2008:6–7

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Institutional Competences in the EU External Action:

Actors and Boundaries in CFSP and ESDP

Sieps
Swedish Institute for European Policy Studies

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SIEPS 2008:6–7

Report No. 6–7
May/2008

Publisher: Swedish Institute for European Policy Studies

These reports are available for download at
www.sieps.se

Cover: Svensk Information AB

Print: EO Grafiska AB

Stockholm, May 2008

ISSN 1651-8942
ISBN 978-91-86107-02-4

PREFACE

The external relations of the European Communities and the European Union have developed both in substance and in form over the last few decades creating a complex system which is neither necessarily coherent nor transparent. Aid, trade and security are all issues which have European dimensions which impose some form of limits to Member State autonomy.

The Centre of International Studies at Cambridge University was commissioned by SIEPS to map and analyse European external representation and external action from the perspectives of coherence and coordination and the research questions are presented in more detail in the introduction by Professor Hill. The first report examines the tripartite system of external representation and diplomacy, which involves the Member States, the European Commission and the Council. The system has implied problems involving tasks, responsibilities and functions and the authors provide a check-list relating in particular to the setting up of the European External Action Service. The second report analyses the policy linkages between development and security in terms of coherence and coordination within the framework of the European Security and Defence Policy. The authors apply their analytical framework on the cases of the Democratic Republic of Congo and Darfur and conclude with a number of operational policy implications which could be used to improve the effectiveness of external action.

SIEPS conducts and promotes research and analysis of European policy issues within the disciplines of political science, law and economics. SIEPS strives to act as a link between the academic world and policy-makers at various levels.

Jörgen Hettne
Acting Director, SIEPS

ABOUT THE AUTHORS

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Francesco Anesi, is a PhD candidate at the University of Cambridge, Centre for International Studies. He is working on the relationship between development policy and foreign policy in the EU, but has wide interests in the foreign policy-making process, especially the institutional aspects. He previously studied at the University of Trieste, and gained an M.Phil. in Contemporary European Studies at Cambridge. He would like to acknowledge the support provided by the *Fondazione Cassa di Risparmio di Trento e di Bolzano* in the course of his research.

Geoffrey Edwards is Reader in European Studies in the Centre of International Studies, University of Cambridge and has a Jean Monnet chair in Political Science. He is a Fellow of Pembroke College, Cambridge. He formerly held research posts at the Foreign and Commonwealth Office and a number of other institutions including the Federal Trust and Chatham House. He specialises in the European Union, its institutions and external policies. He has co-edited *Global Governance in the Twenty-First Century* with John Clarke (2004), *The European Commission* with David Spence (John Harper, third edition 2006) and a special issue of the *Journal of Common Market Studies* on the EU and Counter Terrorism (vol. 6 no. 1 2008) with Christoph Meyer. He has recently also written articles on the impact of the new Member States on the EU's CFSP, and on the EU's Neighbourhood Policy.

Christopher Hill is Sir Patrick Sheehy Professor of International Relations, and Director of the Centre of International Studies, University of Cambridge. From 1974-2004 he taught in the Department of International Relations at the London School of Economics and Political Science, where he was the Montague Burton Professor. He has published widely in the

areas of foreign policy analysis and general international relations, his most recent books being *The Changing Politics of Foreign Policy* (Palgrave, 2003), and *The European Union in International Relations* (edited with Michael Smith, 2005). He is a past Chair of the British International Studies Association, and was an elected member of the Chatham House Council from 1998-2004.

David Rijks is a PhD candidate at the University of Cambridge, Centre of International Studies. His research focuses on the system of EU diplomacy and its organisation in third countries in particular. His primary areas of interest are EU diplomacy, EU foreign and security policy, and European integration theory. He is a fellow of the European Foreign and Security Policy Studies Programme. Prior to his doctoral research David has taught public administration at Leiden University, and has worked as a policy adviser with the Netherlands Ministry of Foreign Affairs.

LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific States
AEC	European Agency for Cooperation
APF	Africa Peace Facility
AU	African Union
AMIS	AU Mission in Sudan
CFSP	Common Foreign and Security Policy
CIAT	International Committee for Support of the Transition
CivCom	Committee for Civilian Aspects of Crisis Management
CivMil	Civil-Military Cell
COREPER	Committee of Permanent Representative of Member States
CSP	Country Strategy Papers
DAC	Development Assistance Committee (OECD)
DCM	Deputy Chief of Mission
DDR	Demobilisation Disarmament Reintegration
DG Dev	Directorate General Development
DG E	Directorate General External Relations
DRC	Democratic Republic of Congo
EC	European Community
ECHO	European Humanitarian Aid Office
ECSC	European Coal and Steel Community
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Programme
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUFOR Congo	EU Military Mission in the DRC
EUMC	EU Military Committee
EUMS	EU Military Staff
EUPOL Kinshasa	EU Police Mission in Kinshasa
EUPOL Congo	EU Police Mission in the DRC
EUSEC	EU Security Sector Reform in the DRC
EUSR	EU Special Representative
FPA	Foreign Policy Analysis
FYROM	Former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council

GDP	Gross Domestic Product
HoM	Head of Mission
HR	High Representative for CFSP
IPU	Integrated Police Unit
JHA	Justice and Home Affairs
MONUC	UN Mission in the Democratic Republic of Congo
NIP	National Indicative Programme
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
OECD	Organisation for Economic Co-operation and Development
PSC	Political and Security Committee
Relex	External Relations
RRM	Rapid Reaction Mechanism
SALW	Small Arms and Light Weapons
SEA	Single European Act
SitCen	Joint Situation Centre
SSR	Security Sector Reform
TDCA	Trade and Development Cooperation Agreement
TEU	Treaty of the European Union
UN	United Nations
UNSC	United Nations' Security Council

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Christopher Hill

INTRODUCTION

INTRODUCTION

The subject of European foreign policy, broadly conceived to include not only the activities of the EU but also those of the Member States and, indeed, of other European entities, has attracted ever more interest over the last two decades, from students and scholars, but also from politicians inside and outside the EU. Even in Washington, Moscow and Beijing, the concept of Europe as a major force in world politics has come to be taken seriously. At the same time, it is evident that the EU itself continues to have major problems both in expressing itself as a single entity in international relations, and (even more) in mobilising the capabilities which give weight to the idea of a common foreign policy. The two reports which the Centre of International Studies has written for SIEPS in 2008 tackle one of the key aspects of these difficulties, by addressing the troublesome relationship between policy and procedure. This entails considering, *inter alia*, whether procedural innovation is a mere substitute for policy inaction, whether policy impact can be achieved despite institutional dysfunctions, and – conversely - whether gradual institutional development can promote effective common foreign policies over a longer term.

Both reports give procedural and institutional issues prominence, but not for their own sake. They each relate them to the important general issues of the EU's capacity to influence other states and of its capacity to act as a single entity. This is what 'coherence' really means – not just the absence of institutional friction, but the ability to pull together diverse strands of policy, and those responsible for managing them, into a single efficient whole, capable of action, and resistant to third parties' attempts to exploit internal divisions. In the EU in particular, procedure is always inextricably tied to policy substance, and thus to politics.

The issue of the EU's will and ability to impact upon others in world politics is affected by different sources of tension, five key elements of which are illustrated and analysed in our two reports:

(i) between the Pillars of the Union, as constructed by the Treaty of Maastricht – a tension which the Lisbon treaty seeks to ameliorate in relation to foreign policy by placing two hats on the head of the High Representative;

(ii) between the various Brussels institutions, as in the battles to come over how the European External Action Service (EEAS) fits into policy making and EU representation;

(iii) between the competing policy circuits, as between development specialists and security advocates, or even among sub-circuits within each group – in other words the well-known phenomenon of bureaucratic politics, to be found in any organisation;

(iv) between centre and periphery, i.e., between those working in delegations or offices in the field, and those based at headquarters – another ubiquitous phenomenon, but one particularly evident in relation to issues of EU representation, and to the implementation of development policy; and

(v) between the EU and the Member States, which, as we see here, both approve of an EEAS and yet have no intention of giving up their national embassies, just as they promote a European Development Policy while varying greatly among themselves in terms of their willingness to channel Official Development Assistance funds through the EU.

Other issues which emerge in the two reports, if less directly, are the tensions which exist between different normative views of how the EU should behave in the world, and for whom (for example, the choices between duties within borders, and duties beyond them – and which borders?), and on what principles given the diversity of political tendencies which naturally exists in a large democratic grouping like the EU – from far right to far left. It has often been said that the EU and its foreign policy are works in progress, yet the very idea of progress and the notion of an ultimate *telos* are just as often contested. The truth seems to be, as revealed in close-textured research of the kind presented here, that European foreign policy responds to three kinds of logic; that of its own stated goals, institutionalised in the Brussels machinery; that of the individual Member States, some more influential externally than others, and some more relaxed than others about surrendering their national freedom of manoeuvre, but all containing a swirling mix of relentless political argument; and that of wider international politics, which the Union has to take into account, whether over the rise of Chinese economic power, the American determination to overthrow Saddam Hussein, or an apparent genocide in some ex-European colony. These logics rarely pull smoothly in the same direction. They complicate each other, with some proving inconveniently dominant at unexpected times. On the other hand, the very fact of their existence testifies to a political environment which is dramatically changed from that of 1970, when the first efforts at European Political Cooperation were made amongst the Six. At the time, some dreamed of eventual European embassies, or a European army, but neither idea was the stuff of

practical politics. Such people may be disappointed that neither embassies nor true European armed forces yet exist, but each idea is now on the agenda of everyday debate.

Our two reports demonstrate the seriousness of the issues relating to external representation, both national and collective, on the one hand, and the way in which security and defence issues have infiltrated areas like development thought for long to be far remote from them, on the other. Each also has an important global dimension, while showing that a "European global role" is still stronger at the level of rhetoric than in practice. Between the EU and its Member States, Europe has a vast network of representations, in every corner of the planet, while the EU's role as the world's greatest source of development aid means that it can never retreat to a purely regional role. The two reports, therefore, present the reader with specialised accounts of two important and specific dimensions of European foreign policy-making. But they also intrinsically open up the wider issues which, as Europeans facing towards the outside world, we must all tackle.

Geoffrey Edwards and David Rijks

Boundary Problems in EU External Representation

– SIEPS 2008:6 –

EXECUTIVE SUMMARY

The external representation of the European Union is a responsibility shared between Member States, the Council, and the European Commission. The result is a complex tripartite system that has created confusion in third countries and, within the Union, a series of boundary problems involving tasks, responsibilities and functions.

These boundary problems occur, first, at the politico-legal level: the principal differentiation in EU external representation no longer runs – if it ever has – along the lines of a 'supranational', Community first pillar and an 'intergovernmental', Common Foreign and Security Policy (CFSP), second pillar. The legal demarcation of EC/EU competences in foreign relations is not always precise and has been open to multiple interpretations. Moreover, as the functional linkages between the pillars have proliferated – extended to include the third, Justice and Home Affairs (JHA) pillar – a variable geometry of actors and functions across different functional and geographical areas has emerged.

In the representation of the EU's external affairs, therefore, a general mismatch has developed between the Council and the Commission in terms of (diplomatic) instruments on the ground. The Council is by default the most powerful actor in CFSP with general oversight over all three pillars exercised by the European Council. Yet the Council's range of instruments in the field is limited. For local representation, it relies almost exclusively on the Member State holding the Presidency, and, increasingly, in many negotiations, on the High Representative for the CFSP. The use of Special Representatives in particular areas of crisis or concern to the EU has also increased (even if few are actually resident in the country or region to which they are appointed). The Commission's powers under CFSP are restricted. Despite, however, the continued dominance of the institutional structures and resources by Member States and the Council, the Commission has gradually gained influence through its association with the CFSP and its role in the implementation of many of its decisions. The Commission can draw on both an extensive range of instruments deriving from its competences under the first pillar, and on the large network of delegations that were originally set up to implement trade and aid agreements. These have enabled it to play a major role in the direct management of CFSP decisions.

Boundary problems also exist between national and European representation. National diplomatic representation continues to operate, often in parallel to and sometimes overlapping with EU diplomacy. Yet it also forms

the backbone of many of the diplomatic instruments employed under the second pillar in third countries. Member States' diplomatic missions provide the foreign policy process with crucial information and analysis, while foreign policy decisions are channelled through the embassy of the country holding the Presidency. Developments in national diplomacies are therefore significant. Budgetary constraints, as well as national patterns of representation and bilateral interests all have a bearing on the performance of the rotating Presidency. In turn, European diplomacy may shape new options for Member States, including opportunities for sharing diplomatic facilities, such as premises or security services, and diplomatic functions, such as representation of one country by another Member State.

At the same time, European sources of information and assessment have developed. The Commission's network of delegations is now one of the larger European 'diplomatic' services and the appointment of EU Special Representatives (EUSR) to various crisis locations has provided the Union with an independent capacity to gather information. At the same time, the Policy Unit and the Joint Situation Centre (SitCen) working to the High Representative have gained an increasingly important role in the analysis and interpretation of this data. The situation on the ground, however, is a variable one. The Commission's capacity to take part actively in the EC/EU's external representation in third country capitals has improved substantially over the years in terms of human resources, expertise, status, professionalism, numbers, and internal organisation. Yet its actual role and influence on the ground has remained heavily dependent on the choice of policy instruments and, in terms of foreign rather than foreign economic policy, on what Member States allow it, given local circumstances, traditional relationships and political concerns. While their numbers remain limited, EU Special Representatives have begun to fulfil the same tasks as ambassadors, and their teams the same function as embassies. In cross-pillar contexts particularly, EUSRs have developed as an *ad hoc* means of cooperation.

The third set of boundary problems are also manifest in turf battles, not just between Member States and the European institutions, but within the institutions, and within Member States' own administrations. On the ground, this sometimes translates into disputes about authority and competence between national ambassadors and Heads of EC Delegations or EU Special Representatives, or between Heads of Delegations and EUSRs (a situation where 'double-hatted' EUSRs have proven their use).

These boundary problems have often damaged the effectiveness of the EU's external projection, yet this complexity of the system is the product

of a long process that does not lend itself easily to rationalisation. The Lisbon Treaty aims to enhance structural cooperation between the different diplomatic actors in the field, yet it retains the pillar structure at the decision-making level. One of the principal challenges facing the European External Action Service (EEAS) that the Lisbon Treaty calls for is therefore to define the tasks and structure for the Service in such way that it can take into account the different requirements for EU representation around the world, as well as the resources and interests of Member States. It is important that the early development of the EEAS is directed to areas where it is needed most, such as regions where the EU has strong foreign policy interests or where few Member States are represented – without, however, neglecting provision for its future development.

Regardless of the precise arrangements that the European Council will adopt, the relationship between national and European diplomacy is likely to change. The increased variation in the strength of diplomatic networks and the number of Member States with very small diplomatic services, together with the difficulties Member States have experienced in cooperating diplomatically, have in some locations led in effect to an EU representation. The trend is likely to intensify with the establishment of the EEAS, as Union Delegations take up some, perhaps many of the tasks that are currently performed by Member States' embassies. What may then remain for national embassies, however, is not only bilateral representation to the host country, but, possibly as or even more importantly, the foreign policy issues on which the Member States have still not been able to agree. The boundaries between European and national diplomacy could well become sharper. National embassies will, therefore, continue to be relevant in European external relations, but their role could gradually be transformed from constituting the backbone of European diplomacy to the fall-back instruments for Member States when European diplomacy cannot deliver.

Summary of recommendations

1) Defining the tasks of the EEAS should be a matter of priority. This is a prerequisite for addressing questions about the size and scope of the Service, the institutional balance, and the relationship with the structures of the Commission and Council Secretariat that will not be part of the EEAS, and with national foreign services.
2) To ensure a successful start of the EEAS, its early development should be directed to areas where most value can be added, and thus where it is needed most. The problem of the EU is not a lack of diplomatic resources, but the ability to combine them more effectively to support

common objectives. Benefits are thus most obvious in regions where the EU has strong foreign policy interests and where an integrated, cross-pillar approach is particularly important. At the same time, the new Service should aim to fill the gaps in national representation by establishing Union Delegations in areas where few Member States are represented. This reduces the risk of duplication and provides the potential for Member States to organise alternative forms of representations through the Delegations.

3) An institutional design of the EEAS should provide for its development, with, for instance, agreement to review progress after a number of years. Any such development of scope and tasks in conditions of uncertainty and possible competition with the Member States and their diplomatic services entails the risk of organisational inconsistency in arrangements across third countries. By 'learning by doing' and *ad hoc* solutions, the EU risks creating a patchwork of different modes of representation, which will be difficult to rationalise at a later stage.

4) A European diplomatic training facility should be established as quickly as possible to ensure that EEAS staff from two different institutions and 27 different bureaucracies share common professional and administrative standards and are sufficiently knowledgeable of EU practice and procedure. In the long run, the instilment of an European *esprit de corps* with those – temporarily – serving in the EEAS, could help diminish some of the personal turf issues that sometimes beset relations between the different actors on the ground.

5) The EEAS opens up a range of new potential possibilities to support European diplomatic services in their tasks. For example, serious studies on where and how the EEAS could support or even replace permanent bilateral diplomatic representation should be an integral part of future foreign service reviews. Moreover, many posts in the EEAS could be more attractive than those in national foreign services and the new Service should open up new, interesting career perspectives, in particular for diplomats from smaller Member States. Governments should ensure that a 3-4 year service in the EEAS will be an attractive prospect for national diplomats. This not only requires that provisions on issues such as pay and diplomatic immunities are adequate, but also that diplomats can return to their own administrations where their European experience is valued accordingly.

6) Governments should not underestimate the significance of the potential institutional changes. The provisions in the Lisbon Treaty on the creation of the External Action Service, headed by the new High Represen-

tative, lack detail on virtually all major aspects. How these details will be filled will be critically important for the future division of competences between European and national diplomacy. Member States will soon have to make decisions on issues far into the future, the consequences of which are difficult to oversee – and to reverse. What seems for certain is that the role of national diplomatic structures in the representation and implementation of EU foreign policy will be revaluated. European diplomacy, although in part conducted by national diplomats, is likely to become more distinct from national diplomacy.

7) Whether the EEAS will in reality be able to provide the EU with a common voice will continue to depend on the question whether the Service will have a single message to convey. The design of a new institution in itself is unlikely to bridge fundamental differences of opinion on issues of foreign policy. Common procedures can neither replace nor (on their own) create common policies. Political agreement on the means and objectives of the EU's external relations will remain the ultimate and critical factor for success of the European External Action Service.

