The EEAS at Ten: Reason for a Celebration?

Steven Blockmans * & Ramses A. Wessel **

The tenth anniversary of the creation of the European External Action Service provides an opportune moment to take stock of the role which the Service has played in forging a more coherent, visible and effective EU foreign and security policy. At the same time, it offers a chance to field ideas on how the Union’s foreign policy actors might chart a course to guide the European External Action Service (EEAS) to what could be tumultuous teenage years. This article contextualizes the contributions to this first European Foreign Affairs Review (EFAR) Issue of 2021, which is devoted entirely to an assessment of where the EEAS’ strengths and opportunities lie, and which weaknesses need to be addressed to fit the Service for future purpose.

Keywords: European External Action Service, Common Foreign and Security Policy, esprit de corps, European Commission, Foreign Affairs Council, representation, EU Global Strategy

1 INTRODUCTION

At a time when the EU needs to act as a united international player in order not to become a pawn in the hands of major powers, Member States are struggling to muster the political will to set aside their disagreements and focus on the common interest. A poly-crisis decade and two High Representatives for Foreign Affairs and Security Policy/Vice-Presidents of the European Commission (HR/VPs) on from the entry into force of the Lisbon Treaty, the European External Action Service (EEAS) still suffers from a lack of buy-in and follow-up by the Member States and other parts of the EU administration.

The tenth anniversary of the adoption of Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service¹ and the creation of the EEAS in January 2011 provide an opportune moment to take stock of the role that was played by the Service to forge a more coherent, visible and effective EU foreign policy. At the same time, it offers a chance to field ideas on how the protagonists of EU foreign

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* Director of CEPS (Brussels) and Professor of EU External Relations Law and Governance at the University of Amsterdam. Email: steven.blockmans@ceps.eu

** Professor of European Law and Head of the European and Economic Law Department at the University of Groningen. Email: r.a.wessel@rug.nl

¹ OJ EU 2010 L 201/30.
policy might chart a course ahead to guide the EEAS through what could be tumultuous teenage years. This short article contextualizes the contributions to this first European Foreign Affairs Review (EFAR) Issue of 2021, which is devoted entirely to an assessment of where the EEAS’ strengths and opportunities lie, and which weaknesses need to be addressed to fit the Service for future purpose. As incoming editors, we are thrilled to present the findings from both original empirical and multi-disciplinary research, as well as deep insights gleaned from long years of practice with and within the EU’s administration, by a distinguished and gender-balanced group of (former and present) policymakers, established academics and young talent from across Europe and beyond.

2 A SERVICE IN SEARCH OF A MISSION

The EEAS was set up by way of the above-mentioned 2010 Decision adopted by the Council on the basis of Article 27(3) TEU, the sole provision in the Treaty on European Union (TEU) and Treaty on the Functioning of the EU (TFEU) that deals with the EEAS. Made up of its own central administration and of over 140 EU Delegations (EUDs) in third countries and to international organizations, the Service was conceived as ‘a functionally autonomous body’ of the EU, placed under the authority of the High Representative and separate from the General Secretariat of the Council (GSC) and from the Commission. However, Article 2(2) of the 2010 Council Decision establishes the obligation of the Service to assist the presidents of the European Council and of the Commission respectively, as well as the Commission as a whole, ‘in the exercise of their respective functions in the area of external relations’. This obligation could be read as allowing the actors mentioned to instruct the EEAS, albeit arguably in consultation with the HR/VP. Moreover, it should be recalled that the EEAS staff, particularly the double-hatted Heads of Delegation (HoDs), sometimes operate qua Commission, for instance when acting with delegated powers of budget implementation (Article 8 of the 2010 Council Decision).

While relative, the separate character of the EEAS has been consolidated in practice, at least partly. Originally made of transferred staff from the Commission, the GSC and diplomatic services of the Member States, the body of personnel has become increasingly diversified since the EEAS is able to recruit not only from other institutions and Member States, but also more broadly from academia, think tanks and civil society organizations. Perhaps more symbolically, the EEAS has its own logo and separate headquarters on the Schuman Roundabout in Brussels.\(^\text{3}\)
The tasks assigned to the EEAS are a reflection of those attributed to the HR/VP in Articles 18 and 27 TEU. Article 2 of the 2010 Council Decision creates a mandate of support for the EEAS in relation to the main roles of the High Representative, and without hierarchy between them: conducting the Common Foreign and Security Policy (CFSP), presiding over the Foreign Affairs Council (FAC), and ensuring the coherence of EU external action and representation. During the first ten years of its existence, the EEAS has tried not to trespass on the ‘normal tasks’ of the Commission and the GSC, even if the institutions have at times tried to circle back some of the mandate ‘lost’ to the EEAS at birth. Without a mission assigned to the EEAS, defining its role and position in the EU integration process, it has not always been easy to deal with feelings of institutional entitlement.

