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External Action Service. Much Ado About Nothing

Stefani Weiss

Bertelsmann Stiftung, Stefani.Weiss@bertelsmann-stiftung.de

The European External Action Service is now a reality, though a genuine common EU foreign policy has receded into the distance. The member states are simply afraid of surrendering their sovereignty in this area. After a seemingly endless debate about the composition of the EEAS, it is now time for some hard thinking in conceptual and strategic terms about how the service can be beneficial for both the member states and the EU as a whole.

The Treaty of Lisbon was supposed to enable the EU to face up to the challenges of the 21st century in the area of foreign and security policy. However, a feeling of despondency is beginning to make itself felt only seven months after it entered into force. Nothing has changed when it comes to the image that the EU is an economic giant and a dwarf in foreign policy terms. Furthermore, as a result of the financial and economic crisis Europe is also on the verge of collapse as a global economic power.

It is thus rather difficult to understand why the EU, in this precarious situation, seems to prefer to engage in debilitating internal strife instead of marshalling its forces in the shape of a new [foreign and](#)

[security policy](#) architecture that might be capable of producing results in the sphere of external policy.

A New Office, But No New Dynamism

The important institutional innovations of the Treaty of Lisbon include the office of High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Commission (HR) and the European External Action Service (EEAS), which is under the control of the HR and is supposed to support him in his endeavours. This newly created office

means that in foreign policy the EU will be represented by one person, and not by two, as has hitherto been the case. It combines the posts previously held by Benita Ferrero-Waldner, the Commissioner for External Relations, and Javier Solana, the Council's foreign policy appointee.

At first sight this seems like a good thing. After all, it reduces the number of foreign policy players in the EU who are jockeying for position. There is nonetheless little reason for rejoicing. For in view of the fact that we have the President of the EU, a post also newly created by the Treaty of Lisbon, the President of the Commission with growing ambitions in the field of foreign policy, the commissioners involved in the area of external trade, the 27 member states, the rotating EU Presidency, and the many special envoys, it is clear that there are still enough players out on the field in order to confuse friend and foe alike.

It is of course true that the Treaty of Lisbon has created new offices and institutions, but otherwise everything that is of crucial importance is actually still the same. The EU has not witnessed systemic change. Foreign and security policy continues to be solely in the hands of the member states, and all important decisions still have to be taken unanimously. As a result the dual structure consisting of Council and Commission continues to exist, in which the Council, the organization which represents the member states, is responsible for the Common Foreign and Security Policy (CFSP) and the Common European Security and Defence Policy (CESDP), and at the same time the European Commission is responsible for (in foreign policy terms) the equally important tasks of enlargement and neighbourhood policy, development policy and humanitarian aid, and, last but not least, trade policy.

The new office is a makeshift structure, and perhaps even a deceitful one which tries to disguise the fact that in the Treaty

of Lisbon the member states were unable to reach agreement on whether or not foreign and security policy should be a communitarized task. Their fears of losing sovereignty were so great that it was not even possible to use the term Foreign Minister. Thus the complete title is just as ungainly and clumsy as the new structure. The image of a "double hat" now commonly used to describe it actually conceals what the incumbent is really going to be asked to do. He must simultaneously serve two masters, the Commission and the Council. The two are worlds apart, and they are separated not only by the Rue de la Loi/Wetstraat.

The EEAS forms the substructure for the HR's activities. In analogy to the HR's two "hats," the service will combine under one umbrella those departments for foreign relations which have hitherto been assigned to the Commission (Directorate General RELEX and parts of the Directorate General for Development) and the Council (Policy Unit, Directorate General E, ESDP structures). In addition to this the representative offices which the Commission maintains in more than 135 states in the world are being transferred to the new service to serve as its future outposts. It is also taking over the EU representations at international organizations. Up to a third of the staff of the EEAS (in addition to civil servants from the Council and the Commission) will consist of diplomats from the member states, who will have the same rights and duties as their colleagues from the Council and the Commission.