1 INTRODUCTION

The European Union's economic and political weight in the world has not been reflected in its external representation. Indeed, it has been described as "the world's principal under-performing asset".[1] It is only now that the European Union (EU) is beginning to move towards an external service that integrates the different dimensions of the present system of representation of the EU's external relations, comprising its Member States, the Council, and the European Commission. Hitherto, the Union has shown many different faces to the outside world, depending on the issue at hand. In terms of foreign and security policy, as formalised in the second pillar of the Maastricht Treaty, the representation of the Union's foreign policy has fallen mainly on the Member States, and particularly on the country holding the Presidency of the Council. Since the Treaty of Amsterdam, the Presidency has been assisted by the High Representative for the Common Foreign and Security Policy (CFSP), a post occupied by Javier Solana since 1999. On matters within the domain of the European Communities within the first pillar, however, such as trade and aid, the European Commission has continued to be responsible for speaking for the Community. At the same time, individual EU Member States also continue to conduct bilateral relations with third states as well as multilateral diplomacy through their own networks of diplomatic missions. As a result, the impact of the Union, and indeed, its Member States, has sometimes suffered since not all third countries have either the will or patience to try to discern within this complex tripartite arrangement who is responsible for what.

Throughout its development as a presence on the international scene, therefore, the EU has experienced problems of credibility as a coherent actor. Much of this derives from its own internal divisions and the boundary issues these have created. It has not helped that there has been little consensus as to the ultimate nature of the EU, the *finalité politique.* Its absence has meant that there have been continued differences among and between Member States over what should be carried out at European and/or national levels, and over the nature of decision-making and policy implementation between the intergovernmental and Community aspects of external relations. Such political differences have inevitably had administrative consequences.

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[1] Sir Peter Marshall, former British Ambassador to the UN and its agencies in Geneva, quoted by the House of Common Foreign Affairs Committee, *Foreign Policy Aspects of the Lisbon Treaty,* HC 120-I (2008), p. 42.

These continued differences have produced a complex tripartite structure of competences in external representation between the Member States, the Commission, and the Council. This has been made even more difficult by the fact that an increasing number of policy areas do not fall only within only one of Maastricht's pillars, and the divisions between areas of competence have become more and more blurred with inevitable consequences for the way the EC/EU is represented. Yet much legal unclarity remains surrounding diplomatic responsibilities and local arrangements for representation vary across third countries.

From the early days of foreign policy coordination through European Political Cooperation (EPC) – the forerunner of CFSP – Member States have been aware of the need to interact with the Commission on issues under the EC Treaty. Many policy instruments beyond mere diplomatic exchanges were, after all, within the remit of the Treaty of Rome, not least trade, aid and budgetary resources. Gradually, from the London Report of 1981 onwards, there was a commitment to fully associate the European Commission with EPC at all levels. The Single European Act (SEA) both reaffirmed that full association and reinforced it by making the Commission jointly responsible (with the Council Presidency) for establishing and maintaining consistency. If, in practice, the Council may have strengthened its position, the Commission remains an important agent both in terms of policy implementation and in monitoring the CFSP. The increased focus on the relationship between security and development, especially since 11 September 2001, was a further example that demanded greater coherence.

This interconnectedness of the EU's external relations was recognised, also, in terms of representation, even while Member State sensitivities meant that they retained control over their own representation in third countries. This not only sometimes created or deepened confusion but became particularly acute insofar as the EU was frequently represented by the rotating Presidency of the Council. The hazards of discontinuity between Presidencies were therefore added to the disorder. This, too, was acknowledged insofar as a Troika was agreed, made up of the Presidency flanked by the immediately past and immediately succeeding Presidencies, which was frequently joined by the President of the Commission. Even if the pillar structure was reconfirmed with the appointment of a High Representative for the CFSP under the Amsterdam Treaty, the interaction of foreign policy, and foreign economic policy was recognised further in the reorganisation of the Troika to include the Presidency, the High Representative and the Commission.

Thus, from a legal perspective the demarcation of EC/EU competences in foreign relations is not always precise and has been open to multiple interpretations. In practice the roles of Member States, the Council, represented particularly by the High Representative, and the Commission vary across policy areas and countries. In implementing policy and ensuring consistency and wider coherence, much depends on the choice of instruments by the Council, as well as on the resources and opportunities available to each actor in the process.

1.1.1 Boundary issues between national and European representation

National and European representation continue to operate, sometimes in parallel, sometimes overlapping. Many of the diplomatic instruments employed under the second pillar in third countries are essentially the traditional, nationally determined and implemented instruments of diplomacy. These are often supplemented rather than replaced by EU foreign policy decisions channelled through the embassy of the country holding the Presidency. National patterns of representation are therefore significant, not least insofar as they provide an indication of the possible resources of the Presidency in different regions.

Member States' foreign services have traditionally provided the information and analysis on which European foreign policy for a large part depends, as well as then implementing the outcome. The wider remit of overseas representation, however, has long included the need to take account of trade and commercial interests. It has now been extended, too, to involve more internal security issues such as international terrorism, international crime, such as drug and people trafficking, which has inevitably broadened the representation of hitherto 'domestic' ministries and departments. As a result, foreign ministries are no longer regarded as the sole or even primary source of information. Moreover, in general, the multiplicity of other sources of information, even if sometimes of doubtful provenance, via the Internet as well as the more traditional media, has increased rapidly over the past few decades.

At the same time, a *European* source of information has developed. The appointment of EU Special Representatives in various crisis locations has provided the Union with an independent capacity to gather up to date information, and the Commission's network of delegations is now one of the larger European 'diplomatic' services even if focused more on trade and aid than 'political' reporting. Developments in the field of internal security have also led to the involvement of other EU bodies in external

policies, such as Europol. However limited the exchanges of information and intelligence may have been in terms of key concerns such as terrorism and international crime, the fact that Europol has agreements with a growing number of third countries (including the United States, Colombia, and Australia) suggests at least the opportunity for non-Member State bodies to be relevant in policy implementation. Moreover, with the establishment of the Policy Unit and the Joint Situation Centre (SitCen) working to the High Representative, there is a second source of EU-branded assessment. Given these European sources of information, analysis, and, to a lesser extent, coordination, the proposed double-hatting of the High Representative under the Lisbon Treaty may make for a significant strengthening of the European dimension in both policy making and policy execution.

1.1.2 Bureaucratic politics

Boundary problems are also manifest in turf battles not just between Member States and the European institutions but within the institutions, and within Member States' own administrations. Such battles between the Commission and the Council Secretariat are not only apparent in Brussels, between, for instance, DG External Relations in the Commission and Directorate General (DG) E, or between DG E and the Policy Unit in the Council, but also in third country capitals, where relations between Heads of Delegation and EU Special Representatives are not always as complementary as they might be. Moreover, competition between national and European bureaucracies is often manifest on the ground through disputes about authority and competence between national ambassadors and heads of delegation or EU Special Representatives. Finally, within Member States, the predominance of ministries of foreign affairs in European policy making is no longer undisputed. Internal security issues have inevitably broadened the representation of hitherto domestic ministries and departments, with, for example, the secondment of staff from line ministries to overseas embassies. Other sectoral ministries, as well as cabinet and prime ministerial offices, have also become directly involved in EU external and internal security relations.

1.2 External and internal implications

1.2.1 External projection and effectiveness

The impact of the Union, and indeed, its Member States, has sometimes suffered as a result of these various tensions – even when the difficult process of EU decision-making has actually led to a common policy position. Combined, the EU has an enormous diplomatic capacity when one takes into account that of the Member States, the Commission, and to a

lesser degree, the Council Secretariat. In 2006, the then 25 Member States of the EU together maintained no less than 1,350 resident bilateral embassies in third countries[2], supported by a total of 27,000 staff employed at the European ministries of foreign affairs at home.[3] The Commission currently has 128 delegations in the field and around 2,300 personnel working in external relations.[4] As Javier Solana declared, when comparing the 2000 figures with those of the United States (which had some 164 embassies with some 4,700 State Department personnel overseas): "This huge deployment of human and financial resources is not matched in all instances by a comparable output, in terms of access, information and influence".[5] The point is often made that host nations find it difficult to distinguish between the Commission and the EU, and therefore often treat the delegations as 'EU embassies'.[6] Whereas some states are simply baffled by the many faces, names, and telephone numbers that the EU can have, others, who have mastered the intricacies of the European machinery, are often able to work the system to their advantage, making use of disputes over competence or bureaucratic rivalries to further their interests.

1.2.2 Shifting roles and institutional change

From the point of view of the emerging system of European diplomacy, boundary problems are useful in highlighting the variation in the operation of the EU's system of external representation, as well suggesting the potential for change. Treaty changes and the blurring of dividing lines between policy areas and pillars do not only have the potential to change institutional arrangements for representation in Brussels, but also the division of roles between Member States, the Commission, and, increasingly, the Council in external representation in third countries. Exactly how, where, and to what extent institutional boundaries between actors in third countries may have been affected are explored in this report. It aims to assess

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[2] Data obtained by the authors.

[3] Hocking, B. and Spence, D., Towards a European Diplomatic System?, *Discussion Papers in Diplomacy*, (Netherlands Institute of International Relations 'Clingendael', 2005b), appendix 1.

[4] Ibid.

[5] Solana, Javier, The EU's External Projection: improving the efficiency of our collective resources, Paper presented to the General Affairs Council, Evian, 2-3 September 2000, European Council document 1731/6/00.

[6] See for example Bruter, M., Diplomacy without a State: the External Delegations of the European Commission, *Journal of Common Market Studies*, vol. 6, no. 2 (1999), pp. 183-205; Hill, C. and Wallace, W., Introduction: actors and actions, in Hill, C. (ed.), *The Actors in Europe's Foreign Policy* (Routledge, 1996), p. 13. Simon Duke reports the refusal of Peter Hain (the UK's Representative at the Convention) to allow the Convention Report to refer to EU 'embassies'; Duke, S., The right time for an EU diplomatic service?, *Challenge Europe*, Issue 9 (European Policy Centre, 2003b).

variation in the roles of the diplomatic actors across different settings. While examining a number of specific (local) arrangements in greater detail, the purpose is to draw conclusions about the dynamic interplay between the three constituent dimensions and explore the options for change.

Such reform is contained in the Lisbon Treaty, which addresses some of the problems of fuzzy competences and introduces a number of institutional arrangements, the most important of which are the post of High Representative for Foreign Affairs and Security Policy and the European External Action Service. However, quite how integrated the Service will be remains open for negotiation. While in theory, the Service will include Commission delegates, representatives from the Council and seconded national officials, it does not presage any immediate end to the complexities of the EU's external representation insofar as national diplomatic representation will continue. As Hocking and Spence aptly summarised the key questions:

> Will the Commission's existing structures form the core of the new system of European diplomatic representation? Or will the Commission's delegations and external relations Directorates-General be relegated to a purely trade, aid, and technical assistance role, while the political running is made by others – staff from the Council Secretariat and Member State foreign ministries? The answer will depend on the role the EEAS will fulfil and the functions the Commission and the Member State foreign ministries retain.[7]

1.3 Outline of the report

The first section of this report provides a brief overview of the historical relationship between intergovernmental foreign policy cooperation and the external activities of the European Communities. It is not intended to provide a comprehensive analysis of legal competences in EU external relations. Instead, it examines the consequences of the politico-legal framework for the process of external representation. The principal sections of the report discuss boundary problems across the three constituting dimensions of the system of EU diplomatic representation, that is, the intergovernmental sphere, the Community dimension[8], and national diplomacies. In conclusion, it explores the consequences for the implementation of the Lisbon Treaty, in particular the provisions on the European External Action Service.

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[7] Hocking, B. and Spence, D., Towards a European Diplomatic System? (2005b), p. 3. See above note 3.

[8] The paper only touches on the growing field of external relations under JHA. See Jörg Monar, The EU as an International Actor in the Domain of JHA, *European Foreign Affairs Review*, vol. 9, issue 3 (2004), pp. 396–415 for an early survey.

2 THE POLITICO-LEGAL FRAMEWORK OF EU EXTERNAL RELATIONS

2.1 The emergence of the pillar structure

The tensions over the jealously guarded competences of the European Communities and EPC and later CFSP have been constant since EPC's creation in 1970. Some Member States, notably France, were adamant that the two bodies and their activities should be kept separate. And yet, through the various reports on EPC (such as the Copenhagen Report of 1973 and the London Report of 1981), and Treaty reform (the Single European Act of 1986 as well as Maastricht 1992 and Amsterdam 1997), there has been a slow recognition of the inter-connectedness of the two tracks and the need for consistency between them and, indeed, the need for coherence in terms of the purposes of European and Member State diplomacy.

The 1981 London Report, for example, was not only an important step towards formalising the decision making structure of the EPC, it also explicitly addressed the relationship with the Community structures, marking the growing realisation that political and trade issues were often linked, and that some sort of interaction of the Commission and EPC was then necessary.[9] The Presidency was, therefore, given the task of coordinating discussions between EPC and the Community if the subject matter required it. Gradually, the Commission became "fully associated with Political Co-operation at all levels", a position given legal force with the Single European Act (SEA). And yet, even though this first formal linkage within a single legally binding document, did little more than reflect growing practice, the linkage was deliberately limited in its scope. Full association meant that the Commission was given the right to attend all EPC meetings and was made jointly responsible with the Presidency for ensuring consistency between EPC decisions and the external relations of the EC. Yet the basis of policy-making remained intergovernmental, and the implementation of policy remained with the Council Presidency and the Member States.

The Common Foreign and Security Policy (CFSP) which replaced EPC in the Maastricht Treaty codified some practices and introduced several novelties.[10] First of all, Title V of the TEU gave legal basis to a number of

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[9] Nuttall, S., Where the European Commission Comes In, in Pijpers, A. *et. al*. (eds.), *European Political Cooperation in the 1980s* (Martinus Nijhoff Publishers, 1988).

[10] Denza, E., *The Intergovernmental Pillars of the European Union* (Oxford University Press, 2002), p. 55–56.

practices developed in EPC, such as the requirement for Member States' diplomatic and consular missions to cooperate in third countries in implementing Council common positions and other matters. New powers were vested in the Council in terms of two new types of instruments, namely common positions and joint actions. Both measures were to be binding under international law rather than Community law, and the process of their adoption remained intergovernmental.[11] The Council, rather than the Presidency, and the Commission were made jointly responsible for ensuring consistency and continuity of the EU's foreign and external relations. In a new provision (Article J.8), the Commission was to share the right to refer matters or proposals under CSFP to the Council alongside Member States. In the area of consular affairs, the TEU gave effect to EU citizens' entitlement to consular protection from another Member State in countries where his own Member State is not represented, by conferring this obligation to all Member States' missions abroad.

Most importantly, the TEU formally established three 'separate' constituent pillars of the new European Union: pillar one, the European Communities; pillar two, CFSP; and pillar three, Justice and Home Affairs (JHA). The creation of the pillar structure and its reaffirmation even if in modified form in subsequent treaties reflected a political reality among Member governments on what was acceptable in terms of formalising multilateral cooperation and establishing law-making procedures in politically sensitive fields, without sharing sovereignty in the areas of foreign policy and justice and home affairs. The capacity to conduct external relations independently has long been a defining property of statehood under international law. Bringing foreign policy within the Community's competence would have implied giving up this independence, a step considered too far by most Member States. The image of a 'temple' with three 'pillars' was thus designed to balance carefully the commitment to a coherent and effective foreign policy on the one hand, and the fears of some Member States that foreign policy making might be contaminated by the Community method on the other. The establishment of the second and third pillars was effectively a legal third way between Community law and ad hoc foreign policy cooperation without any legal framework at all.

The three pillar metaphor has led many commentators to discuss European external relations in terms of *supranational* and *intergovernmental* pillars. In practice, however, dividing lines between foreign and foreign economic

[11] Macleod, I, Hendry, I.D. and Hyett, S., *The External Relations of the European Communities* (Oxford University Press, 1996), p. 412.

policies cannot be drawn that easily.[12] Treaty reforms, too, since 1993 have gradually eroded the strict division between the Community sphere and the realm of CFSP that was devised in Maastricht. Even while leaving the formal pillar structure intact, subsequent revisions have provided for a growing number of linkages across pillars, to better reflect EU priorities and policies.[13]

2.2 Boundaries and consistency

Overlapping competences between the first and second pillar in the area of external relations are an important issue due to multiple legal complexities. Article C of the Maastricht Treaty (now Art 3 of the Consolidated Treaties) drew attention to the need for the Union to be:

> served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives while respecting and building upon the 'acquis communautaire'.

And it went on:

> The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall ensure the implementation of these policies, each in accordance with its respective powers.

The objectives underpinning the CFSP (Article J.1 of Maastricht now Title V Art 12) are by no means exclusive to the second pillar, and, indeed, form the basis of many of the Community's day to day activities as well. Consistency was therefore an issue of immediate concern. The TEU introduced provisions to foster coherence in a number of long standing and well-known transversal areas, such as economic sanctions and human rights. In these fields recourse is often sought to measures that combine complimentary instruments with different legal bases from the first and second pillar. The same principle applies to EU unilateral measures in cases of a violation of international law by another state. Instruments such as flight bans, the withdrawal of benefits or the suspension of development cooperation are based on combinations of CFSP and Community provisions, or on single decisions in either framework.

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[12] Griller, S. and Weidel, B., External Economic Relations and Foreign Policy in the EU, in Griller, S. and Weidel, B. (eds.), *External Economic Relations and Foreign Policy in the European Union* (Springer, 2002), p. 12.

[13] Stetter, S., Cross-pillar politics: functional unity and institutional fragmentation of EU foreign policies, *Journal of European Public Policy*, vol. 11, no. 4 (2004), pp. 720–739.

Importantly, the TEU failed to provide for clear guidance on other transversal issues. A number of significant yet contentious principles were introduced to that end, which have remained largely unchanged since. Under Article 3, for example, the critical point is that the Council and the Commission are jointly responsible for ensuring consistency, "*each in accordance with its respective powers*" [emphasis added]. This wording has created a bitter conflict of interpretation between the Council and the Commission regarding competence over the entire range of EU external activities. While the Commission has long been able to initiate proposals on CFSP matters along with the Member States (even if it is has tended not to use its right), it has complained that the joint responsibility for consistency in implementation has been outweighed by the Council being given the responsibility under Article 13 for ensuring "unity, consistency and effectiveness of action by the Union". The Treaty of Amsterdam sought to address the continuing institutional conflict by introducing a new legal instrument, added to Article 14 TEU, by which, in case disagreement between the Council and the Commission, the former may request that the latter proposes recommendations for the implementation of joint actions. Another type of instrument introduced by the Amsterdam Treaty (Article 13) was that of common strategies, which are country-specific policy guidelines to engage with areas in which Member States have important interests in common. They set not only objectives, but also detail the resources to be committed and actions to be taken by the EU and its Member States. Implementation rests with the Council. Common strategies are recommended by the Council to the European Council and are binding on the Commission, thereby reducing the scope for conflict and enhancing coherence.

