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REPORT FOR THE INQUIRY INTO THE EUROPEAN EXTERNAL ACTION SERVICE

EU SUB-COMMITTEE ON EXTERNAL AFFAIRS OF THE HOUSE OF LORDS

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Abstract

The European External Action Service was launched in January 2010 and faces its mid-term strategic review in 2013. This report outlined a number of key deficiencies, but also areas of progress. It concludes by recommending a few areas for reform that could be addressed in the review.

The External Action Service faces two main tasks. On the one hand, it is to represent the European Union abroad as a diplomatic actor, coordinating and harmonizing the various instruments at the disposal of the European Union, namely political, economic, diplomatic, humanitarian, development and military. The second main task is to provide a home for the EU's crisis response and crisis management institutions, policies and instruments. This report will focus on the effectiveness in responding to crisis.

The External Action Service is a new bureaucracy and as such faced many challenges, including political interference, diverging staff culture, weak accountability and oversight mechanisms, as well as lack of independent financial resources. While often a public administration perspective is neglected, such a perspective is important for understanding the shortcomings in the past year. In this regard, the report offers some comments regarding the EEAS as a new institution, refers to the challenge of integrating the EU Delegations and concludes by offering some more general recommendations on future priorities, which the mid-term review could focus on.

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Introduction

The main developments and progress in the Common Security and Defence Policy (CSDP) at the institutional, procedural, normative and capability level were made in the years after its establishment, 1999-2004. In a second period of active review and adaptation from 2006 to 2008 the number of missions increased and mandates became more complex and demanding. At the same time the institutional capacity was still not fully in balance with what seemed like rising demands for European crisis management. However, in the interregnum of implementing the Lisbon Treaty (2008-2011), few major developments have taken place. The European External Action Service (EEAS) was decided upon to address most of these issues, but has so far failed to deliver what it was, perhaps unrealistically, expected to achieve.

The EEAS was formally launched on 1 December 2010, but started to consolidate with the move into the new premises in Spring/summer 2012¹. Interviews with officials confirm their aim to explore the opportunities of using the 'eyes and ears' on the ground by the EU's delegations since early 2012. Yet it is clear that EU Delegations remain distinct from the crisis response and maintain institutional barriers in various conflict situations. The EEAS is, however, a 'service', and far from being an independent institutions with its own decision-making powers. While it is responsible for the strategic allocation in foreign affairs, the Commission and its Foreign Policy Instruments Service is firmly in control of the budget for its instruments. The delegations are a major source of power for the EEAS, but also torn with loyalties to the Commission and member states, depending on the background of its officials. In short, the Service is, not yet fully up to speed. 2013 will therefore be a defining year for the new organisation.

EEAS – staffing and seconded experts

In institutional terms, the EEAS is still very much an evolving animal. Few formal rules, doctrines and operating procedures have been firmly established and a variety of complex and politically sensitive issues remain. This is not

helped by the fact that fights over competency and leadership on different parts of the foreign policy spectrum persist, particularly between the Council and Commission President. The EEAS is meant to integrate staff from diverse backgrounds and institutional cultures, including the Commission (mainly ECHO, RELEX, DEVCO), the Council Secretariat and the 27 member states. Complicating matters further, member states fill EEAS positions on a temporary basis² with 'seconded national experts' (SNEs), adding another layer of differing institutional backgrounds and loyalties (from, inter alia, foreign ministries as well Ministries of Interior and Defence).

The politicization of the EEAS makes career development and prospects for Administrators difficult, as member states will always have an interest to fill higher posts with national officials, hoping to exert more influence in this manner. Apart from issues of career perspectives, this also emphasizes problems of institutional memory preservation and technical expertise. The new function as diplomatic service with rotations to the delegations and headquarters also seems not fully developed, in particular with high vacancy rates for high-risk duty stations, such as DR Congo or Sudan.

An open-ended Journey? Reforming the crisis management structures

The crisis management structures, while formally part of the EEAS are not (yet) fully integrated. Individual units are currently still dispersed among several buildings and are yet still to be moved to the secure Kortenberg 150 building, home of the EU Military Staff.