Indeed, it is difficult to find a mission letter or any equivalent statement setting out the guidelines for the Service. As emphasized by Pierre Vimont, the first-ever Executive Secretary General of the EEAS in his contribution to this EFAR Issue, the 2010 Council Decision represents an administrative charter, not a political statement. It embodies the details related to the ‘organization and functioning’ of the new Service (i.e. composition, tasks, budget) but stops short of any precision on the political mandate conferred to the diplomatic body. As for the 2016 Global Strategy, it lists the strategic goals for EU external action. In the ensuing implementation reports, the issue of what the EEAS is supposed to be has not been clarified. Without a clear purpose in life, Vimont argues, the EEAS will remain adrift.

Which role is the EEAS expected to play? Should it act as some additional Member State’s Ministry of Foreign Affairs, with full functional and political autonomy? Or should it perform a mere secretarial role, coordinating the actions of the respective EU family members and maintaining the coherence of EU external action? Should it limit itself to being the voice of the Union’s foreign policy, dedicated to simply relaying the common positions agreed by its political masters? Or could it instead pretend to a role akin to that of a policy planning

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5 The very conception of the EEAS triggered fears of both the re-intergovernmentalization/re-natior- nalization of communitarized external policies, and the supranationalization of CFSP/CSDP. Attempts have, for instance, been made by distrustful Member States, through the GSC, to reign in the way some processes were managed/simplified after the creation of the EEAS. A case in point relates to the procedure of signing up to joint statements and other legally non-binding texts, which now involves several stages of approval before a text is issued. See R. Balfour, C. Carta & K. Raik, Conclusions: Adaptation to the EU or the to the Changing Global context, in The European External Action Service and National Foreign Ministries: Convergence or Divergence? 196–208 (R. Balfour, C. Carta & K. Raik eds, Ashgate 2015); and C. Lequesne, EU Foreign Policy Through the Lens of Practice Theory: A Different Approach to the European External Action Service, 50(3) Cooperation & Conflict 351–367 (2015).
6 See the article by S. Biscop (Director of the Europe in the World programme at Egmont Institute).
staff, tasked with thinking out a more innovative diplomacy for the whole Union, based on strong capabilities of creating joint comprehensive situational awareness? These different options have been part of inter-institutional discussions from the start but neither the Member States nor the European Commission have so far had an appetite to make a choice. For lack of a clear decision, the EU diplomatic service has been hesitantly performing one or the other of these roles, depending on the circumstances. In the absence of clarity about the EEAS’ mission mistrust has accumulated among its different interlocutors. It has left the Service without a firm institutional identity and hampered the maturation of an esprit de corps.

3 TRUST AND COOPERATION

Trust within and in the Service has been in rather short supply over the first ten years of the EEAS’ existence. Part of this is due to the three-way composition of the Service ten years ago and the fact that it was developed ‘on a shoe-string’; hard feelings about the amputation of parts of the Commission, Council General Secretariat and Member States’ Ministries of Foreign Affairs (MFAs); an insistence on ‘budget neutrality’ which, due to a lack of resources in terms of both budget and expertise, has saddled the Service with an inferiority complex about its perceived ‘expectations-capabilities gap’; and internal suspicions about the loyalties and different working cultures of staff with different institutional backgrounds. Silos in the organization chart of the EEAS have proved hard to break and split financial and reporting circuits at the level of EUDs have hampered the search for a ‘whole-of-Europe’ approach to external action. Achieving the broad tasks the Service is expected to fulfill indeed hinges on recognition, trust and cooperation from other EU protagonists, particularly the Commission and the Member States, as well as from external partners.