The Nice Treaty did little to further enhance coherence, and bureaucratic rivalry between the Commission and the Council Secretariat intensified. While Chris Patten as Commissioner for External Relations and Javier Solana, as High representative, were able to work closely together, Patten reported:

> There were inevitably tensions between the institutions…The secretariats that worked for the Council of Ministers and its High Representative for the CFSP resented the Commission's access to useful things like money. Some of its members would have liked to take over bits of the Commission's responsibilities whenever it suited them – money here, the negotiations of an agreement there – and move on as the world's headlines changed, leaving bureaucratic confusion and policy discontinuity in their wake.[14]

[14] Patten, C., *Not Quite the Diplomat: Home Truths about World Affairs* (Allen Lane, 2005), p. 157.

While we await an authoritative perspective from the Council on the relationship,[15] there have been tensions, too, within the Council framework. The creation of the Policy Unit, working directly to the High Representative, also led to competition with Directorate E (External Relations) of the Council Secretariat. Both actors have become important policy entrepreneurs in their own right, contributing more and more to the process of policy making, aided by independent information and intelligence through, *inter alia*, the EU Special Representatives[16] and the Situation Centre (SitCen). The last has been described by its director, William Shapcott, as very deliberately locating itself in the Council Secretariat rather than being exclusively a second pillar body – allowing it to take on JHA issues and especially counter-terrorism, in addition to those of CFSP.[17]

The concern of the Commission was not simply that it seemed outbalanced in terms of overseeing the consistency of CFSP decisions and actions with those taken under Pillar I, but that the Council and Member States were seeking to ensure that EC policy was consistent with, i.e., subordinate to, that under CFSP.[18] There are a number of instances in which Community competence appears to have been compromised by CFSP decisions, such as the common positions on Rwanda and Ukraine in 1994. In the former case, the common position included provisions on development cooperation, as well as on social and economic reconstruction. The common position on Ukraine included operational provisions relating to Community-funded democratisation programmes.[19] Furthermore, on issues that were arguably EC matters, CFSP decisions were nonetheless adopted such as the KEDO-initiative on nuclear energy in Korea.[20] Similar concerns have also played a role in the export control regime of dual-use goods prior to the

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[15] Spence reported a minor outburst reported in *Der Spiegel* in 2001, when Solana described Patten as "an out of work politician" before his appointment as Commissioner; Spence, D., The Commission and the Common Foreign and Security Policy, in Spence, D. and Edwards, G. (eds.), *The European Commission*, 3rd ed. (John Harper, 2006a), p. 379.

[16] Grevi, G., Pioneering Foreign Policy: The EU Special Representatives, *Chaillot Paper*, No. 106 (EUISS, 2007).

[17] William Shapcott, in evidence to the House of Lords, Select Committee on the European Union, 3 November 2004, p. 3 http://www.parliament.the-stationery-office.com/pa/ld/lduncorr/euf0311.pdf

[18] Stetter, S., Cross-pillar politics: functional unity and institutional fragmentation of EU foreign policies, *Journal of European Public Policy*, vol. 11, no. 4 (2004), p. 724; Spence, D., The Commission and the Common Foreign and Security Policy (2006a), p. 376. See above note 15.

[19] Gauttier, P., Horizontal Coherence and the External Competences of the European Union, *European Law Journal*, vol. 10, no. 1 (2004), p. 28.

[20] Wessel, R.A., Fragmentation in the Governance of EU External Relations: Legal Institutional Dilemmas and the New Constitution for Europe, *Centre for European Studies Working Paper,* no. 3 (2004), pp. 8–9.

year 2000 when a new Regulation privileged the Community framework – though as Wessel points out, tensions persist between the commercial dimensions of policy and national security.[21] Less recent examples include the EU Administration of Mostar from 1994 to 1996, where both political as well as financial responsibility lay with the Council, rather than (at least partially) with the Commission. Attempts at 'intergovernmentalising' the first pillar continued with the introduction of procedures of crisis management where humanitarian, foreign, security and defence policies merge at the level of the Council with the Political and Security Committee (PSC) in guiding crisis responses, even if the Commission has a seat on the Committee. Since CFSP crisis management instruments are limited, the Commission's civilian toolbox of instruments, of humanitarian emergency aid etc, may be critical.[22] Indeed, the Commission originally tended to argue that peace building, political stabilisation, sector reform and support to emerging police forces through training, capacity building, or technical assistance were activities that fell exclusively under its competence, thereby precluding the Council Secretariat from managing them. The Council, however, has tended to take the opposite view. Nonetheless, the lack of resources to fund operations under CFSP and the necessity to charge certain costs to the Community budget has enabled the Commission to be involved in the fields of democracy and the protection and promotion of human rights, despite the fact that some operations in these fields have few specific links to areas of Community competence. Spence, for example quotes De Boissieu, the Deputy Secretary General of the Council Secretariat, as saying "if you can explain how assistance to the provisional administration in Kosovo is necessary for the realisation of the internal market, I wish you luck".[23]

Aid to Kosovo was nonetheless provided under Art 308 of the EC treaty, the catch-all clause that enables the EC to act in the absence of a specific Treaty clause. It highlights, though, a particularly grey area in terms of Council-Commission relations in that crisis management may well bring about the need for a multiplicity of actors and instruments to be used, civil and, indeed, military. Tension over competences reached a peak in the case of responsibility, for example, for policy on the financial contributions to be adopted for the Economic Community of West African States (ECOWAS)

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[21] Ibid.

[22] Boin, A. *et al*, The Commission and Crisis Management, in Spence, D. and Edwards, G. (eds.), *The European Commission*, 3rd ed. (John Harper, 2006a), p. 496.

[23] Spence, D., The Commission and the Common Foreign and Security Policy (2006a), p. 362 See above note 15.

in the framework of the Moratorium on Small Arms and Light Weapons.[24] The Commission eventually took the Council to the European Court of Justice (Case C-91/05), seeking an annulment of the Council's decision on the grounds that since this came under development policy, the Commission not the Council had competence. While the Court remains to give its Opinion, the Advocate General in September 2007 held that it should be dismissed, in part on the grounds that the TEU calls for the Union to ensure "the consistency of its external activities *as a whole* in the context of *its* external relations, *security*, economic and *development* policies' and not simply the Commission".[25]

Another example of a relatively new area of cross-pillar tensions is in Europe's neighbourhood. The European Neighbourhood Policy (ENP), itself, is formally one of the Commission's responsibilities. Many of the principles and practices associated with the accession of the countries of Central and Eastern Europe have been transferred to the ENP. Its cornerstone is the linkage between economic development, human rights promotion, democratisation, the fight against cross-border crime, and conflict prevention and stabilisation, as well as acceptance of the *acquis communautaire.* Thus, inevitably, it crosses boundaries. But that is further complicated by the continuation of a number of 'frozen' and less frozen conflicts which are inevitably regarded as part of CFSP if not ESDP. And yet, because of differing political factors, not least attitudes towards Russia, the EU has not been particularly consistent in its approach. While the EU's Border Assistance Mission to Moldova and Ukraine is a mixed Member State and Commission venture (with TACIS funding), the EUJUST Themis mission in Georgia, made up of a dozen lawyers, was an ESDP mission.[26] Moreover, with the proliferation of EU Special Representatives (in, for example, the Southern Caucuses, Bosnia, Central Asia, and Moldova), considerable overlap has been created with the activities of the Commission, with only the EUSR in Moldova actually being double-hatted and repre-

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[24] Dewaele, A. and Gourlay, C., The Stability Instrument: defining the Commission's role in crisis response, *ISIS Briefing Paper* (International Security Information Service, 2005), p. 4; Duke, S., The Commission and the CFSP, *EIPA Working Paper* 1 (EIPA, 2006), pp. 18–20.

[25] Action brought on 21 February 2005 by the *Commission v Council*, Case C-91/05, *Official Journal of the European Union*, (2005/C 115/19), 14 May 2005. The decision referred to is 2004/833/CFSP implementing Joint Action 2002/589/CFSP.

[26] A mission gradually marginalised, according to Kurowska, by the Commission with its Action Plan under the European Neighbourhood Policy. See Kurowska, X., Beyond the Balkans but Still in Civilian Uniform: EUJUST THEMIS to Georgia, *CFSP Forum* vol. 4, issue 3 (2006), pp. 8–11.

senting both the Council and the Commission.[27] In terms of the numbers of actors involved, the situation is made still more complex by the involvement of agencies such as Europol, which has its own agreements with many of the countries of the Balkans to improve its law enforcement cooperation.

[27] Grevi, G., Pioneering Foreign Policy: The EU Special Representatives (2007). See above note 16.

3 EU REPRESENTATION (I): INTERGOVERNMENTAL MODES OF REPRESENTATION

3.1 The Presidency of the Council

The Presidency of the Council of Ministers has long held the responsibility of representing the EU. Indeed, it fell to the Presidency to take on responsibilities for EPC at the outset given the determination of Member States led by France to keep it separate from the Community framework. Under the Luxemburg report of 1970 the Presidency was not only given the role of convening and managing the meetings, but of reporting to the EP and by implication at least, of showing "the whole world that Europe has a political mission".[28] That role in the EPC context reinforced the position of the Presidency as chair of the Council representing the Community on those issues not exclusively within the remit of the Commission, not least in many of the multilateral organizations where EC and Member State competences were mixed. If there were continuous tensions between the Commission and some Member States, and, indeed, among a number of the smaller and larger Member States over the respective prominence of Commission or Council spokesmen as part of this 'bicephelous' Presidency, the Council was given far more precise responsibility for representing the then Nine in EPC matters.[29] Even if that arrangement was sometimes honoured only in the breach by individual Member States, and some third countries took time to accept the Presidency as the interlocutor, the role of the Presidency grew as the Member States stumbled from allowing the Presidency to be merely their messenger to being a partner in any dialogue. Hayes Renshaw, for one, has argued that the role of the Presidency has grown almost ineluctably with the increasing global significance of the EC/EU.[30] Certainly from the London Report on, via the SEA and the TEU, the role of the Presidency as spokesman and representative became ever more extensive.

In doing so, it created both opportunities and imposed burdens. There have been frequent occasions when Member governments have seized the opportunity of the Presidency to try to influence particular developments.

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[28] First Report of the Foreign Ministers to the Heads of State and Government of the Member States of the European Community (The Davignon or Luxembourg Report), Luxembourg, 27 October 1970.

[29] See Edwards, G. and Wallace, H., The Council of Ministers of the European Community and the President-in-Office, *Federal Trust Paper* (Federal Trust, 1977); Wallace, W., The Presidency: Tasks and Evolution, in O'Nuallain, C. (ed.), *The Presidency of the European Council of Ministers* (Croom Helm, 1985).

[30] Hayes Renshaw, F., The European Council and the Council of Ministers, in Cram, L. *et al* (eds.), *Developments in the European Union* (St Martin's Press, 1999).

The scope for agenda setting is somewhat greater within CFSP than the EC pillar and "few countries in the chair resist the temptation to […] use their six months to promote their hobby horses and to advance essentially national agendas".[31] Some Member States have been particularly active at the United Nations, either in presenting common positions to the UN General Assembly or making a statement on behalf of the Union in the Security Council. In 2004, for example, the Irish and Dutch Presidencies issued some 39 statements to the Security Council.[32] On the other hand, Presidencies have, with equal frequency, seen their carefully prepared planning overthrown by events. The uncertainties and the complexities of the Presidency are legion.[33]

Among the problems raised by the rotating Presidency have been those of continuity, consistency and coordination. If the issues of consistency between the EC and CFSP, that is to say, pillars I and II, have been dealt with above, those of continuity and coordination have continuously plagued the EU in its efforts to maintain coherence as a foreign policy actor. Member States have sought to overcome the problems of continuity through a number of different ways, including the gradual establishment of an infrastructure to assist the Presidency. Under EPC, this included the so-called Troika, made up of the Presidency plus the immediately preceding and succeeding Presidencies. The Troika under Amsterdam comprises the Presidency, the High Representative and the Commission, which possibly introduced a note of rivalry rather than simply support. At the political level, an innovation stimulated by the prospective demands of the enlarged EU was introduced by the German Presidency supported by the Portuguese and Slovenes – the first of the new Member States to hold the Presidency. This was the idea of the Trio, with training, planning and assistance geared towards the smaller, newer members:

> 'The exercise turned out to be extremely successful, in spite of the fact that three very different member states in size, experience, and generation of EU membership were working together. In spite of this, the trio functioned very well, including also in the full equality of the countries involved,' explained State Secretary Lenarcic. 'Each of us supported each other. Each of us brought similar contributions to the table. Also we had strong input from the Commission and the General Secretariat of the Council'.[34]

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[31] Duke, S. and Vanhoonacker, S., Administrative Governance in the CFSP: Development and Practice, *European Foreign Affairs Review*, vol. 11, issue 2 (2006), p. 166.

[32] Biscop, S. and Drieskens, E., Effective Multilateralism and Collective Security, in Laatikainen, K. and Smith, K.E. (eds.), *The European Union at the United Nations* (Palgrave, 2006), p. 122.

[33] Bengtsson, R., The Council and external representation, in Egström, O. (ed.), *European Union Council Presidencies* (Routledge, 2003).

[34] Pond, E., Slovenia's EU Presidency, *Transatlantic Magazine*, 30 December 2007.

While geared towards the whole gamut of EU business rather than CFSP, there was significant emphasis placed by the Germans on continuity on development issues and JHA matters. In addition, at the level of officials and specifically relating to CFSP, there has been since Maastricht a Working Party on Foreign Relations, initially described as CFSP Counsellors and now RELEX Counsellors, who "examine the legal, financial and institutional aspects of horizontal CFSP and Community matters and ensures their coordination", and the network of European Correspondents in all Member States and the Commission, who coordinate the daily business of CFSP.[35]

3.2 The Presidency and representation in third countries

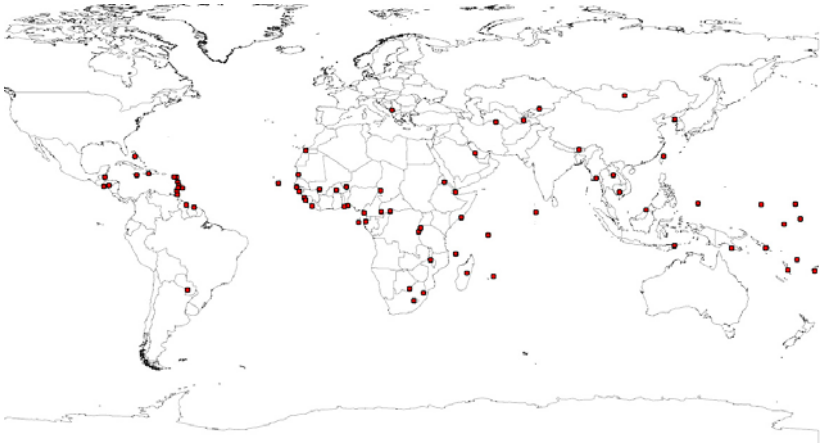
Away from Brussels, the Presidency has the responsibility for maintaining continuity and coordinating EU initiatives in third countries largely through its local embassies. Practice has therefore varied hugely. In some cases, the Presidency may be exercised by an ambassador from a Member State with strong bilateral or historic ties with the host state who thereby enjoys a privileged role. Following complaints that a local Presidency could be used to further the agenda of the Member State holding it rather than that of the EU as a whole – (non-binding) updated guidelines on the exercise of the local Presidency were issued in December 2006.[36] A second problem has been that these local Presidencies can pose a considerable administrative burden. As the local representative of the EU Presidency is a national ambassador, he or she has to divide time and responsibilities between the 'European' interest and that of the country he/she serves. The Presidency chairs all EU meetings – Heads of Missions (HoMs), Deputy Chiefs of Mission (DCMs) and counsellors – and is responsible for drafting reports. This frequently raises problems of administrative capacity, as many embassies are staffed by only a handful of diplomats posted from capitals. If the country holding the Presidency only maintains a small network of resident embassies abroad, the number of local presidencies can be extremely high, creating additional problems of coordination between Member governments, which in turn can seriously hinder the effective exercise of the Presidency.

In the first half of 2008, Slovenia as Presidency-in-Office is represented only in 20 states, in the other 130 countries it will have to rely on a local presidency from another Member State. But it is not only a small Member

[35] Duke, S. and Vanhoonacker, S., Administrative Governance in the CFSP: Development and Practice (2006), p. 172. See above note 31.

[36] Council Document 16568/06 of 11 December 2006, Arrangements on the diplomatic representation of the Presidency in third countries.

State problem. Even during the German Presidency in the first half of 2007, the 27 local Presidencies were exercised by seven different Member States. The image below provides a visual overview of the countries in which five or less Member States are represented at the level of ambassador A further problem is created where only very few Member States are represented, for they then have to exercise a near continuous (or even continuous[37]) local Presidency with all the additional burdens that brings to the embassy concerned.



3.2.1 Problems of continuity and capacity

The rotating Presidency furthermore poses serious problems of continuity as well as capacity. Even apart from continuously changing agendas and priorities, it provides the EU in some capitals with 27 alternating names, faces, and telephone numbers, although this can be significantly less in smaller countries. The CFSP, through the rotating Presidency, has perforce relied strongly on national diplomatic structures in third countries but general geographical patterns of representation and the accession of states with (sometimes very) limited diplomatic resources have produced considerable variation in the arrangements for local representation, as well as in its effectiveness. Although most of the problems associated with the rotating Presidency are of no direct consequence in countries in which EU interest is relatively limited, they are much more significant in areas high on the list of EU external priorities. The introduction of the Troika gave a

[37] In 2007 there were 19 countries in which a single Member State holds a continuous local Presidency.

greater sense of certainty in terms of continuity at the local as well as the European levels insofar as it has frequently been the country next in line for the Presidency that has taken over local functions. At the local level this practice has generally held good, even though the Troika now includes the country holding the Presidency together with the High Representative and the Commissioner for External Relations.

3.3 The role of Member States' embassies in third countries

There is an important analytical distinction to be made in terms of the involvement of national diplomatic missions in the CFSP between their temporary responsibilities as representative of the Presidency and their regular activities as diplomatic outposts of EU Member States. When holding the Presidency, the emphasis of an embassy's work is on representation, communication, and coordination, as has been considered in previous sections. In the latter capacity, discussed in the present section, their contribution to European diplomacy takes the shape of providing input in the decision-making process, mainly through information and analysis.

Member States' embassies in third countries are traditionally the 'eyes and ears' of European foreign policy cooperation, providing information on, and assessments of, a wide range of developments in third countries. Every ambassador transmits his/her interpretations of events and, if opportune, recommendations for policy initiatives to his or their Foreign Ministry. In whatever form considered desirable, this information is then passed to the foreign policy process in Brussels. The key is quite what the Foreign Ministry/national government process has done with the information, for some at least of the substantive intelligence might have already been shared with ambassadorial colleagues in the field. Since the Copenhagen Report of 1973, there has been an obligation, later codified in the TEU, for Member States' embassies in third countries to cooperate more closely in exchanging information and analyses. Indeed, Ambassadors are encouraged, and often explicitly requested, to coordinate their views, assessments, and actions. Since the mid-1980s it has been usual – and again it became a requirement – for the Commission Delegation to be invited to such meetings. The principal platform for this is regular meetings between embassy – and delegation staff at different levels, which in practice are mainly concerned with joint assessments, policy (pre-)coordination, and the exchange of information.