It is not yet clear what purpose the CSDP structures shall play in the EEAS and it is likely that this will be decided over time, rather than by implementation of a strategy. The internal consolidation of the structures is also a cause of insecurity, as institutional reforms are under discussion. Reform proposals for shortening the CSDP planning and decision-making process are currently under discussion.³ The establishment of the Crisis Response Department – a potentially far-reaching institutional innovation for a more comprehensive management of the EU's rapid

¹ The first officials moved into the new building in February 2012, with the majority having moved over the summer, with completion nearing with the end of 2012.

² Typically, SNEs are seconded for a duration of 2 years, with the possibility for an extension of a further 2 year period.

³ Led by French General Yves de Kermabon

response to acute crises – has also caused considerable friction amongst a variety of actors within the EEAS. Yet, the establishment of new coordinating tools, such as the Crisis Response Platform, are a promising move towards more comprehensive internal cooperation.

Crisis response platform

The crisis response platform is a new development to coordinate EU's operational response to political crises. The main function is to bring together all major institutions involved in crisis management, to exchange information and to provide a quicker alternative to the lengthy planning process for CSDP operations. However, it was also perceived by many as an institutional '*coup d'état*' against existing CSDP structures and institutions. Indeed, the crisis response structure can almost be perceived as a 'mini-CSDP' as one official remarked, with a small roster of experts to be deployed for assessment operations and headed by a strong-minded humanitarian with distaste for lengthy bureaucratic decision-making.

Crisis Management and Planning Directorate (CMPD)

The CMPD is the strategic planning directorate in CSDP, bringing together civilian and military expertise. It engages in long-term questions, such as capacity development, strategic reviews, lessons learned and drawing up concepts and guidelines for operations. It is responsible for the overall goals of the operation, outlined in the Crisis Management Concept.

Civilian Planning and Conduct Capability (CPCC)

The CPCC is the operational arm of CSDP, tasked to oversee and help running the operations in its day-to-day practice. For new operations, it starts with the drafting of the CONOPS and once approved, recruits the Civilian Head of Mission (HoM) and the CPCC and its Civilian Operations Commander supports him to design the OPLAN.

All these structures moved to the EEAS in 2010 and need for clarification persists. For one, it is not clear, who is responsible for bureaucratic oversight of the CSDP structures. The Deputy Secretary-General for Inter-Institutional Affairs Maciej Popowski and former Polish PSC Ambassador was mentioned several times, but this designation seems not yet fully settled.

Secondly, the role of CSDP in the EEAS is not fully developed. Friction continues with the appointment of Agostino Miozzo as Director for Crisis Response and Operational Coordination and the establishment of the Crisis Platform, aiming to bring the Commission and CSDP structures together at one table, informed by the EU Situation Room. Several officials mentioned discussions about reforms but no consensus on the way forward was disclosed.

In the complex and interdependent world of the 21st century the challenges for the European Union are more present than they are visible for European citizens, policy-makers and politicians. They are multiplying, becoming more dynamic and complex. Therefore EU Member States need to be supplemented in their capacity by an independent entity that should ideally bring together the best of what the EU27 has to offer in terms of policies, personnel and ideas to ensure Europe's influence in the world prevails in the 50 years to come.

An optimist might say the EEAS was designed to achieve such ends, ensuring the European Union can be a more effective and coherent global actor. After two years of existence the risk of accepting only a secretarial service helping and assisting EU Member States in their national foreign policy is high. However, the EEAS should not be judged prematurely as a bureaucratic organisation; rather its institutional design should be discussed in the mid-term review to ensure its potential can be used once the financial crisis is averted and it is fully operational, from 2016 onwards.

The following recommendations are based on such an ambitious reading of the EEAS and should give the House of Lords some suggestions on what question it might want to ask for next phase. We have taken the liberty to respond to the questions raised by the EU Sub-Committee on External Affairs of the House of Lords directly. At the end of each paragraph we will list a number of short recommendation and suggest recommendations for consideration.

Has the EEAS been effective in its response to crises? (Question 6)

HR/VP Ashton gives special attention to the need for the EU to be more coherent and effective in responding to both natural disasters and man-made conflicts. Following the uncoordinated response to the Haiti earthquake there seems to be a conscious push towards a more comprehensive and rapid approach to complex crises.