Big ambitions collided with unpropitious circumstances when the EEAS was created. But not all is doom and gloom. Ten years is a short time in any

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7 See the article by Hervé Delphin (Head of Strategic Policy Planning at the EEAS) to this EFAR Issue.
8 See the article by Gerhard Conrad (former Director of INTCEN at the EEAS).
9 See the article by Pierre Vimont (former Executive Secretary General of the EEAS).
10 See the comments by the EEAS’ first Chief Operating Officer David O’Sullivan, Setting up the European External Action Service: Part II, Speech at the IIEA (Dublin 6 Oct. 2011).
11 The Commission’s Secretary General at the time famously sent a parting letter to staff moving on to the EEAS, essentially telling them not to look back. Entry badges were disabled, thus leaving these people stranded outside Commission buildings at a time when EEAS HQ was not yet ready to accommodate them.
12 Preambular point 15 of the 2010 Council Decision.
13 This transpires from reading the annual activity reports of the EEAS.
organization’s lifetime and it is hard to establish and claim one’s own space, to increase trust without improving performance, without strengthening leadership and loyalty. The organization chart has been adapted progressively to remedy some of the EEAS’ design flaws and align the bureaucratic architecture with evolving policy priorities and the structures of the institutions it cooperates with. Rules and practices have been developed to foster trust within (i.e. between different parts and layers inside the EEAS) and in the Service (i.e. outsiders’ trust in the EEAS’ abilities). Arguably, the EEAS has come a long way in gaining trust from its staff. And through its interactions with other protagonists of EU foreign policy, including external partners, the Service has gained some ground in cultivating a sentiment of reliability, credibility and usefulness. The successful transition from Commission delegations to fully-fledged EUDs, in particular, has contributed to diffusing some of the original suspicion and mistrust. As the first port of call for many stakeholders in the field, EUDs have been instrumental in providing unity in external representation at the multilateral level, consistency in political messaging and in improving the perception of the EU around the world, in spite of a decade of crises that have battered the Union’s image. And the young structure has scored policy successes too: in peace mediation (e.g. the ongoing talks between Belgrade and Pristina), the facilitation of the nuclear non-proliferation talks with Iran and the subsequent role as primus inter pares overseeing the implementation of the Joint Comprehensive Plan of Action; the formulation of the 2016 EU Global Strategy, which has received a rolling endorsement among Member States in the

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15 See the contributions on the role of the EEAS in EU climate diplomacy by Katja Biedenkopf (Associate Professor at the University of Leuven) and Franziska Petri (FWO Doctoral Fellow at the University of Leuven), in security and defence by Raluca Csernatoni (Visiting Scholar at Carnegie Europe), in the EU cyber sphere by Dunja Duč (Assistant Professor at the J.J. Strossmayer University of Osijek), and vis-à-vis Africa (security, migration, development aid, trade, etc.) by Andrew Sherriff (Head of the European External Affairs programme at the European Centre for Development Policy Management).

16 See the article on the ‘integrated approach’ by Stefano Tomat (Director of Integrated Approach for Security and Peace at the EEAS), who naturally also ventures outside of the Service’s own confines to join up actors, instruments and budgets.


18 See the article by Mauro Gatti (Assistant Professor of EU Law at the University of Bologna) to this EFAR Issue.

19 See the article by Natalia Chaban (Professor at the University of Canterbury, New Zealand) and Sonia Lucarelli (Professor at the University of Bologna) to this EFAR Issue.

20 See the article by Antje Herrberg (Senior Mediation Advisor at the EEAS) to this EFAR Issue.
(European) Council, and the crafting of the March 2019 Strategic Outlook on China, in which the EU for the first time dons the geopolitical mantle by describing a great power as behaving simultaneously, in different policy areas, as a friend (‘cooperation partner’) and foe (‘systemic rival’).

In its first years of activities, the EEAS has had to navigate the sometimes choppy waters of post-Lisbon inter-institutionalism in order to join up external action policies in one comprehensive approach. The burden of proof rested – and continues to rest – with the EEAS itself. The single biggest challenge in this respect was learning how to support the High Representative in ‘his’ (Treaty language) role as chair of the Foreign Affairs Council (also in its composition as Defence Council and Development Council), a role previously fulfilled by the rotating presidency and the Council secretariat. The latter maintained only its organizational function of facilitating meetings and circulating documents received from the EEAS and the Member States. The HR swiftly took up this function, supported by the EEAS at lower levels of the FAC configuration: within the Political and Security Committee (permanently presided over by the EEAS), and at the level of 15+ Council working groups (CONUN, COHOM, COARM, etc.). This represented a huge change, especially at these lower levels, in the sense that since 1 January 2011 the necessary continuity is provided to personal networking and information trading – the bread and butter of diplomats.