3.3.1 Coordination, joint assessment, and information exchange

Coordination takes place in regular meetings chaired by the ambassador of the EU Presidency. Practice in both the number of meetings organised by a Presidency and the importance attached to any coordination differs according to each Presidency, each Ambassador and the country to which they are posted. Anecdotal evidence from the 1970s and 80s suggests that French Ambassadors in Africa, the Middle East or South East Asia were not always particularly open, least of all in involving Commission officials.[38] On the other hand, some 20 years later, during the Finnish Presidency of 2006, no less than 115 coordination meetings took place in Washington alone at the level of Heads of Mission (HoMs), DCMs and 16 different groups of counsellors.[39] Even so, the frequency of these meetings does not necessary bear any relation to the actual coordination of views or the drafting of joint reports.

Joint meetings of HoMs are generally considered to be one of the most significant forms of diplomatic cooperation in the field. It is important to note that their scope and effectiveness, as well as the quality of the reporting, differs strongly between capitals, depending *inter alia* on the demand for information from the field from Brussels and the number of Member States represented. The intensity of cooperation and the frequency of reporting vary widely, in part due to the geographical focus of EU policies and interests. The foreign policy making processes in Brussels and in national capitals require continuous detailed and up-to-date information on countries in which the EU takes a particular interest, especially those plagued by political instability. The Africa Working Group, for example, regularly requests that local HoMs draw up common reports on recent developments in various African countries.

In a similar vein, effective diplomatic coordination and political reporting are often dependent on a shared demand for information from capitals, as is for example the case in Ankara. Reporting on Turkey's progress on

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[38] See for example, Tomkys, R., European Political Cooperation and the Middle East: A Personal Perspective, *International Affairs*, vol. 63, no. 3 (1987), p. 434.

[39] Information obtained by the authors, Embassy of Finland, Washington D.C. The following counsellors groups with various frequencies in Washington: Political, Trade, ECOFIN, Agriculture, Energy & Environment, Media, Transportation, Cultural, Death Penalty, Labour, Administrative, Schengen, JHA and Consular, Defence, Science and Technology, Development. Cf. Taylor's case study in 1980, when only commercial & economic, and information & press counsellors took part in regular meetings: Taylor, P., Political Cooperation Among the EC Member States' Embassies in Washington, *Journal of European Integration*, vol. 4, no. 1 (1980), pp. 28–41.

the accession criteria is officially a Commission competence, but in most capitals there is demand for a (joint) political analysis of what the political implications of Turkey's progress are. Therefore in addition to the official HoM's reports, informal assessments for capitals are often drafted by the political counsellors group.

This distinction also affects the sharing of information between Member States' missions. For example, embassies are to keep partners informed about official visits from their country to the host state and it is customary for the ambassador in question to give a brief presentation to his colleagues about the issues discussed during the visit. The usefulness of this exercise differs from country to country and is dependent on whether or not the EU has an immediate interest in the political issues of the host state. If there is no such interest, the added benefit to EU coordination is limited. As the ambassador of a large Member State to South Africa put it: "To be honest, I don't care about a visit by a minister from Cyprus or some other small country".[40] Visits of the High Representative perhaps fall into the same category. Conversely, in unstable countries, where information is sparse and access to the administration problematic, it is of interest to all concerned if a minister or head of state from the host country has made any reference to, say, the local peace process or EU involvement.

3.3.2 Bilateral interests and the limits of diplomatic cooperation

At the same time, international ambitions, real or imagined bilateral interests, and historical background are of continued relevance – not only in the economic and commercial area, but also in the political sphere. Despite the existence of a distinct European interest on a number of issues, Member States on many occasions lack the will to act in unison. This is mirrored in third countries, as diplomats, in responding to events, or when making decisions primarily consult with their ministry at home for instructions rather than with their counterparts from other Member States or the Commission in the same location.[41] Their opinions and assessments will reflect national positions or intentions, and diplomatic cooperation on the ground cannot therefore formally go further than the level of cooperation in Brussels or European capitals and can not develop into a *sui generis* type of cooperation.

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[40] Interview EU diplomat, Pretoria, South Africa, December 2007.

[41] Interviews with EU diplomats in Washington (November 2007) and Pretoria (December 2007). See also Bale, T., Field-level CFSP: EU diplomatic cooperation in third countries, *Current Politics and Economics of Europe*, vol. 10, no. 2 (2000), pp. 187–212.

In a number of countries, representatives from the host countries give regular briefings to EU heads of mission on relevant policy issues. As many diplomats observe, however, Member States often lack the willingness to make common assessments of this information.[42] Somewhat ironically, most joint briefings are mainly of benefit to the host state, which can speak to (not with!) the EU in one meeting, rather than to its Members in 27 separate briefings. It is therefore not surprising that research has shown that the number of joint reports has increased, but that in most cases these reports give a rather informal impression of the different viewpoints rather than formal recommendations for action.[43]

The enlargement of the Union has not only widened the range of interests, the sheer number of EU ambassadors around the table in some countries has also affected the informal club atmosphere, which was credited with bridging some of these differences. Hence, in day to day diplomatic practice, the EU often functions as a platform to meet with other diplomats, though not by definition under an EU banner. It is commonplace for Member States to meet in different (regional) groupings, depending on the issue of interest. Often third states with similar interests are invited to these meetings, which underscores that point that the importance of the framework of EU cooperation is often relative.

3.4 The High Representative

3.4.1 The Institutional Background

Initially the idea had been put forward that the Presidency and EPC should be supported by an EPC Secretariat. While mooted by the Italians and Germans and agreed by others, the problem was that the French wanted it to be located in Paris. Given the only reluctant acceptance of several of the Member States to the intergovernmental nature of EPC, a French dominated secretariat was seen as undesirable and so the idea languished, for all the inefficiencies of having to rely on the rotating Presidency. The issue was not finally resolved until the Single European Act when a small secretariat was established in Brussels, housed within but separate from the Council Secretariat.[44] One of its primary aims beyond maintaining EPC archives and files and thereby assisting the Presidency, was to assist the Presidency in its contacts with third countries and multilateral bodies – including preparatory work on speeches to be delivered by the Presidency to the UN

[42] Interviews with diplomats in Washington, Pretoria, Brussels, and various EU capitals.
[43] Bale, T., Field-level CFSP: EU diplomatic cooperation in third countries. See above note 41.
[44] Nuttall, S., *European Political Cooperation* (Clarendon Press, 1992); Smith, M.E., *Europe's Foreign and Security Policy. The Institutionalisation of Cooperation* (Cambridge University Press, 2004).

General Assembly.[45] Increasingly, too, the Presidency was responsible for attempting to coordinate Member State positions, both in New York and Geneva – the number of meetings having risen, according to one account, to some 1,300 in New York and 1,000 in Geneva by 2005.[46] Given the mixed competences of so much of the other work undertaken in New York in the UN and its Agencies, and in Geneva, the Council Secretariat has had offices in both places since 1994, again to assist the Presidency in preparing speeches and providing an institutional memory.

With Maastricht and the establishment of CFSP, the EPC Secretariat became the CFSP Secretariat and was absorbed within the general Secretariat of the Council, becoming Directorate E. In addition to responsibilities for CFSP, Directorate E has continued to oversee external relations. It also gained responsibility for political-military structures for ESDP. Since 2002, it has been headed by Robert Cooper, a former British diplomat and close advisor to Tony Blair when Prime Minister. The Council Secretariat, in general, long ago became more than just record keepers to take on more 'political' roles in preparing policy papers for the Council and the Presidency.[47] As Regelsberger has also pointed out, the very fact that the Secretariat was in Brussels not only provided the growing number of diplomatic missions to the EC with a point of contact, it gave the press corps the excuse to demand authoritative information, a demand the Secretariat increasingly sought to meet.[48]

By 1997 the inadequacies of Maastricht to meet issues of continuity and the representation of the EU, and against a background of EU failures in the Balkans, had led the Member States, under pressure especially from France, to agree on the appointment of a 'Mr CFSP'. The aim was to provide a focal point, a voice for a common policy. Under the Amsterdam Treaty, a High Representative was to be appointed with the role of assisting the Presidency, "and in that capacity, it shall in principle express the position of the Union in international organisations and international conferences" (Art J.8.2 of Amsterdam). Javier Solana, a former Spanish Foreign Minister and Secretary General of NATO was appointed in 1999. From the outset, he was aware of the need for a more effective decision-

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[45] Regelsberger, E., The Setup and Functioning of EPC/CFSP, in Regelsberger *et al* (eds.), *Foreign Policy of the European Union* (Lynne Rienner, 1997), p. 73.

[46] Farrell, M., EU Representation and Coordination within the United Nations, in Laatikainen, K. and Smith, K.E. (eds.), *The European Union at the United Nations* (Palgrave, 2006), p. 32.

[47] See, for example, Westlake, M. and Galloway, D. (eds.), *The Council of the European Union*, third ed., (John Harper, 2004), chapter 19.2.

[48] Regelsberger, E., The Setup and Functioning of EPC/CFSP. See above note 45.

making process for the CFSP, and for a more visible, more active and less simply declaratory foreign and security policy.[49]

3.4.2 The role of High Representative

Solana immediately took the representative role of the High Representative seriously. Within a year, as he reported:

> I have travelled to 40 countries—not including the Balkans, which I have visited practically every month—clocking up more than 450,000 kms in the air. I have taken part in 17 Summit and political dialogue meetings, as well as over 20 other meetings at Head of Government and Ministerial level. One of my priorities is to maintain a substantive dialogue with a wide range of third countries. Equally, I put a considerable amount of effort into ensuring that the European Union is sufficiently present and active in international organisations, particularly the United Nations and the OSCE.[50]

It was, and has remained an exhausting pace. In January 2007, to take a random example, he travelled to six countries and had 21 meetings at the level of heads of government or with Foreign and Defence Ministers and had met the incoming UN Secretary General twice.[51] He issued 19 statements and gave nine speeches. The German Presidency, for its part, issued 18 statements and gave five speeches on CFSP or related topics in the same month.[52]

To begin with, as Solana, himself, was only too aware, he was heavily dependent on the Member States, saying, for example, in 1999, that "I rely on their diplomatic networks, their logistic capabilities, and their expertise in specific areas."[53] A Policy Unit had been established (properly speaking the Policy Planning and Early Warning Unit), made up of seconded national officials, to support the High Representative. But what has been particularly apparent during Solana's period in office has been the significant institutionalisation of foreign policy expertise in Brussels and a growing network of experts, EU Special Representatives, in the field.

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[49] Remarks to the press by Javier Solana, 19 October 1999, http://www.consilium.europa.eu/cms3_applications/applications/solana/details.asp?cmsid=335&BID=107&DocID=59172&insite=1.

[50] Speech by Javier Solana, 'Reflections on a year in office' at the Swedish Institute of International Affairs and Central Defence and Society Federation on 27 October 2000, http://www.consilium.europa.eu/cms3_applications/applications/solana/details.asp?cmsid=335&BID=107&DocID=63735&insite=1.

[51] See for example Javier Solana's agenda for 2007, http://www.consilium.europa.eu/cms3_applications/applications/solana/archAgendaMonth.asp?cmsid=246&month=1&year=2007.

[52] See the archive of speeches and interviews of the German Presidency in the first half of 2007 http://www.eu2007.de/en/News/Speeches_Interviews/index.html, as well as CFSP statements http://www.eu2007.de/en/News/CFSP_Statements/index.html.

[53] Remarks to the press by Javier Solana, 19 October 1999. See above note 49.

The Policy Unit, for example, was geared initially to provide, in the words of one of its officials, "a nucleus of support for Solana, of policy-oriented officials with links to their national diplomatic services who could supply him with information, with advice – both inputs from those countries but also independent advice as they developed their own contacts working on his behalf".[54] The Unit expanded not only in numbers – it had reached twenty, for example, within a year – but in its remit. It also gave rise to the so-called Situation Centre (SitCen) with coverage not only of external but also internal security matters.

Again, at the outset, SitCen was very largely dependent on the information provided by the Member States – especially for more sensitive intelligence. According to William Shapcott, SitCen's head, by 2001/02, a substantial number of Member States had begun to participate and to share more sensitive information, which could then be used to develop common assessments on issues of interest to the Union.[55] As SitCen's remit was extended to internal security and especially terrorism, so analysts from domestic security services were added. Gijs de Vries, who had been appointed the Council as Counter-Terrorism Coordinator within the Council Secretariat in the aftermath of the Madrid bombings in March 2003, reported in March, 2005: "So we now have, for the first time in Brussels, in the Situation Centre (…) an integrated group of analysts from our external intelligence services and the internal security services to jointly assess the terrorist threat as it develops both inside Europe and outside".[56] The assessments made are then passed to Foreign (and Interior) Ministers and to Solana to help shape policy.

Since the creation of ESDP, Directorate E of the Council Secretariat has also been given responsibilities in the context of planning and executing military and civilian crisis management, which demands close working relationships with the EU's Military Staff (EUMS). The EUMS, under the direction of the EU's Military Committee (made up of Member States' chiefs of defence staffs), provides military expertise for the High Representative in terms of early warning, situation assessment and strategic planning. In doing so, it has undertaken a number of overseas fact-finding missions. In his description of the planning of the 2008 military operation in Chad, for example, the Director General of EUMS, David Leakey,

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[54] William Shapcott, in evidence to the House of Lords, Select Committee on the European Union, 3 November 2004, p. 3. See above note 17.

[55] Ibid., pp. 4–5.

[56] De Vries, G. in an interview with Euractiv.com on 4 March 2005. http://www.euractiv.com/en/justice/gijs-vries-terrorism-islam-democracy/article-136245.

reported not only on the interaction with the French Operations headquarters in Paris (the French having been designated as the planning authority) but on the information gathering mission that he had led to Chad in August 2007. Similarly there were fact finding missions in support of the PSC's decision to launch an ESDP Mission on security sector reform in Guinea Bissau.[57] The EUMS has also been the source of the military advisers attached to EU Special Representatives, as in that of the EUSR for Sudan, based in Addis Ababa.

Even before this infrastructure had been fully created, the position of the High Representative was acknowledged in the changed make-up of the Troika. No longer was it a Troika made up of Presidencies – with the Commission frequently also in attendance. After Amsterdam, the High Representative became one of the three, along with the Presidency in Office and the Commissioner responsible for External Affairs. In practice, Solana does not always participate himself. He is, though, frequently represented by someone from the Council Secretariat or the Policy Unit – especially, that is, when the Troika is meeting third parties in Brussels. Where appropriate, he is also represented by one of the Special Representatives, as in the Troika's visit in February 2008 to Azerbaijan. In part, Solana's absence is the result of the fact that he has gained a position not autonomous from but separable from that of the Council Presidency – enough certainly to make his own visits, participate in negotiations and make his own statements (not always wholly appreciated perhaps by the President in Office). As he was reported to have said: "As time goes by I do whatever I want. I know what people think. I pursue my own agenda. I don't have to check everything with everyone. I would rather have forgiveness than permission. If you ask permission, you never do anything".[58]

In some cases, however, Solana has achieved that position by proving himself willing and adept at striking up strong relationships through constant visits. Not every Presidency has had the same inclination to travel, say to the Balkans or even to the Middle East. In the latter case, Solana was also assisted not only by French reluctance to attend the Sharm el-Sheikh summit of October 2000 but by receiving a personal invitation from President Mubarak.[59] Solana was invited, too, by the Spanish Presidency to attend the meeting that formalised the so-called Quartet in April 2002. Since then,

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[57] Leakey, D., The first Eight Months, in *Impetus,* Issue 4 Autumn/Winter (Council of the European Union, 2007), p. 2.
[58] *Financial Times* of 12 July 2003. Quoted in Crowe, B., *Foreign Minister of Europe*, (Foreign Policy Centre, 2005), p. 15.
[59] Ibid., p. 17.

given the diverse elements of the Road Plan etc, the EU has usually been represented in the Quartet not only by the country holding the Presidency and Solana but also the Commission. Interestingly, however, when George W Bush determined on a new political impetus in Israeli-Palestine talks (not least given the victory of Hamas in the June 2007 elections), he called on the newly-retired British Prime Minister, Tony Blair, to be the necessary intermediary.

A further element in enhancing the High Representative's role has been through the usefulness of his office as an *interlocuteur valuable* between Member States, especially, that is, between particular groups and other EU members. The Member States have often sought to remedy both their own tendency to fall into coalition building on specific issues as well as meeting the problems of continuity and consistency created by the deficiencies of the institutions they have created. There has, after all, been a perennial tendency on the part of the bigger Member States, particularly France, Germany and the UK, to form a *directoire* on foreign policy issues. In some cases this has been accepted and in other cases resented by other Member States – especially by those who believe they had reasons for being included. Such *directoires* of three or four (or sometimes five as on Kosovo) have not simply been born of a belief that negotiating à Nine, 15 or 27 might be counter-productive or even that including the Presidency might reduce the EU's impact, but they have sometimes also been preferred by third countries. It has been suggested, for example, that this was the case with the Bosnian Contact Group, that "happened in 1994, not entirely coincidentally during a Greek Presidency with which the US was not prepared to deal as the spokesman for the EU".[60] But, while on some occasions, the Presidency has been invited in the interests of EU solidarity – as at Rambouillet in the negotiations with Milosovic and the Kosovars in 1998 – on other occasions, most notably in negotiations with Iran, the High Representative has been invited to participate. While the initial moves to engage Iranian leaders on their nuclear programme were undertaken by the Big Three, for a variety of reasons, Solana came to be both a useful go-between the EU-3 and other EU Member States and between the EU-3 and Iran.[61]

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[60] Crowe, B., *Foreign Minister of Europe* (Foreign Policy Centre, 2005), p. 10.

[61] Arfazadeh Roudsari, S., Talking Away the Crisis? The E3/EU3-Iran Negotiations on Nuclear Issues, *EU Diplomacy Papers*, no. 6 (College of Europe, 2007).

3.5 EU Special Representatives in third countries

Both in supporting the High Representative as a further source of information independent of the Member States, and directly representing the Union in third countries, the role of EU Special Representatives (EUSRs) has become of increasing significance even if so far they have been limited in number. EUSRs have been appointed to address particular problems of geographical concern to the EU, and to promote EU policies in troubled regions and countries.[62]

If the formal introduction of EU Special Representatives to assist the High Representative/Secretary General of the Council waited on the Treaty of Amsterdam in 1997, the Council had in fact already appointed two 'EU Special Envoys' in 1996 and 1997. The first Special Envoy appointed in 1996 was for the African Great Lakes region (Aldo Ajello), followed by the appointment of Miguel Angel Moratinos for the Middle East peace process in 1997. The practice has since been consolidated: there were five in 2001, and nine since 2005.