After Haiti, the creation of the Crisis Response and Operational Coordination Department, headed by the Humanitarian Medical Doctor Agostino Miozzo, could represent an important step forward. The declared purpose of the Department is to create crisis response as a flexible instrument that could be used in the first phase of a crisis, after which other instruments, such as CSDP missions, sanctions or development instruments could be used as a more long-term stabilisation device.

The Department and the EU Crisis Platform (which brings together various EEAS crisis response/management structures as well as relevant geographical and horizontal EEAS departments, and the relevant services of the European Commission and the General Secretariat of the EU Council) was first activated in the context of the Libyan crisis.

The second initiative was the establishment of the EU Situation Room. It is the 24/7 situational awareness capability of the European Union, and supposed to be the single point of contact during a crisis.

While it was NATO that ultimately acted militarily and not the EU, some lessons can be learned from Libya. Better coordination between EU Institutions is needed in order to have a prompt mechanism without duplication. The EU Commission needs to be considered as the central actor in this regard. The planned Emergency Response Centre of DG ECHO/MIC and the planned Strategic Analysis and Response Capability of DG HOME in the European Commission are major developments in this respect. They need to be harmonised in a single mechanism coordinated by the EEAS during complex crises. All levels of action (political, operational and information flow) and all stakeholders need to be considered.

Recommendations

The chain of command during crisis needs to be clarified. Who is actually in charge of convening the EU Crisis Platform? Who decides when a crisis occurs and who decides, from the EU perspective, when a crisis is finished and the management of EEAS response should be handed over to the relevant geographical desks for a more long-term approach? These questions are not academic, but have important implications for a coordinated approach.

A clear definition and agreement on the division of labour and lead roles should therefore be reached urgently. The term “response” comes from the humanitarian field, but EEAS and DG ECHO have two different mandates. This distinction needs to be clarified. The need of coordination has to respect mandates, in particular the need of independence of DG ECHO.

Moreover, there is a concrete need for an internal clarification on the mechanisms of all actors during the period when no crisis occurs. Here internal discussions on the meaning and roles of “crisis preparedness” vs. “conflict prevention” have implications for the competences of respective competing EEAS departments.

How well does the EEAS work as an institution? (Question 9)

As a newly formed bureaucracy, the EEAS needs to develop its institutional memory. This needs to be different from a simple sum of different experiences coming from the EU Council, the Commission and Member State diplomatic services. While this process will take time, some urgent initiatives are necessary to facilitate this process.

The EEAS needs to tackle the problem of rotating staff and expertise by integrating its rotation system into its staff development and human resources management. While there is no alternative for a diplomatic service, the culture of staff turnover and rotations every four years can be an obstacle to effectiveness and institutional memory.

To forge a common culture, Baroness Ashton is showing a lack of presence in the EEAS day-by-

day work. The role of the HR/VP is a political role, more than a managerial one. The HR/VP needs to be able to act politically both with member states and abroad, but also to foster a sense of purpose among her staff. For this she urgently needs to be supplemented with a senior manager to deal with all practical details. This role can be a junior commissioner or a civil servant, but the role needs to be clarified. As the situation stands at the moment, her job is an impossible one with too many major decisions placed on her plate.

When used effectively, seconded staff from EU Member States can bring vital added value to the system, by facilitating the informal dialogue between EEAS and capitals. The process of recruiting seconded staff needs to be harmonised between different Member States.

Recommendations

The rotation period needs to be well developed to foster staff development, an effective external action service and promote an institutional memory. Close consultation with Foreign Offices is necessary here to learn from their century-long experiences.

The role of the EEAS Secretary General needs to be reinforced or supplemented by a junior EC Commissioner as Deputy HR.

Recruiting process for Seconded staff needs to be harmonising between EU Member States.

Has the EU created the right number and distribution of Delegations around the world? (Question 13)

The number of EU Delegation is increasing and by now more widely spread than those of any other EU member state. In addition, however, there is a need for reinforcing EU Delegations to regional and sub-regional organisations, which play increasingly important roles in the management of major economic and security issues. The criteria for creating new EU Delegations need to be explicit and agreed by member states. This might include: the number of European citizens present in the country; the number of EU Member States embassies in the country. Less embassies or a high number of exposure could indicate a need for a European Union presence. The trade and economic links are central factors as well, in addition to the risk

of natural disasters or violent conflicts. For this, the EU Delegation need to work more on offering template solutions for consular services, evacuating citizens and offering support. This does not mean that the EU should take on this jobs, but act as repository of knowledge how it could be done and use its experience in coordination to support the most efficient way of organising this.

