

Summary: The Treaty of Lisbon provides for a new foreign minister position, combining the functions of high representative for foreign affairs and security policy, the presidency of the Foreign Affairs Council, and vice president of the European Commission for external relations, supported by the European External Action Service, or EAS. Baroness Catherine Ashton in June 2010 defined the aims of the EAS as achieving greater coherence, effectiveness, and visibility for the EU's foreign policy. Although the EAS is well placed to improve the effectiveness of foreign policy implementation, better policy formulation is confronted with an array of formidable obstacles. It will work best if the member states give it and Ashton their full support, and if Commission services under President Barroso cooperate fully in its task of coordination. Goodwill is, however, not enough. The right structure for the EAS will be crucial. If Ashton is to succeed, she will need to change it, but also learn to delegate significant responsibilities to others rather than succumbing to the illusion that she can indeed master three jobs on her own.

The External Action Service of the European Union – Fit for Purpose?

by *John B. Richardson*

Introduction

The Treaty of Lisbon provides for a new position analogous to that of a foreign minister for the European Union. The person concerned is to combine the functions of high representative for foreign affairs and security policy (previously held by Javier Solana), the Presidency of the Foreign Affairs Council (previously held by the foreign minister of the member state holding the rotating presidency of the Union), and vice president of the European Commission for external relations, previously held by Benita Ferrero-Waldner. The treaty defines the role as follows:

“The High Representative of the Union for Foreign Affairs and Security Policy, who shall chair the Foreign Affairs Council, shall contribute through his [sic] proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the decisions adopted by the European Council and the Council.

The High Representative shall represent the Union for matters relating to the common foreign and security policy. He [sic] shall conduct political dialogue

with third parties on the Union's behalf and shall express the Union's position in international organizations and at international conferences.”

In addition, the Treaty provides for the setting up of a new quasi-institution, the European External Action Service, or EAS. Its role is defined as follows:

“In fulfilling his [sic] mandate, the High Representative shall be assisted by a European External Action Service. 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 expressed aim of these changes can be summed up in the title of the proposals made by Baroness Catherine Ashton (who was appointed to the foreign minister post in November 2009) in June 2010 for the setting up of the EAS: “Europe in the

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World – Some Practical Proposals for Greater Coherence, Effectiveness, and Visibility.”

At a moment when a coherent and effective policy of the European Union towards the current convulsions in the Arab world – on Europe’s doorstep – could not only give it high visibility on the world stage, but also contribute significantly to the direction of historic political change, it seems appropriate to ask how completely these aims are being achieved and whether the EAS is likely to be an effective instrument of EU foreign policy.

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Three questions arise. Is the new setup contributing to the visibility of the EU as an actor on the world stage? Are the new structures likely to increase the effectiveness of the EU’s external actions? And will the EAS lead to better coordination of Europe’s external policies? Within this context, we can also distinguish two aspects: how well is Baroness Ashton doing her job; and is the EAS already fully operational?

Visibility

It has been obvious from the treaty’s entry into force – since minds were concentrated, perhaps for the first time, on what exactly its provisions meant – that Baroness Ashton has been asked to take on an impossible task. No one could possibly be expected to perform functions that had been performed previously by three senior political figures and oversee the establishment of a new EU institution. And yet, each time she is seen to be underperforming in one of the functions, opprobrium is heaped upon her.

In this situation, in which it could be reasonably assumed that she will need to be replaced in each of her functions

two-thirds of the time on average, the only way forward for Ashton is to be able to delegate each of the functions to another person, whenever another function has priority. For such delegation to work, her representative should be clearly working under her authority and should be seen by his/her interlocutors as being an acceptable substitute. The treaty is completely silent on how this should be done, and for the moment it seems that various solutions are being experimented with.

For example, in her function as president of the Foreign Affairs Council, the question arises as to who will deputize for her in chairing it. It seems that when this happens, the function will be performed by the foreign minister of the rotating presidency. Preparations for the Council are handled by COREPER (Committee of Permanent Representatives) II, in which she is represented by Pierre Vimont, the EAS Secretary General.

As president of the Council, she also reports to Parliament on external policy matters. It seems that the preferred solution here is that Commissioner Andris Piebalgs, who takes the Commission seat in the Council, will preside if the subject matter is largely related to global aspects of EU sectoral policy, but if it is largely foreign policy, she has chosen to ask the foreign minister, supported by Pierre Vimont, the secretary-general of the EAS, to stand in for her.

Two things are notable. First, these are new functions for the foreign minister of the rotating presidency to whom the treaty itself now attributes no official role in foreign affairs. Second, this is a recipe for much wrangling over which situation applies, e.g. in a discussion over policy toward China.

In her function as vice president of the Commission, the Commission’s rules provide that she be replaced in formal Commission meetings by her head of cabinet, who can, however, neither speak nor vote. Since Commission meetings are thoroughly prepared beforehand and it seems politically inconceivable that she would be outvoted in her absence, the real question is perhaps who prepares these meetings. This is totally unclear in the current version of the organigram, although the official best qualified to do so would be the chief operating officer, David O’Sullivan, with his enormous experience of the workings of the Commission.