EUSRs are appointed by the Council of Ministers voting (since the Nice Treaty) by qualified majority on a recommendation from the High Representative approved by the Political and Security Committee "with a mandate in relation to particular policy issues".[63] They are supported by teams made up of seconded officials from Member States or EU institutions, international contract staff, and local contract staff. All operational and administrative costs relating to the activities of Special Representatives are charged to the CFSP chapter of the Community budget. These funds are managed by the Commission so that the EUSRs are directly accountable to the Commission for all expenditure, which is contractually agreed by both parties.[64]

The tasks of EUSRs on the ground are not fundamentally different from those of special envoys or ambassadors in national administrations, and requirements regarding their personal capacities are thus similar. In particular in situations of crisis, the role of EUSR's has grown to be much like that of traditional ambassadors. "(…) the EU Special Representatives

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[62] At present nine Special Representatives cover the following areas: Afghanistan, the African Great Lakes Region, Bosnia and Herzegovina, Central Asia, the former Yugoslav Republic of Macedonia, the Middle East, Moldova, the South Caucasus and Sudan. EUSRs are to be distinguished from Javier Solana's Personal Representatives, whom he personally appoints and who deal with more thematic issues such as Weapons of Mass Destruction or relations with Parliament.

[63] Council Document of 24 July 2007 on EU Special Representatives: Guidelines on appointment, mandate, and financing, Council of the European Union 11328/1/07.

[64] Grevi, G., Pioneering Foreign Policy: The EU Special Representatives, p. 20. See above note 16.

have [also] performed a larger diplomatic and political role, most notably in the Western Balkans. Their mandates are often quite broad, and the complex character of crisis situations demands thorough assessment and comprehensive policy engagement".[65]

Grevi distinguishes between three main tasks that EUSRs fulfil in support of EU foreign policy.[66] First, representing the European Union in areas of particular concern or crisis, with the added responsibility of maintaining political oversight over crisis management operations. The general message to countries or regions where EUSRs are deployed is one of EU engagement and commitment to the area. They provide a 'voice' and a 'face' to the CFSP and are generally extensively involved in local or regional peacemaking/peace building efforts, engaging with national governments and international organisations and, often jointly with the Commission and local governments, participating in other multilateral fora dealing with conflict settlement and reconstruction. The impact of EUSRs on the local diplomatic playing field can thus be significant.

EUSRs operate in environments where national diplomatic initiatives are frequent and not by definition complementary to their own actions. Whether an EUSR is able to realise his full potential by conveying authoritatively specific messages on behalf of all Member States depends heavily on the political and diplomatic discipline of the 27. Close cooperation with national diplomatic missions on the ground is often indispensable for the success of the EUSR's efforts, yet over-engagement by Member States could effectively undermine any advances, and thus weaken the EU position. When national high-level delegations visiting the host country fail to liaise with the EU Special Representative, or even give him/her advance notice of their mission, the EUSR's credibility diminishes.

Second, EUSRs have an important role to play in third countries in terms of the collection of information and the input in policy initiatives – very much a traditional diplomatic role but one that primarily, or at least initially, services the High Representative and the Council Secretariat. For complex decisions regarding crisis situations or armed conflict, relevant and timely information are crucial. In the areas where EUSRs have been appointed, the diplomatic presence of Member States is often limited to a small number of countries. Providing information then becomes very much a two-way street: on the one hand, the contribution of EUSRs as providers of 'EU-made' information can be a valuable addition to HoMs reports and

[65] Ibid., p. 10.
[66] Ibid., pp. 41–49.

information from capitals with embassies in the field. On the other hand, as an EUSR's capacity for independent data collection in the field is often modest, they generally rely on information from national diplomatic services – which is not always of the desired quality, especially concerning sensitive issues (see section 3.5) – or from the Commission, which may not be geared to political interpretation (see below).[67] Even so, the process may be of advantage to many of the smaller Member States, which can thereby acquire information concerning developments in areas that are only sparsely covered by their diplomatic networks. And more generally, EUSRs have at least the potential to help to improve the quality and effectiveness of EU external action by raising the informational levels and putting forward operational proposals.

Third, in addition to their responsibilities for representation and reporting, EUSRs can contribute to a more coherent use of CFSP/ESDP tools and Community instruments and policies at a variety of different levels. These range from greater coherence in the field, both between CFSP/ESDP and Community activities, different CFSP/ESDP missions, between EU policies and national foreign policies and between the EU and its efforts and those of the wider international community.[68]

Although the personal efforts of individual Special Representatives are key in performing these tasks, they ultimately rely on the Commission, the Presidency, and, importantly, the HR himself to coordinate agendas and resources. Practical cooperation with national and Commission diplomatic missions is particularly essential: EUSRs frequently rely on logistical support from the Commission delegation, for example, and currently four EUSRs and their teams work from Commission premises under a co-location agreement, in Addis Ababa, Chisinau, Kiev, and Skopje. Substantive policy coordination, however, has proven far more problematic, in part due to the lack of clarity about the managerial relationship between the EUSR and the head of delegation.[69] EUSRs are often perceived as an additional layer of bureaucracy and in practice have sparked unavoidable turf battles with the Commission delegations.[70] Local pragmatism has in many cases attenuated some of these problems:

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[67] Bretherton, C. and Vogler J., *The European Union as a Global Actor* (Routlegde, 2006), p. 173.

[68] Grevi, G., Pioneering Foreign Policy: The EU Special Representatives, p. 46. See above note 16.

[69] Spence, D., The Commission and the Common Foreign and Security Policy, p. 386. See above note 15.

[70] Dijkstra, H., The Council Secretariat's Role in the CFSP: Nature Abhors a Vacuum, *Working Paper*, (2007), p. 8.

> Inter-pillar feuding has often hampered synergy between different EU actors. (…) Practical cooperation on the ground [however], in response to pressing requirements, has often been smoother than coordination at Brussels Headquarters, where legal and political arguments tend to take the forefront.[71]

In a similar vein, issues about authority and competence occasionally hinder meaningful cooperation with Member States' senior diplomats, some of whom are reluctant to exercise restraint in pursuit of their bilateral interests or personal prestige in order to pave the way for an EU representative.

3.5.1 Double-hatting EU Special Representatives

From an institutional point of view, a significant development in the field of external representation is the so called double-hatting, the arrangement by which the roles of EU Special Representative and Commission head of delegation are combined. To date, two of these projects are in operation, although local and political circumstances have made for different arrangements.[72] The novelty of this approach lies in bestowing responsibility for first and second pillar instruments on one individual, yet the Community and CFSP/ESDP dimensions of their work remain functionally distinct. In the Former Yugoslav Republic of Macedonia, EUSR Erwan Fouéré also serves as head of delegation, with the result that the post has been retitled as the 'EU Mission in FYROM'. In December 2007, the Council appointed Koen Vervaeke as a new EUSR to the African Union (AU) and as head of delegation of the Commission delegation to the AU in Addis Ababa, Ethiopia.

For anyone to serve as head of delegation, membership of the Commission is a requirement. This means that the EUSR-designate must either be a Commission official, such as in FYROM, or join the Commission as Vervaeke did. The nature of EU involvement in the EUSR's area of operation in practice determines a large part of the specific arrangements for double-hatting. In countries where initiatives are focused on post-conflict reconstruction, democratisation, institution building, or even prospective membership, as in the Balkans, the appointment of a Head of Delegation as EUSR reflects the extensive deployment of Community instruments. If, by contrast, efforts are focused on crisis management or military stabilisa-

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[71] Grevi, G., Pioneering Foreign Policy: The EU Special Representatives, p. 47. See above note 16.

[72] The double-hatting agreements where a EUSR also serves as head of delegation, are to be distinguished from other double-hatting agreements where the EUSR performs an additional representative function, for example in the case of Miroslav Lajčák, the EUSR in Bosnia Herzegovina, who also holds the UN Office of the High Representative.

tion, it might be more appropriate for the EUSR to be recruited from the ranks of national diplomats.

There is a general ambivalence among Member States about the desirability of double-hatting as a model for EU representation. Some, including the UK, are wary of precedents and have successfully pushed for a declaration to the Joint Action appointing the double-hatted EUSR in FYROM that stressed the exceptional nature of the arrangement. The declaration also noted the Council's primacy in CFSP by stating the Council and Commission's agreement that the EUSR will take instructions from the Council on CFSP, with no caveats or exceptions.[73] From the opposite perspective, the Commission and the European Parliament have been anxious to prevent further 'intergovernmentalisation' of the delegations' competences.

Turf issues are therefore equally significant in the appointment procedure of double-hatted EUSRs. It is not only personal qualities which matter in the selection process; the political weight and profile of the candidate are crucial political sticking points in the institutional rivalry between the Council and the Commission. For fear of ceding much of the delegations' autonomy to a high profile Special Representative with a natural proximity to the Council, the Commission is often said to favour candidates of lesser stature. Most Member States, for obvious reasons, take a different view.

In summary, the general position of Special Representatives in EU external representation has been strengthened. Their individual role and influence in the system of diplomatic representation, however, depends for a large part on two structural factors. First, their mandate and competence, which are in turn an expression of the legal and political division of competences between the CFSP/ESDP dimension and the Community for the issues of concern. Second, the extent to which national interests in the area motivate bilateral diplomatic initiatives, as EUSRs operate in environments where national diplomatic initiatives are frequent and not by definition complementary to their own actions.

[73] For a discussion on the EUSR in FYROM in the House of Commons Select Committee on European Scrutiny, see the Fifth Report, Session 2005-2006, Document 42 'European Union Special Representative in Macedonia' (26896) http://www.publications.parliament.uk/pa/cm200506/cmselect/cmeuleg/34-v/3444.htm.

4 EU REPRESENTATION (II): THE COMMISSION DELEGATIONS

4.1 The development of the External Service

The development of EUSRs and the EU's representation in general, has to be seen against the background of the European Commission's external role. That role originally derives from its powers to negotiate international commercial agreements under Article 133 of the EC Treaty (originally Art 113). As the principal negotiator in this area, it has not only raised its profile in international organisations, but also in many third country capitals. Together with its responsibilities in the field of international aid, the Commission's role gave early weight to its delegations which began to proliferate around the world. The early pattern of establishing Commission representation in third countries reflected the focus of EC development programmes, most notably including the states party to the 1964 Yaoundé Convention and subsequently the 1975 Lomé Convention.[74] Formally these outposts were managed by the European Agency for Cooperation (AEC), supervised by DG Development, and, since duties were predominantly of a technical nature, the posts were staffed by development experts on temporary contracts who did not generally enjoy diplomatic status. A significant exception to that early pattern was the opening of the Commission office in Washington as early as 1954 to represent the European Coal and Steel Community (ECSC). In 1971 the office was officially transformed into a delegation. In the same year a delegation was opened to the OECD in Paris. From the mid-1970s onwards, the role and status of the delegations expanded significantly in parallel to the growing scope of agreements between the EC and third countries. The signing of the Lomé Convention extended the mandate and influence of the Commission's missions in the so called African, Caribbean, and Pacific (ACP) countries.

In the 1980s the network of delegations continued to grow and came to include capitals of major EC trading partners and international economic organisations, principally the OECD and the GATT. These delegations were led by DG External Relations in the Commission, and operated in a fashion more akin to traditional embassies in terms of diplomatic status and functions. Thus important differences arose among the Commission's missions depending on the nature of the EC's relationship with the host

[74] For an overview of the early development of the External Service, see Commission of the European Communities (Moran J. and Ponz Canto, F.), Taking Europe to the World: 50 Years of the European Commission's External Service (Office for Official Publications of the European Communities: 2004).

country. Personnel in the ACP countries were drawn from technical experts who served abroad for longer periods of time and spent relatively little time in the Brussels headquarters. Delegation staff in developed countries, however, had often previously worked in the Commission and had a reasonable prospect of returning there. These different missions also related to different DGs in the Commission, thereby compounding the problems of trying to develop a common administrative culture.

The need to harmonise operating procedures, in particular in terms of information security and confidentiality, became particularly acute with the growing involvement of the Commission with EPC. In addition, reform was seen as necessary in order to allow for future expansion in terms of both size and function. Common statutory rules and financial and material support schemes more like those of traditional foreign ministries were designed to facilitate greater mobility. Indeed, by the time the new provisions came into effect in 1988, the number of delegations had grown to 89. Most of these posts had received the status of diplomatic mission, including the courtesy title of ambassador for the head of delegation.

The fall of Communism and the break up of the former Yugoslavia in the early 1990s inaugurated a period of expansion of diplomatic capacity by both Member States and the Commission in Central and Eastern Europe and the Balkans to manage the transition process of these countries into stable democracies and market economies. The tasks of the delegations, which initially consisted mainly of the administration of assistance programmes such as PHARE and TACIS, came increasingly to include the local management of the accession process in the late 1990s.

4.1.1 Involvement in the CFSP

The Maastricht Treaty introduced and consolidated a number of legal provisions with direct impact on the role of the Commission and its delegations abroad (see section 4.2). For the first time, formal mention was made of the role of the Commission delegations in the Common Foreign and Security Policy. Article J.6 (later Art 20 of the Consolidated Treaty) introduced the legal requirement for 'cooperation' between Member States' diplomatic and consular missions and the delegations of the European Commission in third countries and at international organisations in order to ensure compliance with, and implementation of CFSP decisions. The Commission's "fully associated" status with the "work carried out in the common foreign and security field" ((J.9) later Art. 18(4)) was strengthened, and the Council and the Commission were made jointly responsible for ensuring consistency in the EU's external activities "in the context of its

external relations, security, economic and development policies", and "in accordance with their respective powers" (Art. C later Art 3 TEU).

The Commission's involvement in CFSP marked the beginning of a further decade of management reforms within the External Service and its network of delegations.[75] A number of proposals from the newly created Directorate-General (DG 1A) were implemented better to equip the Commission for its closer association with the CFSP and to enhance its capacity to assume both the structure and functions of national diplomatic services.[76] Among the most notable early improvements was the promotion of staff mobility following recommendations by the Williamson Report.[77] Despite earlier reforms, still only 40 precent of RELEX staff were serving abroad, compared to an average of 75 precent for national foreign services.[78] The professional background of those in the delegations differed substantially from their colleagues in national embassies, as only 16 precent have had any previous diplomatic experience.[79] In a bid to professionalise the Service, more personnel working in the Brussels headquarters were made to spend part of their careers in the delegations, and financial compensation schemes were put in place to encourage and facilitate this.[80]

Further reforms with significant consequences for the role of the delegations were initiated by the management review of Neil Kinnock, Vice-President in the Romano Prodi Commission of 1999-2004. In 2002 not only was a new Directorate General, the EuropeAid Co-ordination Office, introduced but so too was a process of 'deconcentration' of the management of assistance programmes. The latter process meant a significant shift of responsibilities from Brussels to delegations in the field, a development that was mirrored by the redeployment of staff from headquarters to the different posts. Other reform efforts focused on the overhaul of the training programme for External Service staff to include more diplomatic methods.

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[75] See, for example, Dimier, V. and McGeever, M., Diplomats Without a Flag: The Institutionalization of the Delegations of the Commission in African, Caribbean and Pacific Countries, *Journal of Common Market Studies*, vol. 44, no. 3 (2006), pp. 497–500.

[76] Duke, S., Preparing for European Diplomacy?, *Journal of Common Market Studies*, vol. 40, no. 5 (2002), p. 860; Bruter, M., Diplomacy without a State: the External Delegations of the European Commission, p. 193. See above note 6.

[77] Formally known as the report 'Longer-term requirements of the External Service' of 27 March 1996 (SEC (1996) 554).

[78] Buchan, D., *Europe: Strange Superpower* (Aldershot: 1993), p. 58.

[79] Ibid.

[80] See Commission Communication of 27 March 1996 'Staff reorganisation and rationalisation of the network' (SEC (1996) 554 final/2); Commission Communication of 8 April 1997 'Development of the External Service of the Commission' (SEC (1997) 605 final/2).

As Spence notes, however, "the management culture clearly remains one of project management, rather than diplomacy".[81]

But the key element of the reforms initiated by the Prodi Commission reforms was the creation of the DG External Relations (or RELEX as it is commonly known, after the French acronym). This new DG was given responsibility for managing the Commission's role in CFSP and for the co-ordination of relations with third countries. The CFSP directorate within the Commission was later expanded, enabling delegations to become more involved with the activities of the High Representative and his Special and Personal Representatives, in particular through supplying him with political reports.[82] To that end, many delegations today have a sizeable political affairs section. The Commission has recently further upgraded its reporting and analytical capacities both in Brussels and in its Delegations, in order to enhance its input to Coreper, PSC and Council Working Groups.[83]

Despite the effort to streamline external Community policies as well as the Commission's contribution to CFSP, fragmentation, and often rivalry between DGs remain a problem. Inefficiencies within the Commission itself impede an effective exercise of its role in CFSP, through, for example, the duplication of geographical desks with DG Trade, the fragmented responsibility for developing countries, and the separate structures for candidate countries in DG Enlargement.[84]

4.1.2 Interaction with Member States' diplomatic missions

The relationship between Commission delegations and national embassies in third countries, as intimated earlier, mirrors the uneasy political and legal *rapprochement* between the first and second pillar. Meetings organised by the Presidency were presumed to deal exclusively with political issues, and it was only when the Commission was admitted to meetings in Brussels –

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[81] Spence, D., The Commission's External Service, in Spence, D. and Edwards, G. (eds.), *The European Commission*, 3rd ed. (John Harper, 2006b), p. 414.

[82] Ibid., p. 409; Grevi, G. and Cameron, F., 'Towards an EU Foreign Service, *EPC Issue Paper*, no. 29 (European Policy Centre, 2005); Duke, S., A Foreign Minister for the EU: But where's the Ministry?, *Discussion Papers in Diplomacy*, no. 89 (Netherlands Institute of International Relations 'Clingendael', 2003a).

[83] Commission Communication of 8 June 2006 Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility (COM (2006) 278 final), p. 7.

[84] Bretherton , C. and Vogler J., *The European Union as a Global Actor*, pp. 173–174. See above note 67. In an interesting move, many of those who had been involved in the enlargement negotiations with the countries of Central and Eastern Europe were moved under the Barroso Presidency to DG RELEX to take responsibility for the Neighbourhood Policy, under Commissioner Ferrero-Waldner, whose title is Commissioner for External Relations and the Neighbourhood Policy.

first the meetings of Foreign Ministers and the Political Committee, and later the working groups – that heads of delegation became associated with national HoMs meetings as observers in 1981.[85]

Despite the gradual intensification of formal contacts between delegation staff and national embassy officials, Member States showed little interest in further developing diplomatic cooperation with the Commission. With the collapse of the Soviet Union, the Commission suggested to Member States the idea of setting up joint diplomatic facilities in the countries of the Commonwealth of Independent States, with the object of achieving greater cost efficiency in the acquisition of office space and services. The proposal was flatly rejected by the larger Member States, despite initial interest by some of the smaller countries.[86] Eventually the Commission established its own delegations, and Member States made separate arrangements for representation by (regional) embassies.

