

THE EUROPEAN EXTERNAL ACTION SERVICE'S FAULTY WAYS AND CONFIGURATION

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The Lisbon treaty created a new EU Foreign Affairs Chief, the HR for Foreign Affairs and Security Policy who is, at the same time, the Vice-President of the European Commission (EC). The work of the HR/VP is supported by a new diplomatic corps, the European External Action Service (EEAS). These institutional novelties brought about by the Treaty substituted the former mechanism of representation which had conducted European foreign policy during the previous two decades: the HR for Common Foreign and Security Policy (CFSP), the Commissioner responsible for External Relations and the ministers of foreign affairs exercising the rotating Presidency.

The EEAS was imagined as a milestone of a new EU foreign policy, a modern and operational foreign policy service that would help strengthen the EU on the global stage, give it more profile and enable it to lay out its interests and values more efficiently. For this purpose, the EEAS staff brings together forces from the main stakeholders, the EC, the Council and the Member States. The diverse origin of the staff was deemed a critical element for its success and was, therefore, stated in the provisions of the Lisbon Treaty as follows: Art 27(3) of the Treaty on the EU states that the EEAS must be staffed with Commission, General Secretariat of the Council (GSC) officials and diplomats from the Member States.

The organization and functioning of the EEAS was established on a proposal of the HR/VP after consulting the European Parliament and obtaining the consent of the EC on July 26th 2010. Finally, the EEAS became operational on January 1st 2011 with its premises being based in Brussels. The service is home to 140 former Commission delegations which had been handed over to the new structure and upgraded to the status of EU delegations with a broader mandate to represent the interests of the Union.

Today it's been almost four years since its launch and a new institutional cycle is in sight, so we may take a look at the EEAS' development over time. For this purpose, I will brief on the findings of the European Court of Auditors (ECA) that has conducted a thorough assessment of the service's activity since its establishment until December 2013. The observations lie upon the preparatory work conducted by the EU institutions along with the Member States and the EEAS' functioning. Additionally, they came as an answer to **the three questions** raised by the ECA regarding **the adequate preparation for the establishment of the EEAS; the efficient organisation and allocation of resources** and last but not least, regarding **the effective coordination of the EEAS with the Commission and the Member States**.

1. Was the establishment of the EEAS adequately prepared?

In answering the first question, the ECA found out that the establishment of the EEAS was rushed and inadequately prepared, troubled by many constraints and vaguely defined tasks. This was due to the role of the service being decided late and defined in vague terms.

First of all, due to uncertainties regarding the ratification of the Lisbon Treaty, such as the Irish referendum rejecting it, the Member States and EU institutions did little preparatory work prior to setting up the EEAS. As a result, when the Lisbon Treaty entered into force on December 1st 2009, the characteristics of the future service were still under discussion between the Member States, the Commission and the Council.

Secondly, the EU's objectives were not designed in an overarching EU foreign policy strategy, which could have guided the preparatory work. For instance, the latest overarching strategic document is the 2003 European Security Strategy, which, although updated in 2008, does not reflect the evolving geopolitical events that shaped the world; yet, its principles are still considered valid.

In addition, the Council decision in 2010 does not state any objectives for the EEAS, but sets forth its tasks: supporting the HR to fulfil her triple-hatted mandate (conducting the CFSP, presiding over the Foreign Affairs Council and being VP of the EC; assisting the President of the European Council, the President of the Commission and the Commission itself in the exercise of their respective functions in the area of external relations; supporting the diplomatic services of the Member States, the GSC and the Commission, and other institutions and bodies of the Union, in particular the European Parliament and cooperating with them). So, as a result of the Council decision, departments were transferred to the EEAS not on the basis of their expected contribution to the fulfilment of the EEAS' objectives, but according to their activities and administrative positions in the EC or the GSC. Unfortunately, this resulted in the EEAS having no departments dealing with issues of global importance to the EU, such as energy

security or climate change; they had been previously moved to other Commission department upon dissolving the former Directorate-General for External Relations (DG RELEX).

Beside the organisational difficulties, the EEAS faced a number of political and financial problems, as its establishment took place during a time of increasing disorder in the countries affected by the Arab Spring. Instead of developing foreign policy initiatives, the EEAS directed its attention to leading the EU's response to the situation in its Southern neighbourhood and devised, for instance, a new neighbourhood policy. Moreover, with the economic crisis taking its toll on the EU and Member States' national budgets, the Council decided that the establishment of the EEAS should follow the principle of budgetary neutrality, in order to avoid a spending deficit. However, creating a new institution was very costly as the resulting body had to take over tasks previously handled by the rotation presidency, such as chairing some Council working groups, and had to manage the new political duties of the new EU delegations, such as coordinating all EU embassies on the ground.

As I was stating previously, the EEAS is faulty in terms of designing an overarching strategic framework for EU policy and the same goes for an internal strategy. Unfortunately, the EEAS has favoured case-to-case approaches instead of proposing an overarching foreign policy to deal with the EU's strategic partnerships that had been set up long before the service became operational. By doing so, the approach on an ad-hoc basis might not have a clear link with the EU's current foreign policy priorities. What's more, these ad-hoc strategies are the outcome of intense debates between the EEAS, the EU institutions and Member States and it takes some time to be formally adopted by the Commission and promoted by the Council. Thus, this process does not facilitate immediate action.