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It is in her function as high representative that the most obvious need for a deputy has recently been most apparent. She has chosen to devote her efforts much more to her two other functions and to the establishment of the EAS than to providing a public face for the Union around the world. No one can doubt that Javier Solana, in his old responsibilities, would have been heavily engaged in shuttle diplomacy in the Arab world as the visible expression of the external action of the Union, and that member state politicians would have been much less eager to express divergent views on the way forward. Yet Ashton has not seized the opportunity to appoint a special representative, who could have been a distinguished former diplomat (as in the case of Frank Wisner, representing U.S. Secretary of State Hilary Clinton), or a current or former EU foreign minister. The appointment of Foreign Ministers as Special Representatives under Ashton's authority would have the additional advantage of giving important roles to Foreign Ministers whose overall function has been downgraded through both treaty change and the increasing presidentialization of national foreign policy. In its absence, the ensuing vacuum is hardly conducive to the visibility of the Union. It is perhaps significant that the current organigram contains no unit charged with servicing special representatives.

This question of deputization is thus the first key point, which will need to be satisfactorily resolved before the new structure can be said to be fully functional.

Coherence

If the result of the changes to date has clearly not been to raise the visibility of the Union, what of the coherence of its policies? Here there are at least three aspects of coherence that need to be addressed: removal of the old duplication on external affairs between the Commission's DG RELEX and the Council Secretariat; coherence between traditional foreign and security affairs and the global affairs linked to Community policies in the fields of agriculture, trade, development, energy, climate change, etc.; and coordination to ensure that member states pursue a coordinated line in their own actions.

A substantial part of Ashton's efforts in her first year had to be devoted to the first of these tasks. Personnel from the Council Secretariat, brought up with member state diplomatic traditions, had to be inserted into the new organigram together with former DG RELEX officials, steeped in the Community tradition. This has not proved easy

and there is not unanimous praise for the solutions found for what was supposed to be more than a cut-and-paste exercise, bringing together units from the old structures. Nevertheless this task has been accomplished and further adjustments will doubtless be made as time goes on.

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The second task is likely to prove much more difficult. It is well known that the Commission and its president José Manuel Barroso, are not altogether happy with the development of the EAS as a competing power structure. The fact that the EAS is not officially an institution of the Union, but a so-called "functionally autonomous body" in fact means that the Commission retains a role in the implementation of foreign affairs budgets, but Ashton's role as vice president of the Commission coordinating the external aspects of "Community" policies has not been much in evidence. She does, of course, have her own "cabinet," her private staff of officials, whose job it is not only to assist her on foreign policy, but also to participate in the meetings of cabinets, which prepare Commission meetings. But the only officials in the EAS who can help her with this task are those in a single unit, tucked away under the managing director of global and multilateral issues.

In this situation, the working groups set up by the EAS may well succeed in integrating contributions from Commis-

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sion DGs when developing, say, strategies towards Russia or China, but the EAS will be much less well placed to influence the overall development of external policies in energy, climate change, or trade.

The third coordination task, achieving a common approach by member states on foreign policy questions, is perhaps even more challenging, since it depends on the willingness of member states to forego their own nuanced line on an important question, in favor of a perhaps more anodyne common line. This is not so much an institutional question as a problem of human nature. The absurdity of 27 heads of government or foreign ministers expressing themselves in multiple variations on the world's political trouble spots on occasions like the ministerial meeting of the UN General Assembly could not be more evident. But which of them is going to be willing to give up his five minutes in the spotlight? And on substance, it is clear that Ashton does not yet command the authority to lead the Council towards common positions, never mind acquiring its acceptance of her striking out on her own when representing the Union, as Solana was sometimes able to do.

Effectiveness

The third aim of the EAS is effectiveness. It is, in fact, likely to be more effective in implementing agreed policies than in bringing them about. It is staffed with many capable officials, now strengthened by astute recruitments of top member state diplomats. It should benefit from the synergies generated by merging Council and Commission staff. And in its actions abroad, the passing of the task of coordinating member states from the rotating presidency to the EU delegations places the latter in a much stronger position to ensure coherence. In this area, there is room for optimism.

Conclusions

As the above discussion shows, the EAS will be confronted with an array of formidable obstacles as it attempts to prove its worth. It will work best if all those within it work well together, if the member states give it and Baroness Ashton their full support, and if Commission services under President Barroso cooperate fully in its task of coordination.

The experience of the workings of the European Community has shown that relying on goodwill is, however, not enough. The creation of the right structures and procedures can greatly facilitate successful outcomes. In this regard, it is doubtful whether the current organigram of the EAS is fully fit for purpose. If by the end of Ashton's mandate, it is judged as successful, it will surely have undergone significant adaptation. And its chief will have demonstrated that she is able after all to delegate significant responsibilities to others and establish the necessary procedures to maintain her authority over them, rather than succumbing to the illusion that she can indeed master three jobs on her own.

About the Author

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