II

Lady Ashton and Her Opponents

Lady Ashton was chosen to be the first incumbent to wear the "double hat." Her central task was to set up, at the behest of the European Council, an establishment plan for the diplomatic service which

comprises the budget, staffing provisions and service regulations. The EEAS enters into force through a unanimous decision of the European Council after coordination with the Commission and consultation with the European Parliament (EP). However, the EEAS can only begin to work after a series of regulations which are required for it to function have been modified. They include the staff regulations for EEAS employees and a budget of its own. Here the EP is on an equal legislative footing with the Council.

Going by the plans drawn up by the [Swedish Presidency](#), the EEAS should already have been in a position to start work in April 2010. That it was not possible to adhere to this timetable is hardly surprising. The provisions in the Treaty are of a very general kind. This means there is room for interpretation, or, to put it another way, this has paved the way for intrigues and power struggles within the EU bureaucracy and between Brussels and the national capitals. Lady Ashton soon became aware of this, and from the very first day came up against opposition from all sides. Since then she has been weathering the storm of the structural tensions between the Council and the Commission that are implicit in her post and in the EEAS. And the EP, the rights of which have been enhanced by the Treaty of Lisbon, has also used the EEAS in order to increase its influence on foreign policy.

III

The Commission. Divide and Rule

President of the Commission Barroso struck the first blow against the EEAS. He alone is responsible for the content of his commissioners' portfolios, and he decided to move the important foreign policy dossier for Neighbourhood Policy from the Commissioner for External Relations, where it had been located in the previous

Commission, to the Commissioner for Enlargement. All those who had thought that the new HR would be able to take over exactly those tasks which had been assigned to the former Commissioner for External Relations had to think again. In fact what Barroso was telling the member states and the Council was quite unambiguous. The Commission was not and is not prepared to hand over (or in its eyes to surrender) its foreign policy responsibilities to the EEAS. It wants to continue to play an independent role in the EU's foreign relations.

This move was actually frowned upon by some of the most integration-friendly observers. The Commission, unlike the Council, has the advantage of not being subject to the constraints imposed by unanimity. Nevertheless it is not noticeably faster and more flexible in the foreign policy area for which it bears responsibility. It should always be borne in mind that the Commission is a bureaucracy. Thus its foreign policy instruments consist of programmes reminiscent of treaties in which goals and supportive measures are negotiated between it and its third countries and agreed on for longer periods of time. This robs the Commission of the possibility of adopting a different approach on a short-term basis if and when the situation makes it seem apposite, and of reassigning financial assistance or taking it away. Treaty states which do not adhere to the provisions for good governance or trample on human rights do not really have to be afraid that the EU will punish them by withholding aid. For this reason many people had high hopes of the EEAS. There were expectations that it might be able to mark a shift to a greater degree of political management.

However, in the case of non-governmental organizations which are involved in development work, the Commission gained broad support for its attempts to shield its dossiers from the EEAS. In widespread campaigns the NGOs made it clear that

whatever happened they wished to keep development cooperation work separate from the EEAS, and gained many supporters for their views in the EP. Unlike fears that the Commission's bureaucratic approach would deprive the EU of opportunities to exert its influence, these organizations were afraid that via the EEAS and the HR the member states might be tempted to politicize development work and that this would put its real and most important goal, which is to combat poverty, on the back burner.

In the final analysis this conflict is all about a great deal of money and the question of who can disburse it. The Commission spends about **€12 billion** annually on its programmes in the areas of conflict prevention, human rights protection, promotion of democracy and development policy in the broader sense, and this does not include pre-accession assistance and financial support for pre-accession strategies. Compared with this the budget of the Council for the CFSP/CESDP, which amounts to **€250 million** annually, seems rather paltry. Originally the strategic planning for the disbursement of funds for these programmes was to have been assigned to the HR, and in this scheme of things the Commission would merely have been responsible for the implementation of the programmes. The HR was to have been able to decide how much money was going to be spent on what on the basis of the political priorities. This would have been in keeping with the nature of the office and the goal of trying to achieve greater coherence and a strategic use of resources in foreign policy. However, these plans have been jettisoned. Suspicions that the member states might introduce a re-nationalization of the Commission's community programmes by way of the "double hat" were simply too great. The fact that the HR is also Vice President of the Commission and thus duty-bound in Commission matters to apply the Community method was not deemed to offer sufficient protection. For this reason

