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Strategy, not Bureaucracy

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in the European External Action Service

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The creation of the European External Action Service (EEAS) implies an upheaval for all existing institutions of European foreign policy. However, what could have been an opportunity to orient the Brussels apparatus along strategic goals risks becoming dominated by a bureaucratic logic. The most recent example of this tendency is the announcement, made at the end of June by the EU High Representative for Foreign Affairs and Security Policy, that four of eleven EU Special Representatives (EUSRs) will be abolished.¹ Why Lady Ashton, in an ill-conceived ad hoc decision, wants to get rid of a successful crisis management tool before ensuring an adequate replacement is incomprehensible in the current situation. Instead, the High Representative, in cooperation with the member states, should base the re-orientation of this instrument on well-founded strategic considerations and a clearly defined role for the EUSRs. This would also strengthen the European External Action Service which, following the recent approval of the European Parliament, is finally getting on track.²

The contribution of the EUSRs to European Foreign Policy

The Special Representatives constitute an established and successful instrument of European foreign policy. The first two mandates for the Great Lakes in Africa and for the Middle East Peace Process were awarded in 1996. Meanwhile, eleven EUSRs represent the EU's interests and policy in some 25 countries.³ From the Balkans and Moldova to the Southern Caucasus, from Congo and Sudan to Afghanistan and Central Asia, they act as crisis managers, diplomatic negotiators and political advisers in conflicts relevant for the EU. Their influence on the evolving EU foreign policy worked through different channels: While in the early years, Special Representatives were often mandated because the EU did not have a common policy for a particular conflict region (deployment as a policy *ersatz*), their presence subsequently has obliged the member states to develop precisely such a common policy in order to avoid leaving their representatives without guidance. This policy formulation, in return, receives support from the EUSRs through the provision and assessment of information on the ground as well as vis-à-vis important partner countries. Such support is even

more important given that many small and medium-sized member states do not have a diplomatic presence of their own in all crisis regions. The over 120 delegations of the European Commission, in turn, did not deal with such foreign policy questions before the entry into force of the Lisbon Treaty. It has thus been up to the Special Representatives, through regular reports and policy recommendations, to provide the decision-makers in Brussels – mainly the then-High Representative Javier Solana with his Policy Unit and the member states gathered in the Political and Security Committee (PSC)—with information “made by EU.”⁴

Beyond this role as foreign policy “eyes and ears” of the EU, the Special Representatives have contributed to the coherent development of a European foreign policy system at the operational level. Within the Common Foreign and Security Policy (CFSP) for instance, they form the link between Brussels and the member states on the one side and the EU operations on the ground on the other, which they advise in political questions. Moreover, the Special Representatives acted across pillars, i. e. they created links between CFSP (in what used to be the second pillar) and the EU's external relations dealt with by the Commission in the first pillar. This

was the case both for political questions, such as the inclusion of their activities in Moldova and the Southern Caucasus into the European Neighbourhood Policy, as much as for practical arrangements: Whenever possible, the offices of the Special Representatives on the ground have been combined with the respective European Commission Delegation.

Finally, the EUSRs have established themselves as important interlocutors for third countries and partner organizations. A number of these dispose of their own special representatives for a certain region (as do some of the EU member states). Regardless of whether the other representatives are from states such as the United States or Russia or from international organizations such as the United Nations (UN) or the Organisation for Security and Cooperation in Europe (OSCE), they usually get together in a “friends of” format in order to coordinate international initiatives for conflict resolution. In these groups, the EU Special Representatives meet their respective counterparts on equal terms.

The most well-known example of such a format is the Middle East Quartet, in which representatives of the United States, Russia, the EU and the UN accompany the peace process in the region. Here, through its EUSR, the EU has been speaking with one voice at the envoy level for years. At the principals’ level of the foreign ministers, it is only since the arrival of the double-hatted Lady Ashton that the EU shows a united face. In the past her two predecessors, Javier Solana and Benita Ferrero-Waldner, participated jointly in the sessions.

