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# The Next High Representative and the EEAS

## Reforming the EU Foreign Policy Structures

*Cathleen Berger and Nicolai von Ondarza*

**In 2014, the ongoing reform of the EU foreign policy structures will enter the next crucial stage: The new appointments of the High Representative and the President of the European Council as well as the follow-up process of the European External Action Service's (EEAS) review open up the opportunity to solve some of the outstanding issues. Chief among these are clarifying the contested relations between the different actors involved in EU foreign policy, strengthening the leadership role of the High Representative within the Commission and integrating central elements such as the European Neighbourhood Policy and the EU Special Representatives in the EEAS. This should also enable the next High Representative to take a more active role in one of the most contested issues of EU foreign policy – the setting of strategic priorities.**

Since the Lisbon Treaty introduced the double-hatted High Representative and the EEAS, the expectations for a more coherent, more efficient and more prevailing leadership in the EU's foreign policy have been severely tested – by the upheavals in the Southern neighbourhood, a resurgent Russia, the negotiations with Iran as well as between Serbia and Kosovo in addition to many other pressing issues. Looking at different leadership functions and various leadership resources, such as legal competences as well as administrative, monetary and personal resources, it becomes evident that the reform process has still a long way to go.

One of the main aims of the Lisbon reforms in the EU's foreign policy set-up has been to streamline leadership structures to enable the High Representative to take forward political and operational initiatives that combine the whole spectrum of EU external relations (Art. 22 II Treaty on European Union). However, two structural challenges have hampered the leadership position of the High Representative/Vice President (HR/VP).

The first challenge is to bridge the gaps between the previous pillars, that is, the mainly economic relations previously located within the supranational pillar of the EU as well as the more intergovernmental Common Foreign and Security Policy (CFSP), including the Common Security and Defence Policy (CSDP). While these two strands of EU external relations are coming together at the ministerial level with the "double hat" of the HR/VP in the Council

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and the Commission, the same is not true for the level of heads of state and government. Here, both the EU treaty and the practice of the last four years has divided responsibilities between the President of the European Council, Herman Van Rompuy, for all questions concerning CFSP/CSDP (Art. 15 VI TEU), and the President of the European Commission, José Manuel Barroso, for all other issues of external representation (Art. 17 I TEU). For instance, both presidents jointly represent the EU at international conferences.

Equally challenging is the fact that there are mixed lines of authority within this triangle. This largely stems from the complicated appointment procedure of the HR/VP, as he or she is appointed by the European Council but requires the consent of the President of the Commission as well as the European Parliament for her role as Commissioner for External Relations. This means that the HR/VP is neither under the political leadership of the President of the European Council nor fully the President of the Commission.

In sum, this leaves ample room for frictions at the top that provide differing – or even opposing – inputs into the EU foreign policy structures. In practice, the coordination between the different EU actors has worked reasonably well, albeit mostly due to personal coordination. On the one hand, Van Rompuy and Barroso have coordinated closely, including relying on single negotiating teams for preparing international summits, for instance in the G20. On the other hand, for major issues of external relations, such as the European Council dedicated to CSDP (December 2013), Van Rompuy delegated the preparatory work to the High Representative. When matters of foreign and security policy became vital, however, such as in the cases of Libya, Egypt and Syria, heads of state and government paid little regard to the work done by the High Representative, often setting the political agenda on a multilateral level among the largest member states.

This strengthened position of the European Council has further contributed to the weakening of national foreign ministries within EU foreign policy structures. The HR/VP, as the only "foreign minister" in the European Council, is therefore in a crucial position: Depending on the resources of the member states, the office should become the "missing link" of EU foreign policy by becoming the voice and agent of national foreign ministries and thereby also strengthening its leadership position in the Foreign Affairs Council.

## Establishing permanent deputies

Another important leadership resource is time. Experience has shown that the many hats of the HR/VP have led to conflicting priorities that are impossible for one individual to reconcile. Often, important meetings taking place simultaneously in Brussels and abroad demanded the HR/VP's personal attention, forcing her to miss crucial events such as meetings of the Middle East Quartet or of EU defence ministers. This is aggravated by the lack of a direct deputy for the HR/VP.

In fact, the current arrangement of external representation remains fragmented. Depending on the policy area, the HR/VP is substituted either by a Commissioner or by the rotating presidency, thus recreating exactly the problem the double-hatted office was meant to solve. Non-papers, a European Parliament resolution and the EEAS review therefore all argue for the introduction of a permanent deputy. The question is how to organise this. Notably, the European Parliament and parts of the member states opt for a political deputy similar to the German model of *"Staatssekretär"*, who would be nominated by the same procedure and is thus accountable to the Parliament and the Council. Yet, such a model would leave the current leadership arrangements *within* the EEAS largely unaffected and merely add an additional post with a leadership role to the EU's foreign policy structure.

The opposing proposition, which is also favoured in the EEAS review, is to have one administrative deputy, akin to the French model of a *"Secrétaire Général"*. Here, the deputy would focus on substituting for the HR/VP in all EU internal affairs, such as in the Commission, in the Parliament or issuing directives to and from the heads of delegations with regard to the negotiation of joint aspects of external action. This administrative deputy would then be accountable to the HR/VP, who would also remain the single voice for the external representation at the ministerial level.