Furthermore, although an internal strategy plan is lacking, the HR/VP did set three initial priorities in 2011 regarding the setting up of the EEAS as a working institution, the development of the ten existing EU Strategic Partnerships and last, but not least, the strengthening of the European Neighbourhood Policy in response to the Arab Spring. These priorities, in order to be met, needed clear objectives and detailed criteria, but they were never developed. Also, each department of the EEAS plans its own activities; they are not embedded in a comprehensive planning framework and the overall efficiency of the service is slowed down as the tasks and resources do not follow top-level objectives.

2. Were the resources of the EEAS organized efficiently?

Getting on to the second question raised by the ECA, the findings showed that the EU's special representatives are not sufficiently integrated in the EEAS. They represent one of the oldest instruments of the CFSP, being of real use when dealing with crisis or specific tasks on behalf of the EU. Initially, the special representatives had an important role in the coordination of foreign policy between the Council and the Commission, but, however, became dispensable after the establishment of the EEAS. Still, taking into account their special tasks dealing with regional problems and ad-hoc crisis, the EEAS continues to consider them a valuable foreign policy tool.

The problem with the special representatives is their availability, because only half of them (11 in total) are co-located in Brussels and on the premises of the EEAS. Therefore, they are integrated into the service only when performing double-hatted roles as heads of delegations. Further, in the absence of clear procedures, it is left to the discretion of each special representative to decide how to manage coordination with the relevant EEAS department, thus increasing the risk that their actions are inconsistent with other EU activities. A survey conducted by the ECA showed that only half of the heads of delegations considered that they had been adequately informed about the activities of special representatives.

3. Has the EEAS coordinated effectively with the Commission and the Member States?

The third question raised by the ECA has highlighted that the coordination with the EC and the Member States is improving, but is still insufficient for the EEAS to fulfil its potential. When talking about this issue we should take a look at the coordination mechanisms with the EC and the Member States both at headquarter and delegation levels.

First of all, the audit showed that coordination with the EC was partly effective. The EEAS is supposed to contribute towards achieving greater foreign policy consistency with the Commission under the Lisbon Treaty, as the latter retains responsibilities for some external relations areas. The HR, as head of the EEAS and also VP of the EC plays a full part in the Commission decision-making. But, given her double role, she was not able to attend two thirds of the EC meetings, including those with direct or indirect impact on foreign policy. Thus, it is still unclear what the concrete functions of her VP role are, notably when coordinating other commissioners.

At working level, there are different meeting places where the EEAS and the EC coordinate their activities. The ECA report found out that country teams, the intelligence-steering board and the crisis management board meet less frequently than predicted and they do not include all relevant parties. For instance, the EEAS managing directorate responsible for counter-terrorism and development issues, DG Humanitarian Aid and Civil Protection, DG Development and Cooperation - EuropeAid and the special representatives are not represented in the Crisis

Management Board. However, the EEAS and de Commission have established formal working agreements to coordinate their activities, but the networks that facilitate coordination are likely to weaken over time due to the replacement of ex-Commission EEAS staff that is well-connected.

In addition, the establishment of the EEAS as a separate entity increased the number of EU institutions dealing with the same matters and this can make it difficult to agree on an efficient division of labour. For instance, the current architecture raises questions in terms of efficiency and effectiveness as information and responsibilities are scattered over different players. We can see that there are several crisis management divisions, such as the EU Situation Room, the Emergency Response Centre and additional emergency and crisis coordination arrangements (EU-CCA). The situation shows that there is no clear separation of responsibilities between the structures mentioned above in order to moderate the risks of overlaps.

Secondly, the new setup of EU delegations demands more coordination work and its administrative management is less efficient. Delegations have to make a strict distinction between the administrative budgets of the EEAS and the Commission's which has added complexity to the budget preparation and implementation stages. This had negative impact on the efficiency of the delegations as the current setup requires more resources to manage the administrative budget. For instance, there are strict restrictions on which delegation staff can authorize EEAS administrative expenditure and Commission operational expenditure. The sole exception in this situation is the head of delegation who works both for the EEAS and the Commission. However, this has led to situations where nobody is authorized to implement some the most necessary steps of financial transactions. If the head of delegation is absent, no one else can authorize EEAS administrative expenditure.

Thirdly, the ECA findings have shown that the management of delegations is faulty due to the existence of two separate bodies. The EEAS and the Commission coordinate the delegations through EUDEL, a body that meets at both senior and operative levels. At the same time, nevertheless, the EC has a separate forum, COM-DEL, which deals with Commission specific matters.

Last but not least, the EEAS and Member States have not yet fully taken advantage of the potential for synergies between their networks of representation. It is true that the EEAS has established regular meetings with the diplomatic services of the Member States to discuss common interest issues. Still, the co-location of EU delegations and Member States' diplomatic representation is so far very limited and common political reporting is exceptional. Actually, the information flow between the delegations and Member States' embassies remains one way, with the former receiving little information. Therefore, co-location and common political reporting are areas which provide good opportunities for the EEAS to deliver added value.

In conclusion, the ECA audit report on the EEAS' activity since its inception until December 2013, although briefed in this article, has clearly shown that the diplomatic corps is far from being the perfect service to minister the foreign affairs area by the book. However, there is room for improvement and we should hope that this kind of assessments will contribute to solving the organisational, strategic and coordinative issues highlighted in the ECA's report, as well as in this article.

For further information on the topic addressed above, please follow the ECA's integral report here: http://www.eca.europa.eu/Lists/ECADocuments/SR14_11/SR14_11_EN.pdf