It is particularly in comparison to the previous rotating presidency that the EUSRs show continuity and can thus establish personal and confidential relations with the actors in their respective region. Moreover, they carry their own weight due to their personal reputation as experienced politicians of a member state or as high-ranking national or European diplomats. This is all the more the case since, being mandated by the 27 foreign ministers in Brussels, they have a bonus compared to the ambassadors on the ground.

Throughout the 14 years of their activity, the EU Special Representatives have thus contributed

significantly to the creation of an active and integrated EU foreign policy in the framework of the Treaties of Maastricht, Amsterdam, and Nice. This contribution was mostly made without much ado and outside the spotlight. Yet, what in the past generally used to be an advantage can now turn into a handicap for the EUSRs, since their work is barely present in the public conscience or even in the member states’ ministries, and little opposition has thus so far been voiced regarding Catherine Ashton’s decision.

Change and Coherence in the set-up of the EEAS

The creation of a European External Action Service, foreseen in the Lisbon Treaty and now agreed upon by the High Representative, the European Commission, the member states and the European Parliament, will also change the framework conditions for the EUSRs. While they used to be able to ensure a consistent performance in their area independently, coherence is now the overarching motto for the entire EEAS, into which the EUSRs accordingly also have to integrate.

The current EU Treaty, in its article 33, foresees the appointment of EUSRs by the Council, on a proposal from the High Representative. Although these are thus formally not part of the EEAS, all those involved in setting up the service are aware that from now on the responsibility for them lies with Lady Ashton. Beyond giving political instructions to them, however, she needs to remove the existing parallel EUSR structures by providing political advice and technical support for the Special Representatives from inside the EEAS.

Finally, the creation of the EEAS is an opportunity to reassess the necessity or the concrete formulation of certain mandates, including the possibility of their expiration. That’s because with the creation of the EEAS, some of the characteristics described above are no longer unique: By transforming the EU representations into delegations, these now cover the entire breadth of EU foreign policy, namely both external relations and the CFSP. The head of this delegation will from now

on assume the role of the presidency, which previously rotated every six months. The once innovative “double hat”—e.g. of the EUSR in Macedonia who simultaneously headed the delegation of the Commission in the country—will now probably often be reduced to a single hat, with the head of the delegation taking over the tasks included in the EUSR’s mandate.

Nevertheless, the abolishment of individual EUSR mandates is not a mere technical procedure, not least because, apart from very few EUSRs in charge of the conflicts in the former Yugoslavia,⁵ no mandate has so far ever been terminated. It is thus all the more crucial to conduct the imminent reorganization on the basis of well-determined criteria and to discuss intentions at the earliest possible moment both with regional and international partners. Otherwise, the withdrawal of an EUSR may very easily be perceived as a lack of interest by the EU in the region in general or in conflict resolution in particular—especially since no conflict has suddenly ended and thus made the presence of an EUSR redundant.

It is precisely this impression of a European disinterest that the High Representative has provoked by her ill-conceived and badly communicated proposal to let the mandates of four special representatives expire. She has so far failed to substantiate her principal argument, according to which the tasks of the special representatives in Macedonia, Moldova, the Southern Caucasus and the Middle East Peace Process could be taken over by the EEAS from autumn onwards. It is particularly worrying that there has apparently been no well-grounded analysis about the future role of the EUSRs in the EU’s foreign policy framework that would serve as a basis for such a decision. Yet, it is only with such groundwork that the EU will be able to live up to its own ambition of becoming a forceful and relevant actor on the international scene following the latest reforms.

Criteria for a strategic use of the EUSRs

Although it is the creation of the EEAS that has triggered the current debate about the Special Rep-

resentatives, the main criterion for the extension or the termination of an existing mandate as well as for the nomination of possible new EUSRs should be the conflict itself. The ongoing tug-of-war in Brussels, however, seems to indicate that institutional and ultimately bureaucratic, possibly also personnel considerations are driving the argument about the EUSRs.

