with Ashton's cabinet and unclear division of competences. Clear communications and divisions of competences are especially important for those countries assuming the rotating Presidency for the first time.

In the context of third countries and international organisations, the **EU delegations** have assumed the coordinating role of the pre-Lisbon rotating Presidency. The **Embassies** of the Presidency continued representing the EU in countries where there was no EU Delegation, or where it was in transition. No major problems were reported there, in spite of the fact that communication between the delegations and the headquarters are sometimes problematic and the instructions to the Embassies representing the EU are sent through the capitals. Most problems however have been encountered in places where both the EU and the Presidency are present. There seem to be no universal and consistent rules yet regarding how the working relations between the two should be operationalised and much continues to depend upon the personnel on the ground. One particular area of sensitivity that will require careful thought and handling is in the area of **consular affairs** and the extent to which specific sub-categories might be handled by the EU delegations. From the EU side this raises the question of human and financial resources.

4. Inter-institutional Relations

European Commission

Relations between the EEAS and the various parts of the Commission with an external relations mandate have yet to be fully defined. The hope that the 'dual hatted' High Representative/Vice President of the Commission would provide the critical link have proven over-ambitious thus far (undoubtedly, due to the consuming effort of establishing the Service). The establishment of a new group of External Relations Commissioners on 22 April 2010 only provides a partial answer to the **coordination puzzle**.^{viii} At lower levels it is not yet apparent how coordination takes place, most notably with DG Trade who has traditionally kept its distance from the EEAS.

One of the most important issues standing between the EEAS and the Commission relates to the **programming of financial instruments**, notably DG Development and Cooperation (DevCo) who represents the largest financial interests in EU external action. This quickly became the 'ground zero' for the new EEAS and the relevant parts of the Commission since it was, in essence, about

the strategic direction and policy input into the use of the EU's external funding instruments. The full involvement of the EEAS is logical since, in David O'Sullivan's words, 'the objective of integrating foreign policy instruments is to harness all the tools we have –diplomacy, political engagement, development assistance, civil and military crisis management—in support of conflict prevention and poverty reduction, security and stability, and the promotion of human rights worldwide.'^x Full consultation within the EEAS and between the Service and the Commission is essential if the desired linkage between policy and instruments is to be attained. This will imply closer attention to the role of the EEAS as a **service** to those institutions involved in EU external relations and not as a competitor for institutional space and attention. In this regard, the *sui generis* status of the EEAS could be an advantage, especially if it allows the Service to act as a 'policy entrepreneur.'^x

Finally, the somewhat **anomalous position of the FPI** is worthy of mention. The FPI is a Commission department operating within the EEAS managing programmes such as the Instrument for Stability (IfS) which, as noted, is shared between the EEAS and the Commission with the former providing strategic guidance and the latter deploying the funding instruments. This illustrates a potential design flaw of the EEAS whereby strategy and policy run the risk of being largely bifurcated from the primary financial instruments – just like CFSP pre-Lisbon.

Council General Secretariat

Since the creation of the EEAS, the Policy Unit and most of the staff of the (pre-Lisbon) DG E ('External Economic Relations and Politico-Military Affairs') have been transferred to the EEAS. The EUMS, the staff of Directorates VIII and IX have all joined the crisis management section of the EEAS and are now under the overall responsibility of the HR. The remaining staff dealing with trade and development have been integrated in a new DG K (Foreign Affairs, Enlargement, Humanitarian Aid and Civil Protection). The creation of the EEAS means that in the field of foreign policy the Secretariat is back to a purely **supportive role** of secretarial assistance (distribution of agenda's and documents, taking notes, providing minutes etc.). Anything related to content is now done by the EEAS.

Initially there was even some reticence on behalf the HR and the EEAS to let the Secretariat play its role but this has now been settled. Within DG K, there is a special unit in charge of supporting the preparations and the conduct of the Foreign Affairs Council (FAC) at all levels.

European Parliament

The European Parliament had been actively involved in the debate over the future shape and role of the EEAS from the very start. It has achieved only a limited and rather symbolic victory when the decision was made that nominations for senior appointments will attend hearings prior to dispatch.^{xi} The EP also lost in the final battle over the shape of the new service in which Brok and Verhofstadt, in particular, envisaged far close ties with the Commission. Still, the Parliament has a potentially strong political tool in the form of **budgetary control**, including operational spending. It is debatable whether accountability and transparency in foreign and security affairs have actually been improved by the Lisbon Treaty. The recent disappearance of the Western European Union (WEU), along with its Parliamentary Assembly, may well **increase the demand for more EP involvement** as well as a stronger role for **national parliaments**.