## Organising external relations within the European Commission

A further aim of the double-hatting of the office of the HR/VP was to give her access to the extensive foreign policy instruments of the Commission, for instance with regard to humanitarian assistance or the long-term Stability Instrument. For this, the Lisbon Treaty not only conferred the right of initiative to the HR/VP in matters of CFSP/CSDP, but also explicitly provided for the opportunity to combine a Commission initiative in external relations together with a CFSP action.

In addition to financial resources, this should also enforce joint leadership with other policy areas of the Commission with an external dimension. Among these are trade policy, but also energy and climate policy, humanitarian assistance, development, justice and home affairs, including migration as well as asylum policy. All of these are managed by their own Commissioners with their own political ambitions and significant administrative resources.

In practice, this system severely undermined the HR/VP's ability to effectively use the Commission's extensive external resources as a leadership instrument in her overall role for EU foreign policy. Although Catherine Ashton cooperated closely with individual Commissioners on policy initiatives, such as those regarding the Democratic Republic of Congo and Syria, this cooperation remained the exception rather than the rule. More relevant, the option to combine Commission initiatives with those in CFSP/CSDP remains largely unused.

To strengthen the HR/VP's leadership function, she should therefore be enabled to perform a *binding* coordinating function among the other Commissioners, notably the "Relex group", by way of upgrading her role as the Commission's Vice President.

## Rearranging policy matters: The European Neighbourhood Policy

A core issue for EU foreign policy is the Southern and Eastern neighbourhood. Today, the European Neighbourhood Policy (ENP) is managed in parts, both by the EEAS and the Commission. For instance, ENP meetings are quite frequently hosted in the EU delegations, but the management is divided between the Commission DG and the EEAS. In particular, all financial aspects remain a Commission competence. This creates further frictions while weakening the drive towards combining the ENP with wider foreign policy issues such as security, migration and the fight against terrorism. The HR/VP and the EEAS should therefore take full control of the ENP. This would also facilitate adding a political dimension to the ENP negotiations when necessary – the recent confrontations with the Ukrainian government and Russian pressure against an EU-Ukrainian Association Agreement is a case in point.

Integrating the ENP at the EEAS should only be the first step. Notably, the clarification of reporting lines with regard to trade as well as humanitarian and development aid is very likely to be the next step, as these policies are implemented by the delegations, too. In order to coordinate different policy goals, the HR/VP and the EEAS should be the clearing house for all directives issued to delegations.

This reform process in the form of rearranging the management of policies has undeniably already started; now it needs to be consolidated.

## Integrating the EU Special Representatives

In order to ensure coherence and coordination with the overall EU foreign policy aims, the offices of EU Special Representatives (EUSRs) should also be integrated into the EEAS. There are currently 10 EUSRs who are either responsible for a region, such as the Horn of Africa, the Sahel or Central Asia, or a thematic dimension, such as Human Rights or the Middle East Peace Process. They are nominated by the HR/VP and act as political interfaces for the EU in the regions/topics concerned. Yet, although they report back to the Political and Security Committee as well as to the HR/VP, they are not part of the EEAS structure. Their mandate and budget is therefore not controlled by the European Parliament, thereby diminishing their accountability. Moreover, their political tasks and policy involvement could be better streamlined if they were coordinated and/or developed within the EEAS and its relevant directorates.

## The necessity and impossibility of strategic planning

Finally, an effective leadership of EU foreign policy, in particular with its many different strands, needs to give strategic priorities and guidance. However, ever since the introduction of the seminal European Security Strategy (ESS) of 2003, the EU and its member states have faced the same dilemma: On the one hand, the changing dynamics – both in the immediate European neighbourhood and in wider international security affairs – require a renewal of the basic strategic priorities of EU foreign and security policy. Despite its many benefits, the ESS provides little guidance and few priorities for the EU when dealing with the changes in its Southern neighbourhood, the US pivot towards Asia, the shifting global power balance towards the Asia-Pacific region or the threats and opportunities of cyberspace and robotic warfare. In addition, the ESS focuses mainly on CFSP/CSDP and lacks the necessary integration across EU external relations.

On the other hand, the majority of member states, and indeed the HR/VP, have shied away from reopening the discussion on the major strategic priorities. The predominant argument is that not only would the EU-28 find it hard to reach consensus on an overall strategy, but that unanimous decision-making will lead to a shallow document below the ESS. Even more, critics argue that intensive strategic debate would detract EU attention from the immediate and pressing challenges in the European neighbourhood. To overcome this dilemma, the office of the HR/VP and the EEAS should be empowered to set and communicate strategic priorities. One way would be to task the upcoming HR/VP to develop – within his or her first six months in office – a document laying down the strategic aims and means of EU foreign policy. This should be prepared in close coordination with the relevant players (member states, Parliament, Commission) and used as a "work programme" for the HR/VP in the upcoming legislature.

## Outlook: Applying the lessons learnt

The first term of office for the new Lisbon leadership structure in EU foreign policy was characterised both by the turf wars thrown up by the institutional changes and the sudden upheavals in the European neighbourhood. As with all major structural reforms, the experiences in practice show that there is a clear need for refinement to strengthen and clarify the leadership role of the HR/VP and her EEAS. This concerns, in particular, a clearer relationship to the highest political level, the strengthening of her coordination role within the Commission *vis-à-vis* the ENP and other external policies, as well as a clear need for a direct substitute. Building on the achievements of the establishment of the EEAS, the next HR/VP should be able to take on a more active leadership role in EU foreign policy.



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