The following criteria should help counter this tendency, offering at the same time a solid basis for future decisions on EUSR mandates. They define under which conditions the nomination of an EUSR is legitimate (also vis-à-vis a high-ranking EEAS diplomat taking over the tasks of previous mandates), which persons could be suited for such a role, and what exactly an EUSR should do.

When the EU should mandate a Special Representative:

- a. In case of a cross-border conflict that threatens to destabilize a region strategically important to the European interest;
- b. When an international “friends of” format is negotiating a conflict resolution and other relevant actors have already nominated special representatives—this way the EU can make its contribution on a par with its partners;
- c. When the EU has long-term interests in the region that go beyond crisis management and thus envisages a years-long engagement with personal continuity rather than a mere week- or month-long presence;
- d. When the conflict is essentially limited to a single country, but the EU disposes of no (or only an insufficient) delegation on the ground (as currently in Kyrgyzstan, for example).

Whom the EU should nominate as Special Representative:

- a. High-ranking personalities from politics and diplomacy, from member states and EU institutions, who bring with them both a good knowledge of the conflict situation on the ground and, importantly, of the Brussels apparatus;
- b. Experienced movers and shapers, who besides the will and the ability to develop their own ini-

tatives also show the readiness to follow instructions from the operational level in Brussels;

- c. Persons who—even more so than was required in the past—can establish rapport and mutual trust with the High Representative, from which the weight of their activity on the ground can be derived.

Which should be the tasks of an EU Special Representative:

- a. Primarily to contribute to an internationally negotiated conflict resolution, i. e. by maintaining political dialogue with the parties and regional actors, facilitating or conducting peace negotiations, supervising political processes such as elections and supporting important processes such as security sector reform (external role);
- b. Besides, to support the respective EU bodies (High Representative, PSC) in policy formulation through regular reports and targeted analysis as well as to co-ordinate EU actors on the ground, e.g. military and civilian operations, reconstruction efforts, and projects to support the rule of law (internal role).

On the basis of these criteria, some of the existing EUSR mandates for a single country could for instance be combined with the function of the respective head of delegation or be absorbed into it, or be transformed into a regional mandate.⁶ While this rule can serve as a first guidance, it should not however function as an automatism. There can be cases—such as the Transnistria conflict, which is supervised by the EUSR for Moldova, but has regional implications—where the local head of delegation would be overwhelmed by the sheer extent of the necessary conflict management when he or she has to assume the overall foreign policy representation in the country.

In principle, some of the existing regional mandates could also be replaced by a high-ranking official in Brussels (e.g. the Middle East Peace Process by the respective head of department in the EEAS). Nevertheless, the nature of the conflict and the format of international crisis management should remain decisive for a possible transfer of an EUSR mandate onto any newly created positions

in the EEAS. After all, an EU official may not have the necessary political format to be able to influence the conflict parties at the highest level or work adequately with other envoys. Furthermore, it is not at all the case that every regional conflict has a corresponding department in Brussels.

Integrating a regional mandate into the competencies of the head of delegation to the largest or most important of the involved states, however, would be more complicated. Not only would this arrangement—besides the individual workload—probably result in arguments over questions of authority with other EU delegation heads in the region. Moreover, being accredited in one of the countries directly concerned, the respective EUSR would also lack the necessary neutrality towards third parties and the regional perspective on the conflict.

Finally, it is true that one key problem in the past consisted in the insufficient integration of the EUSRs into the structures of the Council Secretariat and that some of them preferred to operate essentially without directions from Brussels. Nonetheless, rather than letting individual EUSR mandates expire without any well-founded analysis or even a concrete replacement within the EEAS, the High Representative should strive for a clearer formulation of goals in the mandates and a better insertion of the Special Representatives into the EEAS. Moreover, there is always the possibility to replace one EUSR by a different, possibly more able representative, if the mandate is important, but the results are not considered satisfactory. The rule established some time ago that Special Representatives should remain in office for a maximum of four years also offers the possibility of a face-saving change in personnel (e.g. in the cases of the EUSRs for Central Asia and the South Caucasus).