the EEAS will be carrying out the programming of the appropriate financial instruments at the behest of the Commissioner concerned and under his supervision. Lady Ashton was forced to agree to this. Her far-reaching concessions to the Commission mean that basically the status quo ante has been restored. The HR will only participate in the strategic planning and only become involved in a coordinating capacity. Disputed decisions will be referred to the Commissioners' college. And in any case, the **President of the Commission** will have the final word.

IV

The Council. We Are Simply Better

The Council, which functions as the representative of the member states in Brussels, showed little sign of any willingness to enhance the EU's image as a global player with the help of a compact and efficiently organized EEAS. Calls to dismantle tiresome dual structures in the Council and Commission, and the wish to enhance the EU's voice and external clout have also remained mere lip service.

Lady Ashton was greeted with great scepticism. When all is said and done, she comes from the Commission camp, where, before her appointment to the post of HR, she worked as Commissioner for Trade for almost a year. That she set up her office in the Commission is interpreted as another sign of her predilection for the Commission. Quite a few people turned up their noses at the foreign policy inexperience of their new boss. However, they deliberately seem to be overlooking the fact that it was precisely this lack of experience which made her so attractive for the heads of state and government of the member states. After all, in her case the member states did not have to be afraid that she would eclipse them in the international arena.

Be that as it may, it certainly seemed as if the Council was doing everything in its power to ensure that nothing would change as a result of the forthcoming transfer of the Council departments concerned to the EEAS. In this respect one was not going to be outdone by the Commission. Even before Lady Ashton could present her first personal draft proposals relating to the EEAS, the Council confronted her with a *fait accompli* and unveiled a new Crisis Management and Planning Directorate (CMPD) which combined the Council's civil and military crisis reaction instruments. The Council intends to transfer this directorate to the EEAS as a special unit with its own staff regulations, and also the staff of the Civilian Planning and Conduct Capability (CPCC), the Military Staff of the European Union (EUMS) and the Situation Centre (Sitcen).

These plans, which the Council managed to insert in the [Ashton draft](#) proposals of 25 March 2010, immediately aroused fears in the Commission and the European Parliament that the Community method would no longer apply to the capabilities set up by the Commission in the areas of conflict prevention, crisis reaction and post-conflict peace-building. The Greens in the EP, and with regard to this issue they have the support of most of the other parties, have come out in favour of making the most of the opportunity which the EEAS offers by adopting a modern and comprehensive security policy. They have demanded against ongoing resistance from the Council that the corresponding capabilities of the Commission and the Council should at least be assembled under the umbrella of an EEAS "Peace-building" Directorate General. In the meantime the EP has received from Lady Ashton a declaration that she intends to include a "peace-building" structure of this kind. If the former Council and Commission structures were to be transferred to the diplomatic service unchanged and moreover shielded from one another, the EEAS would not have

convincingly demonstrated why it was better than its predecessors. Creating a new bureaucracy cannot be an end in itself. But as yet it cannot be completely excluded that this is what will actually happen.

V

The Member States: Why and For What Do We Need the EEAS

The report on the EEAS by the Swedish Presidency in October 2009 precisely delineated its structure, composition and working methods, and for this reason most of the heads of state and government seemed to think that after a Yes vote in the Irish referendum the implementation of this plan through a draft resolution by the HR would be a mere formality. After all, the Treaty of Lisbon stated that the European Council would be making the decision and that was that. The member states do not seem to have reckoned with the kinds of resistance that this draft subsequently encountered both in the Commission and the EP. To be fair, they did not exactly devote a great deal of time to the problems of the EEAS. As a result of the financial, economic and latterly the debt and euro crises there have been quite a lot of other and more important items on the agenda.