5. EU Delegations

Currently, the EU has 137 Delegations around the World, in third countries and at international organizations.^{xii} At this moment the delegations are nominally EU delegations, but in many cases the delegations have yet to **catch up with the implications of the extra duties** implied in terms of adequate expertise, staffing and resources. As noted, the initial rounds for the appointment of Heads of Delegations (HoDs) sparked intense lobbying and bargaining between the Member States with subsequent recriminations about under-representation on the part of the newer EU members.

On the ground, the **HoD is often overburdened** with day-to-day management, without apparent ways of delegating some of his/her duties and, in particular, especially when it comes to financial responsibilities. The heavy administrative burden and key staff shortages may also hinder the ability of senior delegation staff to engage in public outreach. This is all the more important when there are clear expectations in several regions of the world that greater engagement with civil society is necessary.

The role of the delegations is also hindered by a level of **mistrust between the delegations and the Embassies of the Member States**. In some quarters, the creation of the EU delegations and the EEAS has been portrayed as an ominous portent of 'competence creep.' If the EU Delegations are to become meaningful political actors on the ground, they are in urgent need of more strategic guidance and prioritisation from headquarters, sufficient staffing and resources and support from the Member States.

6. CSDP

On paper the EEAS provided the potential to link up the disparate aspects of conflict prevention, crisis management and peace-building, hitherto located in the Commission and the Council Secretariat. The appointment of Agostino Miozzo as the **Managing Director for Crisis Response and Operational Coordination**, at the end of 2010 was designed to ensure 'the streamlined and effective co-operation within the EAS of the various crisis management and response structures, notably the CMPD, the CPCC, the EUMS and the Situation Centre.'^{xiii}

In this regard the first year of the EEAS has seen some tentative progress. The creation of the **Crisis Management Board (CMB)** links together the High Representative, the Executive Secretary-General (Pierre Vimont) and Miozzo, who may then establish a Crisis Management Platform, bringing together all of the relevant stakeholders from within the EEAS, as well as the Commission and the Council Secretariat. The Platform was activated four times in 2011. A **Situation Room** provides 24/7 worldwide monitoring, situation awareness and service for the delegations, Special Representatives and CSDP missions.

To Ashton, this represents a 'significant upgrade in the crisis response capabilities of the EEAS'^{xiv}, but it also leaves two outstanding issues. First, how will the peace-building, conflict prevention and mediation aspects housed in the Global and Multilateral Issues division be joined with the crisis management bodies (CMPD, CPCC, EU Military Staff etc.) in a continuum, bearing in mind that conflict prevention remains a fixed priority? Second, and in many ways more important, the main obstacle confronting CSDP remains capabilities. In this regard the role of the **European Defence Agency (EDA)** is paramount. There is a need for stronger promotion of the role of the EDA, especially at a time of financial crisis, the lack of military and civilian wherewithal underpins the need for smarter defence procurement, sharing and joint development.

As a more general point, the role of the remaining two CFSP **agencies** (the European Satellite Agency and the EU Institute for Security Studies) needs to be thought through vis-à-vis the EEAS since the latter, in particular, is in limbo but might usefully be used as a source of policy innovation, fresh thinking and analysis.

Policy Recommendations

In line with the above analysis and in the light of the upcoming mid-term review in 2013, this policy brief proposes the following practical steps:

- In light of the changing international constellations, it is of utmost importance that the European Council, with the support of the HR and her staff gives top priority to the development of a **comprehensive strategy for EU external action which goes beyond the current reviews of strategic partnerships** and reflects of how it will extract both from the European and national levels the necessary resources to communicate and implement that strategy;
- In light of the negative impact of the Commission-dominated mind-set of the EEAS on the relationship with the member states, it is important to move on with the **recruitment** of the national diplomats so that they represent one-third of the staff at AD level as soon as possible. Special attention should be paid to adequate geographical and gender balance within this recruitment process so that the EEAS is more representative of the interests and profiles of all of the national and institutional stakeholders;
- The development of a common European diplomatic identity and an *esprit de corps* is a long-term process that cannot be imposed from above but has to develop incrementally. Initiatives in the field of training can however help to foster the process and forge a common mind-set. It is therefore recommended that the **training strategy** is further refined and operationalized for the benefit of the widest number of staff, including those based in the EU delegations;
- The new diplomatic architecture has increased the complexity and therefore the need for **more transparent and effective coordination** not only within the EEAS but also with the member states and the relevant parts of the Commission at the appropriate levels. Hitherto, too much emphasis has been placed on elite coordination and not enough on coordination at lower levels;
- The **linkage between policy and instruments**, which the EEAS was supposed to embody, needs to be strengthened with a minimum of institutional protectionism, especially in key areas such as development cooperation. This means that the EEAS should stress its role as a *service* and centre of expertise, as well as a centre for strategic and policy innovation. In this context, strategic planning, strategic communication and public diplomacy deserve strengthening, alongside the closer association of the EU-ISS and its transfer to Brussels;
- As representatives of the EU in third countries and international organisations, the **EU delegations** need to receive more **strategic direction** from Brussels. Many of the delegations are suffering from chronic work overload, and lack the necessary expertise, staff and resources to address the extra responsibilities befalling them. The staff therefore need to be expanded and this could be done by more secondment from the EU Member States (in key areas such as security) as well as from the relevant parts of the Commission (for energy, climate change or migration issues, for example). It is also clearly necessary to address the financial responsibilities of the Heads of Delegation and their ability to delegate when necessary;
- In the area of **CSDP**, it is important to continue to join up the different elements of a comprehensive approach between conflict prevention, crisis management and peace-building, and to promote the role of the EDA which is key to the future of the policy area.

Closer linkages with the delegations would also be desirable as sources of information and support (via dedicated security specialists in the relevant delegations).

ⁱ See for example the comments of the (former) Belgian Minister of Foreign Affairs in *Le Soir*, 4 May 2011.

ⁱⁱ ‘Non-paper on the European External Action Service from the Foreign Ministers of Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, The Netherlands, Poland and Sweden.’

ⁱⁱⁱ For a more extensive discussion on the development of a EU strategic diplomacy, see D. Allen and M. Smith (2012), ‘The European Union, Strategic Diplomacy and the BRIC countries, *Policy Paper*. Available at: http://dseu.lboro.ac.uk/Documents/Policy_Papers/

^{iv} Available at http://www.eeas.europa.eu/background/organisation/index_en.htm.

^v See Paul Ivan, *A European External Action Service of the whole Union? Geographical and gender balance among the heads of EU delegations*, European Policy Institutes Network, 2011; and Ryszarda Formuszewicz and Jakub Kumoch, ‘The Practice of Appointing the Heads of Delegations in the Wake of Council Decision on the European External Action Service,’ *Report of the Polish Institute of International Affairs*, Warsaw, August 2010.

^{vi} This point is made in the Joint letter from the Foreign Ministers of Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland and Sweden, to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Commission, Catherine Ashton, 8 December 2011.

^{vii} See footnote 2.

^{viii} The group is chaired by the High Representative and Commission Vice-President Catherine Ashton and is composed of Olli Rehn (economic and monetary affairs), Andris Piebalgs (development), Karel De Gucht (trade), Kristalina Georgieva (international cooperation, humanitarian aid and crisis response) and Stefan Füle (enlargement and neighbourhood policy)

^{ix} Speech, David O’Sullivan, Chief Operating Officer, Setting up the EEAS, IIEA, Dublin, 14 January 2011, at www.eeas.europa.eu/speeches/2011_1201_dos_iiea_en.pdf.

^x Rosa Balfour with Alyson Bailes and Megan Kenna, *The European External Action Service at work: How to improve EU foreign policy*, EPC Issue Paper No.67, January 2012, p.4.

^{xi} For more see: Kolja Raube (2012) The European External Action Service and the European Parliament, *The Hague Journal of Diplomacy*, 7(1): 65-80.

^{xii} For more on the EU delegations post-Lisbon, see: F. Austermann (2012), ‘Towards Embassies for Europe? EU Delegations in the Union’s Diplomatic System’, *Policy Paper 8*. Available at: http://dseu.lboro.ac.uk/Documents/Policy_Papers/DSEU_Policy_Paper08.pdf

^{xiii} EAS Vacancy Notice, Managing Director, Crisis Response and Operational Co-ordination, Vacancy number 11/2010.

^{xiv} *Ibid. Loc cit.*

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Nothing in this paper should be construed as representing the views of any EU or national institution, including those represented in the network itself. For further information about the network and its activities, please visit <http://dseu.lboro.ac.uk>