The next steps

With her premature decision to abolish some EUSR mandates, Lady Ashton snubbed the member states and put herself under time pressure. The Council meeting at the end of July 2010 will have to take a (preliminary) decision on the future of the EUSRs in order to prevent their mandates from expiring on 31 August.

This situation should be defused by the following actions:

- An extension of all existing mandates by significantly more than six, possibly up to twelve months in order to counter the current uncertainty about the abolishment of individual EUSRs. The existing limitation according to which the Council, upon the High Representative's proposal, can terminate a mandate as soon as the EEAS has taken over the respective functions ("sunset clause"), should remain in force;
- A Council decision on the role of the EUSRs and the fundamental criteria for their deployment on the basis of a proposal by the High Representative;
- Instructing the High Representative to draw up "conflict strategy papers" on each of the eleven EUSR mandates, detailing the EU's role and interest as well as its current engagement and

highlighting possibilities for concerted action with the EEAS.

Such an approach would not only be an adequate way to limit the damages of the current debate, which has already caused considerable unrest.⁷ It would also allow for dealing more flexibly with the EUSRs and, where required, a swift absorption of individual mandates into the new structures. At the same time, especially after the sobering institutional wrangling about the creation of the EEAS, it would offer an important example for a strategic orientation, geared toward policy results rather than petty bureaucratic interests, of this new nucleus of European foreign policy.

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Notes

- 1 Cf. Andrew Rettman, Four EU special envoys facing the chop, in: euobserver.com, 6-7-2010, <<http://euobserver.com/18/30433>> (last accessed on 12-7-2010).
- 2 Cf. also Almut Möller, Strategy, Not Bureaucracy: What Really Matters In the Design of the European External Action Service (DGAPstandpunkt), Berlin, May 2010, N° 5.
- 3 For a comprehensive analysis of the work of the EUSRs between 1996 and 2007 (including a comparison with the special representatives of the United Nations and the United States), which is the basis for the present text, cf. Cornelius Adebahr, Learning and Change in European Foreign Policy: The Case of the EU Special Representatives, Baden-Baden 2009.
- 4 Cf. also Giovanni Grevi, Pioneering foreign policy: the EU Special Representatives (Chaillot Paper 106), Paris 2008, and Cornelius Adebahr and ibid., The EU Special Representatives: what lessons for the EEAS? (EPC Working Paper No. 28), Brussels 2007, pp. 56–64.
- 5 For an assessment of the work of the special representatives in the Western Balkans in general, see Lucie Jaanson, Learning by doing. EU-Sonderbeauftragte in der Region des Westlichen Balkans [Learning by doing. EU Special Representatives in the Western Balkans region] (SWP-Diskussionspapier 04), Berlin 2008.
- 6 A fusion under a double hat, if politically feasible, is conceivable for instance in Bosnia and Herzegovina and Kosovo. The expiration of the mandate could for instance be aimed for in Macedonia, in Afghanistan or for the African Union. Finally, a transformation into a regional mandate would be doable for instance in the case of Sudan (by including the conflict around Somalia and in the Horn of Africa).
- 7 The unrest itself can have different motives: Among the member states, the ill-will about the Lady Ashton's surprising initiative is prevalent; regional partners are mostly concerned about the apparent disinterest of the EU in certain conflict areas, while the personnel itself, the EUSRs and their around 100 staff, are worried about losing their job.

Die DGAP trägt mit wissenschaftlichen Untersuchungen und Veröffentlichungen zur Bewertung internationaler Entwicklungen und zur Diskussion hierüber bei. Die in den Veröffentlichungen geäußerten Meinungen sind die der Autoren.

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