At various other points, such as the removal of a capital to a (sometimes only too literally) new city, attempts have also been made to encourage the sharing of facilities but with only limited success. The plans to construct a common complex together with the European Commission to take advantage of the unique opportunity to share the burden of construction costs and to pool embassy services when Abuja came to replace Lagos as the new capital in 1991 was one such case.[87] Rather more successful (and without the incentive of a new capital) was that of the cooperation of Germany, the Netherlands, the UK (both the High Commission and the UK Department of International Development), and the European Commission in establishing joint facilities in Dar Es Salaam (see also section 5.2).

Furthermore, a small-scale programme exists for the secondment of national diplomats to Commission delegations, though the numbers are very low. In a number of instances national diplomats have been seconded to Commission delegations, but, again, the enthusiasm of Member States for this opportunity has been limited.[88] The UK Foreign Secretary, in response to questions in the House of Commons Foreign Affairs Committee

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[85] Report Issued by the Foreign Ministers of the Ten on European Political Co-operation (The London Report), London, 13 October 1981, para 12.

[86] Buchan, D., *Europe, The Strange Superpower*, p. 60. See above note 78.

[87] Italy and the Netherlands are among the four Member States that share the EU complex in Abuja with the Commission delegation.

[88] Patten, C., Speech to the European Parliament on the Galeote Report on the External Service, 4 September 2000, Speech 00/294, http://ec.europa.eu/external_relations/news/patten/speech_00_294.htm

in 2004, even described his appreciation of Commission officials abroad in the following pejorative terms:

> you find all sorts of odd-bods from the European Union running all sorts of odd offices around the world, and I am not entirely clear whether they are subject to the same sort of rigorous appraisal of their performance as, say, members of national diplomatic services.[89]

4.2 The role of the Commission delegations in third countries

Such disdain towards the Commission delegations on the part of some Member States' representatives does little justice to their increasing importance across almost the entire spectrum of EU external relations. Formally, Commission delegations represent the Commission in its areas of competence, primarily economic cooperation and external trade, development cooperation, environmental policy, financial and technical cooperation, and in some countries' enlargement policy. Their role and influence in the system of EU diplomatic representation, however, often extend beyond this mandate. A distinction can be made between the 'soft' influence in relation to the Commission's activities within its official competence and concrete involvement in the political and security area.

First, the diplomatic profile of the Commission delegations is inevitably determined largely by their mandate, whether development cooperation in ACP-states or trade in important EU trading partners such as Japan and Brazil. In many of these countries, its role as major donor or trade negotiator gives it privileged access to government, or places it at the heart of meetings with other donors and NGOs. Similarly, in a number of states East and South of the EU, the management of the European Neighbourhood Programme and the association and accession programmes gives the delegation considerable political influence with local authorities.

Furthermore, due to its extensive network of delegations in third countries and to international organisations – 128 at present – and its permanent presence, the Commission can often provide logistical support to Member States in third countries where few others are present. In countries where an ambassador is accredited to but not resident, the delegation is often the first port of call for visiting diplomats from the regional embassies.[90]

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[89] Foreign Secretary Jack Straw giving evidence to the Select Committee on Foreign Affairs, 25 May 2004, House of Commons, Foreign Affairs Committee, Minutes of Evidence, Q 40–59 http://www.parliament.the-stationary-office.com/pa/cm200304/cmselect/cmfaff/631/4052504.htm.

[90] Interview Czech diplomat, Pretoria, South Africa, December 2007.

Furthermore, delegations assist the local EU diplomatic community by providing meeting rooms, or (co-)organising European cultural events.

Second, as a consequence of the Commission's association with the CFSP and its shared responsibility for coherence, its diplomatic role and impact have been strengthened through cross-pillar linkages. The fact that the EU Presidency and Commission are jointly responsible for ensuring the coherence of EU policies in third countries has in many cases been taken seriously by both parties. In Washington, for example, the Finnish Presidency was the first to invite the Commission to take part in weekly three-way video conferences between the Finnish Embassy in Washington, the Ministry of Foreign Affairs in Helsinki and the European Commission in Brussels. These meetings served to coordinate the agenda for the video conference the next morning with the State Department and the National Security Council although the Commission would not speak on these occasions. This practice was continued by German and Portuguese Presidencies in 2007.

Furthermore, the Commission is a permanent member of the Troika in third countries, and delegations therefore naturally work very closely with the embassy of the Presidency and are often in daily contact. As noted before, this applies in particular to Presidencies whose diplomatic presence and resources are scarce. Many diplomats, from counsellors to ambassadors, admit to being happy with any help they can get from their colleagues from the Commission. The extent of the role of the Commission therefore for a large part depends on how much room the Presidency gives it. The Presidency's embassy can either take responsibility for proposing initiatives and drafting reports (and thus take on the bulk of the work), or leave things to the Commission. As one diplomat remarked: "You don't need to ask them to do something, they will take it".[91] The same diplomat also suggested that the Portuguese Presidency in South Africa had "given so much away to the Commission" in the negotiations on the Trade and Development Cooperation Agreement (TDCA) and the Country Strategy Paper compared to her own Presidency.

The Commission has also become an important agent for policy implementation and monitoring in the CFSP, insofar as Council decisions neither over- nor under-specify the details of their implementation. Excessively detailed common positions, for example, can reduce the Commission's scope for implementation, as was the case in the 2001 common position on

[91] Interview EU diplomat, Pretoria, South Africa, December 2007.

Rwanda, which not only stressed the importance of continuing aid to refugees, but indicated the conditions under which to resume development cooperation, and the economic and social reconstruction of the country.[92] In many areas, however, the Commission has become more active in the employment of its financial and technical resources upon which the CFSP depends heavily. As Spence points out:

> the Commission's main function in CFSP is rule-making and project management. On the one hand, it proposes legislation in first pillar areas of relevance to CFSP. (…) On the other hand there is the Commission's management or the financial aspects of CFSP Joint Actions, such as weapons collection in Cambodia or support for the Palestinian authorities in the area of police training.[93]

As a consequence, EU involvement in many regions, including the Balkans, Africa and the Arab region, to an important extent relies on first pillar instruments such as the threat of use of sanctions.

The influence on the role of delegations on the ground is felt in particular in the area of conflict prevention. The Commission's engagement in conflict prevention ranges from negotiation of Country Strategy Papers to instruments within the areas of democratization, human rights, development and trade to support its role in political dialogues, arms controls or the Kimberley process, deigned to ensure trade in diamonds does not fund conflict. The Commission's management of the different budgets for civilian crisis management has introduced it as a key player in the implementation of objectives, alongside the Council Secretariat. Indeed, it has been argued that the Commission's say has negatively impacted on the Council Secretariat's influence.[94] The Africa Peace Facility is a case in point, where the Commission was not only a principal negotiator within its traditional competences in aid and trade, but also in the fields of conflict prevention, crisis management and peacekeeping.[95]

Consequently, in cases where Community policies have implications for the CFSP or *vice versa*, the Commission can act as an important source of information and coordination, due to its full association with the CFSP. In third country capitals, this gives the Head of Delegation a privileged posi-

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[92] Gauttier, P., Horizontal Coherence and the External Competences of the European Union, pp. 26–27. See above note 19.
[93] Spence, D., The Commission and the Common Foreign and Security Policy, p. 364. See above note 15.
[94] Dijkstra, H., The Council Secretariat's Role in the CFSP: Nature Abhors a Vacuum, p. 12. See above note 70.
[95] Spence, D., The Commission and the Common Foreign and Security Policy, pp. 363–364. See above note 15.

tion in meetings of the Heads of Mission in policy areas in which Community tools are considered.

4.2.1 Limitations on the Commission's potential

The opportunities for Commission delegations to play a more prominent role in EU diplomacy are in practice often limited by the agenda and attitudes of Member States, and the involvement of EU Special Representatives with their particular mandates. First, the role that the delegations can play in transversal policy areas is for a large part dependent on the room that Member States want to give it, which varies according to issues, locations and personal relationships. Clashing personalities, especially between ambassadors and heads of delegation, can easily reduce the Commission's scope of influence.[96]

On the basis of the powers conferred to the Commission under CFSP, there is a positive relationship between the margin for delegations to perform an integrative role in EU external relations and intergovernmental diplomatic cooperation. Delegations have in many instances taken up the role of coordinating cooperation and promoting coherence of EU external actions.[97] However, in cases where diplomatic cooperation among Member States has been plagued by diverging bilateral interests, the delegations' potential for acting as a driving force behind cooperation has then been rather limited to proposing cultural events and more general business-oriented initiatives. Bruter has also argued that the delegations tend to be less effective during a crisis when the focus reverts to Brussels and perhaps the Presidency insofar as it can 'hold the ring'.[98]

A second factor affecting the delegations' autonomy in cross-pillar situations is the involvement of Council representatives, in particular EU Special Representatives. As discussed above, the mandates of EUSRs can be very broad, covering not only areas where the Commission believes it has a role to play, but also including the responsibility of ensuring coherence between the pillars. Similarly on issues such as international crime or counter-terrorism where Europol has liaison officers and agreements (as

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[96] As Dimier and McGeever note, tensions often surface on questions regarding the diplomatic status of Commission staff or their use of diplomatic symbols: Dimier, V. and McGeever, M., Diplomats Without a Flag: The Institutionalization of the Delegations of the Commission in African, Caribbean and Pacific Countries, pp. 496–497. See above note 75.

[97] Bruter, M., Diplomacy without a State: the External Delegations of the European Commission, p. 195. See above note 6; Duke, S., Preparing for European Diplomacy?, p. 855. See above note 76.

[98] Bruter, M., Diplomacy without a State: the External Delegations of the European Commission, p. 195. See above note 6.

with Colombia, the United States and elsewhere), the Commission delegation might be 'out of the loop'. There is thus a realisation among staff in the Commission involved with CFSP and JHA that the proliferation of Council structures has raised their importance at the Commission's expense with all the potential that this carries for increasing bureaucratic rivalry.

5 NATIONAL DIPLOMATIC REPRESENTATION

Many of the preceding sections have been concerned with changing patterns of EU representation which invariably relate back to what the Member States do or allow the EU to do. The present section further analyses the parallel dimension of national diplomacy, focusing in particular on the constraints and opportunities presented by European diplomacy. National diplomatic networks have proven particularly resilient, both in terms of responses to *inter alia* financial pressures, as well as in terms of numbers. A detailed examination of national patterns of representation, however, highlights not only a number of boundary issues between Member States, but also between national and European diplomatic representation. The quantification of bilateral diplomacy provides a basic idea of the areas where Member States perceive their bilateral interests to be most important and therefore where points of difference and even tension may arise in terms of collective EU interests.

5.1 National diplomatic services under pressure

Few contemporary states maintain resident embassies in all the countries with which they have established diplomatic relations. Most of the ten Member States that acceded to the EU in 2004, for example, have small to medium-sized diplomatic services. In 2006, Poland boasted the largest number of resident embassies outside of the EU, 70 in total. Estonia, by contrast, only maintains eight full embassies in third countries. On average, the diplomatic networks of the ten comprised 30 extra-EU diplomatic missions.[99] The majority of the new Member States regained their full independence in the international states-system less than two decades ago and have seen a considerable restructuring of their diplomatic networks. Some of them, including the Baltic states and Slovenia, have had to build up a diplomatic service almost from scratch (see Table 2 – section 5.3.2 below).

The role, mission, and working methods of most modern foreign ministries are subject to a wide range of pressures, which do not only affect headquarters in capitals, but also diplomatic networks abroad.[100] Among them, the intense scrutiny of finance departments is one of the most influential. Just as in other parts of the public service, cost-benefit analyses are

[99] Any further mention of numbers of resident embassies of the EU-10 or EU-15 will refer to their missions in countries other than EU Member States before 1 January 2007.

[100] For recent developments see Rana, K.S., *Bilateral Diplomacy* (DiploHandBooks, 2002); Hocking, B. (ed.), *Foreign Ministries: Change & Adaptation* (Macmillan, 1999); Hocking, B. and Spence, D. (eds.), *European Foreign Ministries in the European Union: Integrating Diplomats* (Palgrave, 2005).

increasingly used to evaluate the performance of foreign ministries at home and abroad. As a consequence, most countries are under pressure to rationalise their network of diplomatic and consular missions. Although the absolute costs of maintaining a diplomatic service are not tremendously high compared to, for instance, defence or education, public perception of these costs tends to be influenced by images of elegant embassy buildings, expensive cars, and lavish dinners. Other pressures for change include the growing importance of external dimensions of internal policies, which has brought a diverse range of actors into the realm of diplomacy, and the sweeping changes in communication and information technology that have left their mark on the relationship between the foreign ministry in the home capital and embassies in third countries.

In addition to these universal pressures, the diplomatic services of EU Member States face additional complexities arising from the Europeanisation of foreign policy. The responses and adaptation mechanisms of many of them have been documented and studied in considerable detail.[101] Accession has had an equally profound impact on the organisation and operation of the foreign ministries of the new Member States.[102] Participation in CFSP has, for instance, increased the need for coordination, both at the national level as well as with EU partners, on a vast range of issues. Membership of the Union has made them directly or indirectly involved with states in which they previously had little interest and where they had few or no resident missions. In this context, new demands for diplomatic involvement and national representation have arisen.

5.2 Bilateral representation and European diplomatic cooperation

At the same time, EU diplomacy can offer potential opportunities to organise the conduct of diplomatic relations with third states more efficiently. Many Member States have studied the possibility of enhancing cooperation with other EU members' bilateral embassies, which can potentially yield significant reductions in overhead and infrastructure costs. The potential opportunities for the new Member States to ensure some sort of representation through another member are significant: in 2006 there were 90 third

[101] For a comprehensive study of the 'old' Member states, see Hocking, B. and Spence, D., *European Foreign Ministries in the European Union: Integrating Diplomats*. See above note 100.

[102] On the impact of 'Europeanisation' on some of the 'new' Member States, see Kajnc, S., Changes in Slovenian Foreign Policy Following Accession to the European Union, *CFSP Forum,* vol. 3, no. 3 (2005), 3–6; Khol, R., The Czech Republic and CFSP: One Year After Enlargement, *CFSP Forum,* vol., no. 3 (2005), pp. 7–9.

countries where none of the then ten new EU Member States was represented. Of these 90 states, 77 were home to at least one resident ambassador of the 15 'older' Members. The economic advantages of widening national representation while sharing some of the financial burden are obvious, and local cooperation with other Member States may thus offer an important possible alternative to the establishment of national embassies.

The term 'diplomatic cooperation' can be ambiguous insofar as it can mask important differences in the scope and intensity of joint arrangements in third countries. An important distinction has to be made between two types of local cooperation: the sharing of diplomatic *facilities* and the sharing of diplomatic *instruments*. The former includes the shared use of embassy premises (often referred to as 'co-location'), which involves either constructing a new embassy compound together with other Member States or renting office space to other EU diplomats. Other examples include the joint use of communications (for example diplomatic bags), security measures, the pooling of information on administrative or practical problems, and mutual material and practical assistance. Sharing diplomatic facilities cannot in practice substitute for a national diplomatic presence. Although the number of countries involved tends to differ, successful sharing arrangements to date have been limited to five Member States at most, with the majority of projects involving only two to three partners.[103]

Sharing diplomatic facilities can bring advantages, whether through lower costs (of building or renting) or, in politically unstable areas, the possibility of joint security measures to enhance security. In the case of the Nordic countries, symbolism has sometimes been as important as resources – their joint embassy building in Berlin, for example, has a strong symbolic function even while the embassies operate separately. Serious opportunities for sharing facilities generally only occur in three types of circumstances. First, when fresh needs for national representation arise, for instance in countries that have newly (re)gained independence as sovereign states as in the early 1990s, when, for example, a number of bilateral co-location initiatives were developed in various former Soviet satellite states such Kazakhstan and Belarus. Second, when a state's capital is moved a considerable distance from the old capital, the Nigerian capital's removal from Lagos to Abuja being a case in point. Third, the relocation of diplomatic

[103] For example, the UK and German representations share premises in Astana, Lima, Quito and Reykjavik; the UK and Italy in Minsk; the UK, Germany, France and the Netherlands in Almaty; and the Netherlands and Luxembourg in a number of Central Asian and African countries.

missions to a common premise sometimes becomes a viable option when a host government makes a sizeable plot of building land available to foreign missions or when one Member State acquires a substantial parcel of which it wishes to share costs with partner states.

The vast majority of cooperation initiatives concern facilities. Far fewer involve diplomatic instruments, i.e., the sharing of diplomatic and representative tasks in third countries, through, for example, the secondment of officials to each other's missions or exchanging political information. As a substitute for a national presence in the form of a resident mission, only the pooling of diplomatic instruments can be considered a form of common representation. This requires an explicit agreement between two or more states, such as the joint declaration by the UK and France on cooperation in Africa as part of the December 1998 Saint-Malo Declaration.[104] In this case, the two countries agreed to intensify the exchange of information between local embassies, in particular where one or the other partner was not represented, and to experiment in Ghana and Côte d'Ivoire with the possibility of acting on behalf of each other. The experiment was not very successful, and both the UK and France have since run separate embassies in both countries.[105]

Few examples of this type of cooperation can be found, as it has noticeable disadvantages. Apart from obvious concerns about sovereignty, a range of practical obstacles often complicate the effective sharing of diplomatic capabilities. Differences in foreign services' administrative procedures, hierarchy and culture are just some of them. Other notorious stumbling blocks include security protocols and regulations regarding the sharing of sensitive information.

5.3 The resilience of independent national diplomatic structures

5.3.1 Rationalising national diplomatic networks

Many difficulties surrounding joint representation boil down to the fact that commercial and political strength are still closely associated with extensive diplomatic contacts and that competing interests between Member States continue to exist, even in areas of regular cooperation. Diplomatic missions perform critical political, economic, and intelligence functions, and therefore in many cases will retain their relevance, despite the considerable costs. It can thus be argued that national responses

[104] Joint Declaration on Cooperation in Africa, issued at the British-French Summit, Saint-Malo, France, 3–4 December 1998.
[105] The UK Ambassador accredited to Côte d'Ivoire is resident in Accra.

to budgetary pressures are to preserve these functions, though as cost-efficiently as possible. In certain cases, this coincides with the decision to enhance diplomatic cooperation with other states, but it is not necessarily the case.[106] In other words, it is difficult to establish a direct causal connection between the need to cut costs and a Europeanisation of Member States' diplomatic missions abroad. This is not to say that budget cuts are irrelevant, although the main question is how Member States respond to these challenges. Indeed, most countries find solutions within their own diplomatic services thereby retaining a *national* character.