And on top of everything else the foreign ministers seemed to be slightly offended. After all, they were forced to come to the realization that under the new Lisbon regime they are no longer going to be invited to the prestigious meetings of the European Council. This visibly dampened their enthusiasm when it came to helping the European Foreign and Security Policy to get off the ground.

However, the reasons for the scant interest in the EEAS which was displayed in the

EU capitals go much deeper than offended vanity or fear of the competition to which the EEAS could subject the diplomats of a member state. It is a reflection of the fundamentally ambivalent attitude to the EU's foreign and security policy architecture as introduced by the Treaty of Lisbon. Somehow it seems that in the years of tough and protracted negotiations and the never-ending ratification process it has been forgotten why people wanted this reform in the first place. The fact that Europe can survive in a rapidly changing world only if it finds common responses to increasingly complex challenges has not played a role in the disputes surrounding the EEAS, nor has the fact that China and India, two extremely self-confident countries, are on the brink of decisively changing the balance of power in international relations. The reverse is true. Hitherto the debate about the EEAS has excluded strategic thinking of any kind. How the EEAS has to be structured so that it can serve the interests of the Europeans in the international framework and under what for them are increasingly difficult conditions seems to be of no interest whatsoever. And people are obviously more concerned to protect their own sinecures. A department for strategic planning was included in the organizational chart of the EEAS only as a result of pressure from the EP.

For a long time the only thing that emanated from the German government with regard to the EEAS was a message from the Minister of Foreign Affairs to Lady Ashton which contained a demand for the use of German as an official EEAS language. In the United Kingdom the EEAS, as might have been expected, has few supporters. The British had already made it clear in the Lisbon negotiations that they are not prepared to make the slightest concessions with regard to their sovereignty as it pertains to foreign, security and defence policy questions. The British revised text of the [Ashton proposals](#) was correspondingly uncompromising. A mutual duty to share

information between EEAS embassies and national embassies was deleted, as was the idea of enabling the EEAS to perform consular functions in non-EU states. Here the British prevailed over the smaller member states. In view of their own restricted possibilities, they saw the EEAS as an opportunity on the one hand to save money, and on the other to be able to continue to exert influence in the future. Finally the EEAS creates quite a few new top jobs in the EU delegations throughout the world. It stands to reason that it is more attractive for a Maltese diplomat to be at the head of the EU embassy in China than to be the ambassador of Malta in China. For this reason the smaller countries focused on the question of how it might be possible to prevent the large member states from passing over their diplomats when it came to making appointments. They asked to be given a quorum, though this is something they failed to achieve. However, at their behest the draft resolution contains a remark that the composition of the EEAS should be balanced in geographical terms.

As far as one could see, the French were the only people who were really in favour of the EEAS, and they did what they could to impress their stamp on its structure. Thus the omnipotent Secretary General at the head of the service was obviously inspired by French models. The influence of France could also be discerned in the attempts to transfer the Council's civil and in particular its military crisis reaction structures to the EEAS in largely shielded form. This naturally did not happen for altruistic reasons, since a Frenchwoman is at the head of this structure. Whereas Germany remained largely passive, it was impossible not to gain the impression that the French, to paraphrase Clausewitz, were pursuing European foreign policy in terms of national foreign policy with an admixture of European resources. This suggests that the French will be in favour of the EEAS as long as it is a vehicle for French ambitions.

VI

The EP. Asking Too Much?

The EP entered the fray brandishing a wild card. It is of course true that it merely has to be consulted before a decision is taken to establish the EEAS. But it is on a par with the Council with regard to any legislative amendments that may be required to set up the EEAS. The EP has made use of its right to veto. Thus it was at loggerheads from the very beginning with the member states and to some extent with the Commission with regard to all the important issues. The EP did not want to set up the EEAS as an independent institution with a budget of its own and its own staff regulations, and was in favour of putting it under the aegis of the Commission. Among the players in this game of poker, the EP at least wished to remind all the participants of the final goal of European integration. If one was striving for “an ever closer union among the peoples of Europe,” it meant a progressive [communitarization of foreign and security policy](#).