EU Delegations should play a more active role in defining EU foreign policy. The key role is to act on issues member states feel the need, not on issues that will be blocked afterwards. PSC will play a key role in this respect. For the moment, too much work in the delegations is done in secretarial support of the Commission, Council and EEAS. The delegations are too expensive to not be used.

Recommendations

Clarifying the criteria for opening new EU Delegations;

The capacity of EU Delegations to shape foreign policy once member states issued a priority list needs to be reinforced;

Cost effectiveness in EU Delegation should be a priority, but this includes delegations offering their service where it is most needed and to add the most value; this includes offering template solutions that can flexibly adapted to each country. The role as impartial actor without interest but to coordinate needs to become a key strength.

What should the EEAS need to do over the next three years and what should it prioritise? How can it maximise the influence of Member States and the EU in the future? On which areas should the 2013 review focus? (Question 17)

According to GGI, the previous recommendations should be considered as priority areas for EEAS in the coming years. In particular tying the work of the EEAS more to member states' needs and to coordinate regional and issue-specific strategies is the way forward. For these priorities, terms of reference and clear action plans need to be agreed for each country and adopted by all EU27. The internal turf wars

need to be overcome with common strategies and clear role definitions.

Once internal issues will be solved, the European Union and the EEAS can start looking outside. In this respect priority needs to be given to the relations with other international and regional organisation to avoid duplication and to focus on the EU's strength and comparative advantage. The European Union and EU Member States cannot have the presumption to be the only actor in the picture. Increasingly, they will be marginalised and need to focus on their comparative advantage, to be determined specifically for each country and thematic issue.

The emerging role of other regional groupings should continue to be a priority for EEAS and European Union in general.

Moreover, EEAS needs to fully develop its role as neutral mediator between the European Commission and EU Member States in defining a common foreign and security policy. The creation of a Directorate for Conflict Prevention and Security Policy, underlines the attention of the EEAS and the HR/VP for Conflict Prevention, Peace-building and Mediation issue. Cynically, it should be used to resolve internal turf wars. Similarly, the creation of the Crisis Response Department shows the necessity to act quicker and more decisive in crisis situations. In quiet periods the consensus will need to be forged for such reaction to be feasible. These two directorates should work together in defining a clear set of priorities for EEAS and become models for reform.

A prioritised list of strategic regions for EU is necessary. This list should be incorporated into the work programmes of all EEAS Departments, all DGs of the Commission and be considered by member states as well. For the moment, most departments develop their own strategies and mechanisms for coping. Opening up the discussion to the civil society, Think Tanks and parliamentary scrutiny are necessary and will prove beneficial in the longer term, even if frustrating at first sight. At the same time, the EEAS needs to become more confident and assert itself. It is too expensive to accept a role at the margins of EU foreign and security policy that can be neglected by most EU member states.

We firmly believe that the effectiveness, leadership and level of ambition of the EU's CSDP need to be strengthened. Particular in

comparison to HR Solana, the lack of leadership by Catherine Ashton in CSDP is an important factor for its current period of lowered ambition. As one official described it, with the planning for the operations in the Sahel, RMCB/ EUCAP Horn of Africa and the Airport Security Strengthening mission Juba, South Sudan now ongoing, the CMPD, CPCC, EUMS as well as the relevant committees (CIVCOM, EUMC and PSC) will be kept active in the coming months for implementing the comprehensive approach in coordination with an overarching regional strategy. However, given current budgetary pressures on all member states, disagreements between member states on the use of military force and a general 'mission fatigue' questions still remain about the long-term viability of CSDP.

Overall, the External Action Service and the crisis management structures are largely seen as sufficient to launch and conduct operations. However, action during the start-up phase was dependent on the political will as the EEAS has little independent capacity to push an agenda without its own financial resources and without support from large member states or strong leadership by the High Representative and the Commission.

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