The most common solution has been by way of minimising the numbers of personnel, in particular the number of posted diplomats. Most of the embassies of smaller Member States employ less than five posted diplomats, the Maltese Embassy in Washington D.C., for example, being a two-man embassy, the ambassador and his deputy. An alternative to having a permanent physical presence in a third state is to use 'side' (or multiple) accreditations, where a resident ambassador to one country is also accredited to one or more others. This is a cost-effective form of representation, and is often used in conjunction with regional embassies, with one diplomatic mission covering several countries. This can bring important benefits of scale, especially when the sending state's interests are regional rather than country-specific. This has sometimes been taken further with roving ambassadors accredited to one or more countries but based in the Ministry of Foreign Affairs at home. They travel to the assigned country only periodically. Although this approach is increasingly favoured by Member States, some receiving states may have reservations insofar as it would seem to represent a downgrading in their importance.

5.3.2 National patterns of representation: consolidation and diversity

As parallel structures, national diplomacies may have transformed but are also enduring. This is reflected in the actual number of Member State permanent diplomatic representations in third countries. An overview of the key trends in patterns of representation of the then 25 EU Member States from 2000 to 2006 highlights four different types of boundary issues. These, broadly, concern the relationship between Member States in terms of their diplomatic resources on the one hand, and the relationship between

[106] Holland, M., European Political Cooperation and Member State Diplomatic Missions in Third Countries – Findings from a Case Study of South Africa, *Diplomacy and Statecraft*, vol. 2, no. 2 (1991), pp. 236–253; Bale, T., Field-level CFSP: EU diplomatic cooperation in third countries. See above note 40; Bruter, M., Diplomacy without a State: the External Delegations of the European Commission. See above note 6.

national diplomatic representation and European diplomatic activity on the other.

First, from the data it is evident that on average the number of resident embassies that EU Member States maintain in third countries has risen in the period from 2000 to 2006. With a few minor exceptions, there are more resident embassies on each of the five continents in every three-year period. Table 1 gives an overview of the relative combined diplomatic strength of Member States in different regions of the world, distinguishing between the ten Member States that joined the Union in 2004 and the 'old' EU-15 as *groups*. A standardised coefficient is used to control for the different sizes of the two groups and the variation in the number of receiving states per geographic region.[107] As the data in this table does not reflect developments for individual Member States, it is possible that one or more Member States have reduced representations abroad, but these mutations have been compensated for by other EU countries. Specific developments in individual Member States are excluded.

Second, the last two rounds of enlargements have not only increased diversity in terms of foreign policy priorities, but also in terms of diplomatic resources and capabilities. The number of Member States with resident embassies in less than a third of the 150 independent states outside the EU (less than 50) has risen from two to eleven. By contrast, the number of Member States with resident embassies in more than half of the third countries (more than 75) has not increased since the United Kingdom joined the then EC in 1973. Table 2 lists the absolute number of resident embassies that the 25 EU Member States maintained in third countries in 2006. The relative inequalities in diplomatic resources between Member States have therefore grown over the years. In most countries, only very few Member State missions can be considered major diplomatic players, a

[107] The representation coefficient is calculated by dividing the sum of the representations in one geographic region per group (EU-10 or EU-15) by the product of the number of Member States and the number of receiving states. This coefficient denotes the actual degree of 'diplomatic strength' compared to the theoretical situation where every Member State would have a resident embassy in every country in that region. Only embassies headed by a resident ambassador at the time are included in the data. To facilitate the interpretation, the representation coefficient is denoted as a percentage. A percentage of 100 thus means that every member state in that group is represented in every country in that region. A percentage of 50 refers to the situation where the total number of embassies that all 10 or 15 member states together maintain in all the countries within that geographic region is half of that in a situation where every member state would be represented in every receiving state in that same region. This percentage does not give any information on the distribution of embassies within a geographic region or within the two groups of Member States, but is particularly well-suited to give a comparison of the trends in global patterns of representation between 'new' and 'old' Member States.

Table 1: Comparison of representation coefficients between EU-10 and EU-15 in third states for the period 2000-2006[108]

	2000		2003		2006	
	EU-10	EU-15	EU-10	EU-15	EU-10	EU-25
AFRICA	**9.73**	**38.44**	**10.42**	**38.28**	**11.44**	**38.32**
Eastern Africa	6.47	36.09	5.88	36.47	4.71	39.22
Middle Africa	3.33	28.14	3.33	28.14	4.44	29.63
Northern Africa	25.71	61.9	28.57	62.86	34.29	61.9
Southern Africa	10	37.33	10	36	10	33.33
Western Africa	3.13	28.75	4.36	27.92	3.75	27.5
AMERICAS	**26.64**	**54.41**	**29.21**	**53.66**	**31.60**	**54.06**
Caribbean	0.77	18.46	3.08	17.44	3.08	18.46
Central America	7.5	44.17	8.75	43.33	10	45
South America	18.3	58.33	20	57.22	18.33	56.11
Northern America	80	96.67	85	96.67	95	96.67
ASIA	**17.39**	**43.82**	**19.21**	**45.79**	**26.57**	**49.30**
Central Asia	8	20	10	25.33	20	26.67
Eastern Asia	30	52.22	35	53.33	43.33	56.67
Southern Asia	16.67	45.19	14.44	44.44	16.67	51.11
South-east Asia	15.5	46.67	17.27	52.12	19.09	53.33
Western Asia	15.63	55	19.36	53.75	33.75	58.75
EUROPE	**38.75**	**68.33**	**40.42**	**71.09**	**47.08**	**73.89**
Eastern Europe	48.33	67.78	46.67	65.55	65	70
EFTA states	40	75.56	40	77.78	40	77.78
Southern Europe	21.67	42.22	30	52.22	38.33	58.89
OCEANIA	**7.5**	**20.97**	**7.5**	**20.14**	**10**	**18.89**
Australia/NZ	30	70	30	66.67	40	63.33
Melanesia	0	11.67	0	11.67	0	10
Micronesia	0	0	0	0	0	0
Polynesia	0	2.22	0	2.22	0	2.22
TOTAL	**19.42**	**44.82**	**20.76**	**45.45**	**24.76**	**46.61**

situation that is compounded by the often low number of posted diplomats in embassies of smaller or even middle-sized Member States. Table 1, however, does show that the difference between the representation coefficients of the new and old Member States for each continent has decreased gradually, suggesting, in general, a convergence in the strength of the diplomatic networks of the states that joined the EU in 2004 and the EU-15.

[108] See Rijks, D. and Whitman. R., European diplomatic representation in third countries: trends and options, in Avery et. al., *The EU Foreign Service: how to build a more effective common policy*, European Policy Centre Working Paper, No. 28 (EPC: 2007).

Table 2: Total numbers of embassies headed by a resident ambassador outside the EU of Member States and the European Commission in 2006 (data on Romania, Bulgaria, European Commission from 2008).

France	132	Finland	50
UK	125	Hungary	50
Germany	120	Portugal	50
Italy	94	Bulgaria	41
Netherlands	86	Slovakia	37
Spain	81	Ireland	31
European Commission	75	Slovenia	21
Poland	70	Romania	20
Belgium	64	Cyprus	17
Sweden	61	Lithuania	16
Greece	56	Latvia	13
Czech Republic	56	Estonia	9
Austria	55	Malta	9
Denmark	50	Luxembourg	7

Note: only embassies headed by extraordinary and plenipotentiary ambassadors or resident heads of delegation are included in this data. Missions led by chargés d'affaires are excluded in order to ensure comparability.

Third, the diversification in diplomatic resources also impacts on the representation of the EU. This, as has been suggested in section 3.2, is especially the case for the Presidency. The burdens of representation fall heavily but variably on Member States, with those with the larger number of embassies having more frequently to take on the role in the absence of others in addition to their own period in office.

Fourth, the countries and regions where Member States' bilateral diplomatic representation is well developed do not always correspond with the areas of foreign policy activity of the Union. As Table 1 indicates, representation of EU Member States in East and Central Africa, and Central Asia is relatively low, while EU involvement in these regions is substantial. The reverse situation applies in North America.

Table 1 also indicates major differences in Member States' diplomatic presence in different (sub) regions. There is, for example, a noticeable decline in EU-10 representation in East Africa, whereas the older Member States have maintained a fairly stable presence. In North Africa, by contrast, the EU-10 have gradually increased their presence while the total number of embassies of the EU-15 in this region has remained level. National representation of the EU-10 in North America has reached almost the same level as that of the EU-15 with all Member States represented in

Washington since 2003, and only Cyprus and Malta without a resident ambassador in Ottawa. There is, by contrast a vast difference in the strength of representation between the two groups in Central and South America.

Both the EU-10 and the EU-15 have expanded their diplomatic capabilities in Asia over the past six years, with on average, the former expanding at a faster pace than the latter, particularly in Central and Western Asia. Significantly, the increase in the number of embassies has been strongest since 2003 in four out of five of the Asian regions. The number of resident missions of the new Member States in Eastern Europe has increased, thereby reducing the difference with the old Members to a minimum. Representation in Southern Europe has also seen a sharp increase.

6 CONCLUSIONS AND THE IMPLICATIONS OF THE LISBON TREATY

Constant tension has characterised the inter-relationship of the EU and its Member States at the level both of decision-making and decision-implementation. Much of the latter has invariably fallen on the Presidency – but with mixed consequences given the changes affecting national foreign services. Various attempts have been made to improve the dual problems of continuity and consistency of policy but with only marginal impact. The appointment of a High Representative in 1999 was a major step, as has been the increased use of Special Representatives for particularly difficult issues or areas of crisis or conflict. But in terms of decision-making in foreign and security policy the emphasis remains on winning a consensus among the Member States with inevitable consequences for the cooperation and coordination of Member States' foreign services in third countries

Nonetheless, the Constitutional Treaty and its successor, the Lisbon Treaty, envisage further change. The extent of that change remains to be played out in practice but cautious incrementalism remains key. The proposal for a new High Representative – a Foreign Minister as designated under the Constitutional Treaty in all but name – who will be double-hatted in the sense of being a part of the Council and of the Commission, is to help tackle the persistent problems of both continuity and consistency.[109] Yet at the same time, one of the most notable features of the Lisbon Treaty is that the pillar structure is retained, even if the term 'external action' is to signify a greater interconnectedness between the CFSP, Community, and national dimensions. There was, therefore, a declared wish and intention to enhance the coherence and consistency of European foreign policy, but the political will to guarantee the effectiveness of the new arrangements has remained lacking. As Lieb and Maurer contend:

> The expected consolidation of its three key elements – the European Community's external dimension, the Common Foreign and Security Policy proper, and national foreign policies – provides an opportunity, but not a cast-iron guarantee of more horizontal and vertical coherence in the Union's external representation and action.[110]

The Treaty provisions thus retain much of the duality of the different modes of foreign policy-making, particularly at the level of decision-

[109] Avery et. al., *The EU Foreign Service: how to build a more effective common policy*, European Policy Centre Working Paper, No. 28 (EPC, 2007).

[110] Lieb, J. and Maurer, A., The 'how' of the EEAS: variables, priorities, timelines, in Avery et. al., *The EU Foreign Service: how to build a more effective common policy*, p. 66. See above note 108.

making. The creation of the European External Action Service (EEAS) is, however, perhaps the most significant attempt to bring together the different instruments in terms of implementation and representation. Although cooperation between Member States' diplomatic missions and the Commission delegations under the current Treaties is a legal requirement, hitherto the relevant Treaty provisions are not particularly specific and do not provide for extensive, uniform guidelines. In 1986 a decision adopted by Foreign Ministers on the occasion of the signing of the SEA which listed 12 areas where missions and delegations should intensify their cooperation, ranging from exchanging political and economic cooperation, mutual assistance, security measures to development aid. As with all such decisions, it was non-binding but has provided the basis for cooperation ever since.[111] This decision allowed for flexibility and pragmatic solutions in accordance with local circumstances. The Lisbon Treaty, rather than simply codifying practices as they have developed, creates an entirely new structure alongside national foreign services. Significantly, therefore, the very principle of the EEAS and Union embassies represents a move away from the current *ad hoc* mode of diplomatic cooperation to a much more institutionalised attempt to integrate the different forms of representation – although exactly how uniform it will be across different countries and regions of the world remains to be seen.

The Lisbon Treaty specifies that the EEAS will be drawn from the relevant services of the Commission and the Council Secretariat and will also include personnel seconded from the diplomatic services of Member States. According to Article 13a-3:

> In fulfilling his or her 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.

In accordance with Article 188q:

> 1. Union delegations in third countries and at international organisations shall represent the Union.
> 2. Union delegations shall be placed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy. They shall act in close cooperation with Member States' diplomatic and consular missions.

[111] Council Decision of 28 February 1986 adopted by Foreign Ministers meeting in the framework of EPC.

The Treaty itself does not provide any detail on the function and composition of the EEAS. These it leaves to be decided by the Council on the basis of a proposal from the new High Representative for Foreign Affairs and Security Policy. Declaration 22 on Article 13a of the Treaty on European Union further specifies that:

> The Conference declares that, as soon as the Treaty amending the Treaty on European Union and the Treaty establishing the European Community is signed, the Secretary-General of the Council, High Representative for the common foreign and security policy, the Commission and the Member States should begin preparatory work on the European External Action Service.

A first attempt to lay the groundwork of the EEAS was made in the Joint Progress Report by the High Representative and the Commission to the European Council of June 2005, which contained an 'Issues paper on the European External Action Service' that had been drawn up in the previous March.[112] A number of other ideas and suggestions were put forward subsequently by officials, politicians and others, including Michel Barnier (the former Commissioner and French Foreign Minister), José Cutileiro (the former Secretary General of WEU and Portuguese academic as well as diplomat).[113] The Joint Progress Report went some way in clarifying the (*sui generis*) nature of the EEAS, as well as the position of the Union Delegations as part of the EEAS.

The number and complexity of issues that need to be resolved before the EEAS can become operational cannot, however, be underestimated. They range from relatively detailed problems of the physical location of the EEAS staff in Brussels and their diplomatic privileges and immunities abroad to fundamental questions on the scope and size of the new Service, as well as on the rotation and training of staff. As Missiroli put it: "It is reasonably clear what the EEAS will probably *not* be about, but quite

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[112] Joint Progress Report by the High Representative and the Commission to the European Council on the European External Action Service, 9956/05, 9 June 2005.

[113] Ibid.: Report by Michel Barnier, For a European civil protection force: Europe Aid, May 2006; European Commission Green Paper on diplomatic and consular protection of Union citizens in third countries, 28 November 2006 (COM (2006) 712 final – OJ C 30 of 10 February 2007); Stocktaking Report on the implementation of measures to increase the efficiency, coherence and visibility of EU external policies and future work, Council of the European Union, 8 December 2006 (16419/06); Stocktaking report on the implementation of measures to increase the effectiveness, coherence and visibility of EU external policies and future work, Council of the European Union, 13 June 2007 (8909/07); Stocktaking report on the implementation of measures to increase the effectiveness, coherence and visibility of EU external policies and future work, Council of the European Union, 12 December 2007 (16467/07).

unclear what it could or should be about."[114] Many of the outstanding questions relate to the existing boundary issues surrounding past and present arrangements for representation that have been discussed in previous sections. The External Action Service thus in many ways epitomises the old boundary problems in EU external representation in one new structure. At one level, it is a question of the number and kind of DGs from the Commission and Council Secretariat that will be integrated into the new Service. Both the Commission and the Council seek to preserve their respective structures and competences. At a second level, it is very much a question of the share of seconded national diplomats that will be a part of the EEAS which will inevitably be a sensitive issue *vis-à-vis* the EU institutions, as well as their relationship with their own home ministries and services.

6.1 Boundaries between national and European diplomacies

The anticipated creation of the EEAS has prompted foreign ministries in all EU capitals to formulate expectations and positions on the role and function of the new Service. It has also led them to ponder on the opportunities and possible constraints the Service may imply for their own operation. In some cases, it could offer the prospect of enhancing the performance of national foreign services by, for instance improving career opportunities for diplomats or providing alternative methods to ensure national representation in third countries on a more cost-effective basis. In the former case, for example, an assessment of the potential added value of the EEAS to national diplomatic services will be critical as to whether the new Service is regarded as an opportunity to enhance the career perspective of their personnel which may then lead them to nominate their best and brightest diplomats for secondment to it. For the diplomats themselves, their calculation in applying for such a posting will no doubt include appropriate incentives in terms of pay, status, and the option to return to a (higher) post in their own administration.

The second potential benefit, of new opportunities for alternative forms of national representation, is particularly relevant to Member States with small and medium-sized diplomatic networks, which have had to develop a certain awareness at least of countries in which they had previously had little interest. Further cooperation between national and European diplomatic structures could, on the one hand, offer considerable benefits to

[114] Missiroli, A., Introduction: A tale of two pillars – and an arch, in Avery et. al., *The EU Foreign Service: how to build a more effective common policy*, pp. 21–22. See above note 109.

national diplomats in the acquisition of specialist skills and expertise, while 'sub-contracting' certain representative functions to a *European* diplomacy could at the same time become part of *national* diplomatic strategies.[115]

Past experience of diplomatic cooperation in third countries, however, suggests that practical problems, as well as issues of principle, often limit the opportunities for pooling diplomatic facilities and instruments. Sharing arrangements between Member States' diplomatic missions do not have an impressive record, while joint representative functions with the Commission delegations have proven to be at least equally problematic. A significant amount of political will to overcome the current barriers to enhanced diplomatic cooperation in third countries will be indispensable if the EEAS is to live up to the expectations of offering Member States new options for organising their external representation more efficiently.

The EEAS, however, also poses questions to national governments on how to ensure that European diplomatic machinery operates in such a way that its work does not contravene national interests. Most Member States will therefore want to see appropriate representation in the new Service in order to help shape outcomes in its day-to-day activities. Furthermore, it may provide national diplomatic missions with additional functions. As the UK House of Commons Foreign Affairs Committee concluded:

> (…) the emergence in third countries of EU delegations which may be active in Common Foreign and Security Policy areas will at the least require careful management by UK Embassies on the ground. This might be of particular importance in those countries where there is no resident UK diplomatic representation.[116]

There are very likely to be fundamental changes in the relationship between national and European diplomacy due to the development of parallel, independent capabilities of the latter, for which it currently relies mainly on the former. Just as the new High Representative would "replace the Presidency as the key animating force of the CFSP"[117], the EEAS and Union Delegations may ultimately take over the representative functions of

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[115] Rijks, D. and Whitman, R., European diplomatic representation in third countries: trends and options, in Avery et. al., *The EU Foreign Service: how to build a more effective common policy*. See above note 109.

[116] House of Commons, Foreign Affairs Committee, *Foreign Policy Aspects of the Lisbon Treaty*, HC120-I (The Stationary Office Limited, 2008), p.69.

[117] Whitman, R., Memorandum submitted to the House of Commons Foreign Affairs Committee, 21 November 2007, EV84, in *Foreign Policy Aspects of the Lisbon Treaty*. See note 116 above.

the Presidency in third countries and much of the role that national embassies currently play in the provision of information and analysis. The Union delegations could then not only represent the Community in first pillar matters, but also take on representative functions under the CSFP. At present, however, there is no certainty as to when this might happen. There are discussions, for example, within the French- and Spanish-led Trios of Presidencies (which will take the Union into 2011) on the ways in which the Presidency can retain representational functions, particularly when a Presidency has no resident embassy. It may be that European diplomacy becomes less dependent on national structures but the frequent dual-role of national embassies may not immediately disappear.