Another bone of contention is the question of who is permitted to deputize for Lady Ashton. The EP did not like the Secretary General model at the head of the EEAS, and in the draft proposals submitted by Lady Ashton in March it seemed that the EP was going to be fobbed off with one of his deputies who was responsible only for administrative questions. But the EP insisted that in matters to do with the Commission it would only communicate with the corresponding Commissioners as deputies of the HR. In the case of the CFSP/CESDP it called for special appointees on the lines of the German minister of state. The powerful position of the Secretary General was also too much as far as some of the member states were concerned. This post will not include the power to act as a deputy externally. Thus the EP will be getting commissioners, but

not ministers of state. The foreign minister of the incumbent of the rotating presidency, who had already been discarded, is being resuscitated as CFSP deputy.

The guardians of the EP budget were primarily aghast at the prospect of a new mega-bureaucracy with a staff of almost 8,000 and an annual budget of its own of €8 billion which was largely beyond their [control](#). Hitherto only the Commission has been able to implement the EU budget, and in this it is subject to parliamentary control by the EP. For this reason the latter demanded amendments and additional assurances. How national diplomats in the EU delegations, who leave the EEAS after four years, can be held accountable for their actions was one of the most controversial issues. Hitherto every Commission civil servant who is given financial power of attorney has to be specially trained and is personally liable in cases of malfeasance. This does not mean that many millions are currently not being squandered through negligence and fraud. But as a result of the EEAS these losses might be much greater, and press reports about extravagance and embezzlement might start to pile up. Thus the EP had a point when it warned of a further threat to the image of the EU among the electorate. Yet here the EP is fighting an increasingly solitary battle. In the meantime its own image is about to suffer because it is holding up the EEAS. The Commission and the member states wanted to use the creation of the EEAS to demonstrate that they are certainly capable of taking action. For this reason there was mounting pressure on the EP to terminate its opposition, and it seems likely that the Belgian Presidency, which begins in July, will no longer - at least as regards the main decision - have to worry about the EEAS.

The tug-of-war surrounding the EEAS lasted for seven months, and no one really [came out on top](#). It is true, of course, that the Commission gave nothing away, but it

has not been able to prove that another bout of bureaucracy in the area of foreign policy is good for Europe, and presumably will not be able to prove it either. The EP wanted a great deal, and it wanted the right kind of things, and managed to get its way in certain areas. However, the EP's central demand, which was that the EEAS should be assigned to the Commission, was clearly asking for too much, especially since it was easy to blame it for the delays.

In the member states the foreign ministries themselves have been consigned more and more to the sidelines and the heads of state and government have taken things into their own hands. But they seem to be farther away than ever from embracing the EEAS. Yet that would be a significant precondition if it is going to be a success. But on the other hand they have not managed to show how each acting on his own can still make a difference in the international arena. It is clearly a drawback that when the EEAS was introduced, conceptual and strategic ideas on how the service can be beneficial for both the member states and the EU as a whole were not deemed to be important.

There is no mission statement. Whether the service will tend to place the emphasis on classical diplomacy or whether it will pursue new and more comprehensive approaches in which diplomacy, development and security are included in an overall context and topics such as climate change are included, continues to be an unanswered question.

At the moment all that remains is the hope that the EEAS will have the effect of a large socialization structure. Since Commission civil servants, Council civil servants and national diplomats will be forced to work together under one roof in the EEAS, the differences which are still so noticeable today, and the question of where someone comes from and to whom he has to be loyal, may in the long term be overcome to make way for a European esprit de corps. It remains to be seen whether the Europeans still have enough time for this to happen.

Responsible

Bertelsmann Stiftung
 Carl Bertelsmann Straße 256
 D-33311 Gütersloh
www.bertelsmann-stiftung.de/spotlight

Dr. Dominik Hierlemann
dominik.hierlemann@bertelsmann-stiftung.de
 Telefon +49 5241 81 81537

Joachim Fritz-Vannahme
joachim.vannahme@bertelsmann-stiftung.de
 Telefon +49 5241 81 8142

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