What has been lost in the post-Lisbon era is the six-month burst of enthusiasm, energy and involvement of political leaders, previously spurred by the Ministry of Foreign Affairs of the country assuming the rotating EU Presidency. Indeed, some of the EEAS’ supporting activities which are perceived to have been less successful include the preparation of FAC meetings, agenda-setting, time management of the meetings, and the adoption of newsworthy conclusions. A non-paper circulated by the so-called ‘Copenhagen Nine’ in December 2019, suggested several improvements to the cooperation between the EEAS and MFAs and thus raise both the ‘input’ and ‘throughput legitimacy’ of the HR and his Service. The proposals included the formation of informal core groups composed of Member States and EEAS to prepare options for decision-making by the EU27, allowing more room and time for (controversial) political discussions in the FAC, and making better use of Council conclusions by including operative, follow-up and feedback elements.

21 See Nathalie Tocci, Framing the EU Global Strategy: A Stronger Europe in a Fragile World (Ashgate 2017).
22 JOIN(2019) 5. See the article by Hervé Delphin in this EFAR Issue.
23 Non-paper by Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden on strengthening the EU’s Common Foreign and Security Policy ahead of the informal lunch discussion at the Foreign Affairs Council on 9 Dec. 2019. On file with the authors.
As mentioned above, some of the challenges are inherent to the 2010 Council Decision and the legal dichotomy between the CFSP and other external relations parts of the Treaties, which made the EEAS a turf for battles for power and influence among the institutions and the Member States, revealing deeper trends that have undermined the Service’s ability to meet expectations. Symptomatic of the latter are the tensions and mistrust among the Member States. At the top level, an improvement of the cooperative relationship between the HR/EEAS with the President of the European Council and his office might help in building Member States’ trust in the role played by the High Representative and the Service under this authority.

4 LOOKING AHEAD

Despite its teething problems, over the ten years of its existence, the EEAS has developed into the ‘foreign affairs hub’ that it was intended to be, linking not only different dimensions of the EU’s foreign relations, but also different institutions, as well as internal and external policy fields. Perhaps in contrast to the somewhat critical voices at the time of its establishment, the Service has earned its space as a coherence-building mechanism. The various ‘hats’ the High Representative wears may have seemed impossible to combine at first, but have proven to work quite well in practice. Despite the necessary autonomous standing of the EEAS, the different roles of the High Representative have secured both a good overall working relationship with the Commission and with the Council.

Overall, the work of the EEAS often remains less visible, which is partially due to the behind-the-scenes nature of the diplomatic trade. And despite the well-known critique on the EU’s inability to respond adequately to many foreign policy challenges, the EEAS seems to have proven its value by improving coherence in the ‘back-office’ of the Union’s external action. Looking back at her term of office, former High Representative Mogherini stated the following:

‘The […] assumption that is often presented as a matter of fact is that the EU doesn’t have a Foreign policy and doesn’t ‘speak with one voice’. I have always contested this approach. The purpose is not having one single voice, as the richness of the choir would get lost, but rather keeping the diversity that characterizes twenty-seven different historical and geographical approaches to Foreign and Security Policy, and reaching one single set of policy decisions that can be supported and implemented by all in a coordinated and coherent manner.”

Yet, the reasons that have stymied a successful EU foreign policy to confront mounting challenges and seize international opportunities are many. The increasingly volatile global backdrop, the dismal state of commonality in today’s Foreign Affairs Council, the fact that diplomatic services are losing influence due to the diffusion of (dis)information flows in the digital age,25 the geopolitical aspirations of the European Commission require a strategic and systemic rethink, political initiative, and technical changes to the way foreign policy is ‘done’ in the EU. But to expect Member States to drop their zero-sum gaming and inspire a new sense of direction runs the risk of procrastination. The tenth anniversary of the EEAS presents a good opportunity to re-evaluate the role and functioning of the Service and to see whether it can step out of the present uncertainties and chart a new course for a more efficient and effective European diplomacy. This is precisely what the contributions to this EFAR Issue do.

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