On the one hand, the boundaries between European and national diplomacy could well become sharper. The new European diplomatic service will cover what could be termed the *European interest*, to the extent that agreement exists on what that interest is. In these cases the role of national foreign services could be marginalised. On the other hand, what may then be left for national embassies, however, is not only bilateral representation to the host country, but, possibly as or even more importantly, the foreign policy issues on which the Member States have not been able to agree. National embassies will, therefore, continue to be relevant in European external relations, but their role could gradually be transformed from constituting the backbone of European diplomacy to the fall-back instruments for Member States when European diplomacy cannot deliver.

The precise impact of the Union delegations on arrangements for diplomatic cooperation between Member States (especially beyond the Trios) is therefore unclear. As the rotating Presidency of the Council and PSC is set to disappear in Brussels, the question arises of who will chair the Head of Mission meetings and other EU coordination meetings at lower levels. Given the roles of the High Representative and his/her Deputy in Brussels, the case could be made that this role should fall on the local Head of the Union Delegation in the field. That could imply an increased presence of the Union in third countries beyond the current number of Commission delegations – which itself carries important financial implications. On the other hand, even where there are Union Delegations, it might not always be appropriate for the Union Delegation to try to coordinate all policies, especially if national embassies are left with a focus almost entirely on bilateral relations with the host country.

Furthermore, Article 188q of the Lisbon Treaty merely states that Union delegations "shall act in close cooperation with Member States' diplomatic and consular missions". It leaves open what in practice the relationship

will be between national diplomats working in Member States' embassies – if present – and those seconded to the EEAS, working in the Union delegations. Even though the latter will be officially serving the European interest, it would be difficult to imagine that they would not seek to maintain close relations with their compatriots and long-term colleagues in the local embassy or in the home capital. Conversely, in third countries where a particular Member State does not have a resident mission, it is not obvious how a seconded national diplomat from that state working in a Union delegation could perform representative tasks for his or her own government. In cases where opening a resident embassy proves impossible while some form of permanent national presence is deemed desirable, co-locating (as opposed to seconding) national diplomats, answerable to their foreign ministry at home, with Union Delegations could be a more realistic scenario.[118]

Finally, personalities and attitudes, those of national Ambassadors in particular, will be significant for local variation in the relationship between national and European diplomacy. As has been discussed in sections 3.5 and 4.2, turf issues do arise between national representatives and Heads of Delegation and EU Special Representatives, and the bilateral, proprietary, attitudes of some national diplomats are not to be underestimated, although these tend to vary with the perceived importance of the host country. Personal experience in the European diplomatic service, on the other hand, is likely to improve the prospects of effective cooperation, but ultimately national foreign policy objectives will sometimes motivate a less than complimentary attitude.

6.2 Bureaucratic politics

According to the 2005 Progress Report, the current Commission Delegations will be an "integral part of the EEAS", and the daily operation of the new Union Delegations will in part be determined by the functional aspects of their staffing. It seems reasonable to assume that Member States will want to be well represented in the political sections of the Delegations, along, perhaps, with one or two representatives from the Council Secretariat. It is also likely that the Commission will not give up its claim to the trade and development sections, which will remain areas of Community competence. A degree of regional as well as functional specialisation on the part of Union Delegations staff seems therefore a logical consequence. Delegations in ACP, Neighbourhood, or accession countries may

[118] Rijks, D. and Whitman. R, European diplomatic representation in third countries: trends and options, in Avery et. al., *The EU Foreign Service: how to build a more effective common policy*, pp. 45–46. See above note 109.

have proportionally larger number of Commission staff, whereas in the more political locations, the current Commission delegations will lose at least some of their autonomy with the introduction of Member States' diplomats and Council Secretariat Staff. The same logic is likely to guide the division of posts of Head of Delegation, and current practice in the appointment of double-hatted EUSRs (see section 3.5.1) may be taken as a model. Finally, there is the question whether all staff at the Union Delegations should be part of the EEAS. Similar to national embassies, they could include seconded personnel from other services in areas of Freedom, Security and Justice, financial matters and agriculture.

The highly sensitive nature of the EEAS complicates discussions on these questions. During the current preparatory period, all the parties involved are saying as little as possible about their views and positions. Officials from both the Commission and the Council Secretariat are under instructions not to speak about the Service in public, as both sides are preparing for what will probably be one of the most significant turf battles of the coming years. Member States are also keeping a low profile. For domestic reasons, some governments are cautious, wishing to avoid stirring Eurosceptic sentiments where public support for 'more EU' is low. Yet Member States also anticipate the eventual carving up of posts designated for national diplomats in the EEAS. In particular, where ambassadorial posts are to be divided, the wish lists of all countries – inspired at least in part by historical considerations – will require a fair amount of backroom time to be reconciled.

6.3 External projection and effectiveness

An important improvement of the Lisbon Treaty is that it replaces the Troika-format in third countries, and possibly or potentially the rotating Presidency, with representation by the EEAS and the Union Delegations. Many of the problems of continuity and capacity associated with the rotating Presidency, and local presidencies in particular (see section 3.2), may then be alleviated. Furthermore, the lack of resident representation by the Council Secretariat will become irrelevant, as its personnel will be part of the EEAS staff and are likely to be posted to the new Union Delegations as well. More consistent representation, together with the EU acquiring legal personality, could thus enhance the Union's external projection. At the same time, the new Service may make the internal decision-making process more efficient by providing support to the High Representative and streamlining the CFSP information gathering and processing machinery.

In order to maximise the benefits of representation by the Union Delegations, the transformation of all the current Commission delegations –

whether through a 'big bang' or a gradual process – is one of the options to be considered. Experiences of the current system of EU diplomatic representation, however, suggests that patterns of national representation will have to be taken into account when considering the scope and focus of the network of Union Delegations. Problems of diplomatic capacity are most pressing in countries where only few Member States are present. Union Delegations could make a tremendously important contribution in this regard, alleviating at the same time the problem of local Presidencies. Conversely, in third countries where many Member States maintain resident embassies, EEAS staff in EU embassies are much more likely to risk duplicating the work of their colleagues in national embassies. Given the logic that maintaining an embassy in another state reflects a bilateral interest of some sort, it remains to be seen how effective the EEAS can be under these circumstances, especially in its first years of operation. For this reason, the network of Union delegations should aim – at least initially – to complement existing networks of resident diplomatic representation.

Furthermore, as previous sections of this report suggest, substantive external relations considerations should also be taken into account. Union Delegations should first be set up where they are needed most – a principle that also guides the establishment of national diplomatic missions. This implies that, first, the added benefit of the new EU missions is greatest where the Union currently has substantial CFSP/external relations commitments, or envisages the need to deepen them in the future. At present, the regular coordination meetings in third states at various levels between national embassies and the Commission delegation generally are most meaningful in response to a demand for information or joint analysis from the Council Working Groups or the PSC. In the absence of such requests, the need for these types of input is less pressing. When, therefore, the relationship of the EU with certain third countries does not include significant bilateral issues, the potential added value of Union Delegations in these locations is also likely to be more limited. Second, the composition of its staff makes the EEAS particularly useful for deployment to locations where an integrated approach and joint instruments are required from the Council and the Commission. Double-hatted EU Special Representatives have been appointed to areas requiring strong cross-pillar cooperation for the EU to be effective, and the EU could build on this experience in devising a rationale for the development of the network of Union Delegations.[119]

[119] Adebahr, C. and Grevi, G., The EU Special Representatives: what lessons for the EEAS?, in Avery et. al., The EU Foreign Service: how to build a more effective common policy. See above note 109.

6.4 Shifting roles and institutional change

When exactly the EEAS will become operational is unclear. Although it may not be strictly necessary for the Lisbon Treaty to be ratified before the Council can formally establish the High Representative and the EEAS, whether it is either practical or politic to push ahead with these innovations in the absence of ratification depends on the agreement of all 27 Member States. It is not inconceivable that at least one country may insist – for domestic or other reasons – that these significant innovations in EU external representation are not to be separated from the other provisions on foreign policy and security in the Lisbon Treaty. If this is the case, any hiccups in the ratification process are also likely to delay the coming into being of the External Action Service. In any case it seems highly unlikely that the EEAS will be fully operational from 1 January 2009 onwards. The first hurdle will be reaching agreement between the Council and the Commission on the institutional problems outlined above. Due to the secrecy surrounding the preparations it is difficult to get a sense of the state of play, but the complexity of the questions and their possible implications make for potential difficulties on the road. The joint proposal will then have to be unanimously adopted by the Council.

Although public debate on the EEAS is minimal, it is arguably the most significant innovation in EU diplomatic representation in third countries in decades. In the same way that EUSRs have, to a large extent, come to fulfil the same tasks as ambassadors, and their teams the same function as embassies, the Union Delegations may in many ways come to resemble national embassies, with the High Representative ultimately in charge of the network. As the previous sections suggest, however, there are many factors that indicate that in practice the EEAS will not – in the short to medium term at least – replace the current national diplomatic structures in third countries. The variable geometry in terms of actors and functions is likely to persist, if not increase.

Many of the boundary problems considered above cannot be addressed by institutional design alone, yet a sound and well-developed groundwork is, indeed, indispensable for successful reform of the EU's external representation. The recommendations below hardly do justice to the number and complexity of the outstanding questions, but they may serve policy makers as operational reminders of the main conclusions of this report.

6.5 Summary of recommendations

1) Defining the tasks of the EEAS should be a matter of priority. This is a prerequisite for addressing questions about the size and scope of the Service, the institutional balance, and the relationship with the structures of the Commission and Council Secretariat that will not be part of the EEAS, and with national foreign services.

2) To ensure a successful start of the EEAS, its early development should be directed to areas where most value can be added, and thus where it is needed most. The problem of the EU is not a lack of diplomatic resources, but the ability to combine them more effectively to support common objectives. Benefits are thus most obvious in regions where the EU has strong foreign policy interests and where an integrated, cross-pillar approach is particularly important. At the same time, the new Service should aim to fill the gaps in national representation by establishing Union Delegations in areas where few Member States are represented. This reduces the risk of duplication and provides the potential for Member States to organise alternative forms of representations through the Delegations.

3) An institutional design of the EEAS should provide for its development, with, for instance, agreement to review progress after a number of years. Any such development of scope and tasks in conditions of uncertainty and possible competition with the Member States and their diplomatic services entails the risk of organisational inconsistency in arrangements across third countries. By 'learning by doing' and *ad hoc* solutions, the EU risks creating a patchwork of different modes of representation, which will be difficult to rationalise at a later stage.

4) A European diplomatic training facility should be established as quickly as possible to ensure that EEAS staff from two different institutions and 27 different bureaucracies share common professional and administrative standards and are sufficiently knowledgeable of EU practice and procedure. In the long run, the instilment of an European *esprit de corps* with those – temporarily – serving in the EEAS, could help diminish some of the personal turf issues that sometimes beset relations between the different actors on the ground.

5) The EEAS opens up a range of new potential possibilities to support European diplomatic services in their tasks. For example, serious studies on where and how the EEAS could support or even replace permanent bilateral diplomatic representation should be an integral part of future foreign service reviews. Moreover, many posts in the EEAS could be more attractive than those in national foreign services and the new Ser-

vice should open up new, interesting career perspectives, in particular for diplomats from smaller Member States. Governments should ensure that a 3-4 year service in the EEAS will be an attractive prospect for national diplomats. This not only requires that provisions on issues such as pay and diplomatic immunities are adequate, but also that diplomats can return to their own administrations where their European experience is valued accordingly.

6) Governments should not underestimate the significance of the potential institutional changes. The provisions in the Lisbon Treaty on the creation of the External Action Service, headed by the new High Representative, lack detail on virtually all major aspects. How these details will be filled will be critically important for the future division of competences between European and national diplomacy. Member States will soon have to make decisions on issues far into the future, the consequences of which are difficult to oversee – and to reverse. What seems for certain is that the role of national diplomatic structures in the representation and implementation of EU foreign policy will be revaluated. European diplomacy, although in part conducted by national diplomats, is likely to become more distinct from national diplomacy.

7) Whether the EEAS will in reality be able to provide the EU with a common voice will continue to depend on the question whether the Service will have a single message to convey. The design of a new institution in itself is unlikely to bridge fundamental differences of opinion on issues of foreign policy. Common procedures can neither replace nor (on their own) create common policies. Political agreement on the means and objectives of the EU's external relations will remain the ultimate and critical factor for success of the European External Action Service.

SAMMANFATTNING OCH SLUTSATSER

Ansvaret för EU:s externa representation delas mellan medlemsländerna, rådet och Europeiska kommissionen. Detta har lett till ett invecklat trepartssystem som skapat förvirring i tredjeland och en del gränsdragningsproblem inom EU beträffande uppdrag, ansvarsområden och funktioner.

Dessa gränsdragningsproblem sker på den politiska och juridiska nivån. Den huvudsakliga uppdelningen av EU:s externa representation går inte längre mellan en överstatlig första pelare (EG) och en mellanstatlig gemensam utrikes- och säkerhetspolitisk (GUSP) i den andra pelaren – och det är tveksamt om den någonsin har gjort det. Den juridiska uppdelningen mellan EG/EU-kompetenser inom utrikespolitiken är inte alltid tydlig och har varit öppen för en mängd olika tolkningar. Vidare, i och med att de funktionella kopplingarna mellan pelarna utökats och nu även innefattar den tredje pelaren om rättsliga och inrikesfrågor, har en mängd olika aktörer och funktioner utvecklats inom diverse funktionella och geografiska områden.

När det gäller EU:s yttre förbindelser har en obalans utvecklats mellan rådet och kommissionen vad gäller (diplomatiska) instrument på fältet. Rådet är utan tvekan den mäktigaste aktören inom GUSP med en allmän kontroll över EU:s alla tre pelare som utövas av det Europeiska rådet. Men antalet instrument som står till rådets förfogande är begränsat. För representation på lokalnivå förlitar sig rådet mer eller mindre uteslutande på det medlemsland som innehar ordförandeskapet och, i många förhandlingar, i ökande grad på den höge representanten för GUSP. Man använder också EU:s särskilda representanter inom specifika kris- eller problemområden allt mer (även om få av dessa är de facto bosatta i det land eller den region de är förordnade till). Kommissionens befogenheter under GUSP är begränsade. Men trots medlemsländernas och rådets fortsatta dominans vad gäller institutionella strukturer och resurser, har kommissionen långsamt ökat sitt inflytande genom förbindelserna med GUSP och medverkat i att många av dess beslut genomförts. Kommissionen har möjlighet att stödja sig dels på en mängd olika instrument som härstammar från dess befogenheter under den första pelaren, och dels på ett stort nätverk av delegationer som ursprungligen tillkommit för att verkställa handels- och biståndsavtal. Dessa har gjort det möjligt för kommissionen att spela en viktig roll i hanteringen av GUSP-beslut.

Det kan även finnas gränsdragningsproblem mellan nationell och europeisk representation. Nationell diplomatisk representation existerar fortfarande, ofta parallellt och ibland även överlappande med EU diplomatin, men den utgör också grundstommen för många diplomatiska instrument som

används under den andra pelaren i tredjeland. Medlemsländernas diplomatiska beskickningar förser den utrikespolitiska processen med avgörande information och analyser, medan utrikespolitiska beslut kanaliseras genom ordförandeskapslandets ambassad. Det som sker inom den nationella diplomatin är därför av vikt. Både budgetrestriktioner och nationella mönster beträffande representation och bilaterala intressen har inverkan på hur det roterande ordförandeskapets fungerar. Europeisk diplomati kan i sin tur skapa nya vägar för medlemsländerna. Det inkluderar möjligheten att dela på diplomatiska resurser, t.ex. lokaler eller säkerhetstjänster såväl som diplomatiska funktioner, t.ex. där ett land representeras av ett annat medlemsland.

Europeiska informationskällor och utvärderingar har samtidigt utvecklats. Kommissionens nätverk av delegationer är nu en av de större europeiska ”diplomatiska” tjänsterna och tillsättningen av EU:s särskilda representanter i olika krisområden har försett EU med en oberoende resurs för informationsinsamling. Samtidigt har Policyenhetens och ”Situationscentrets” (SitCen) arbete för den höge representanten fått en alltmer betydande roll gällande analys och bearbetning av informationen. Situationen på fältet varierar dock. Kommissionens möjligheter att aktivt delta i EG/EU:s externa representation i ett tredjelands huvudstad har under åren ökat väsentligt vad gäller expertkunnande, status, professionalism, antal tjänster och den interna organisationen. Dock är dess verkliga roll och inflytande på fältet fortsatt mycket beroende av val av policyverktyg och, beträffande utrikespolitiken men inte den ekonomiska utrikespolitiken, av vad medlemsländerna går med på, med tanke på de lokala omständigheterna, traditionella relationerna och de politiska frågorna. Även om de är få till antalet har EU:s särskilda representanter börjat utföra samma uppdrag som ambassadörer och deras staber uppfyller samma funktioner som ambassaderna. EU:s särskilda representanter har utvecklat sätt att samarbeta av *ad hoc*-karaktär särskilt i pelaröverskridande sammanhang.

Det tredje området där gränsdragningsproblem uppstår syns i interna politiska strider, inte bara mellan medlemsländer och de europeiska institutionerna, utan även inom institutioner och inom medlemsländernas egna förvaltningar. Ute på fältet leder detta ibland till konflikter om maktbefogenheter mellan nationella ambassadörer och chefer för EG delegationer eller EU:s särskilda representanter, eller mellan delegationschefer och EU:s särskilda representanter och i detta sammanhang har ”dubbelhattningen” av särskilda representanter visat sig vara till stor hjälp.

Dessa gränsdragningsproblem har ofta haft en negativ inverkan på hur effektivt EU:s externa representation har fungerat. Detta invecklade system

är dock resultatet av en lång process som inte lätt låter sig påverkas av rationella argument. Lissabonfördragets mål är att öka det strukturella samarbetet mellan olika diplomatiska aktörer på fältet men pelarstrukturen behålls på den beslutsfattande nivån. En av de största utmaningarna som avdelningen för yttre åtgärder (EEAS – även kallat utrikestjänsten) som skall inrättas i enlighet med Lissabonfördraget står inför, är därför att definiera uppdraget och strukturen på ett sådant sätt att man kan beakta både de olika kraven som ställs på EU:s representation runt om i världen och medlemsländernas resurser och intressen. Det är viktigt att man tidigt i EEAS utveckling riktar in sig på områden där den behövs mest, det vill säga i regioner där EU har starka utrikespolitiska intressen eller där få medlemsländer är representerade – dock utan att bortse från förberedelser inför dess framtida utveckling.

Oavsett exakt vilka åtgärder Europeiska rådet vidtar, kommer relationen mellan nationell och europeisk diplomati troligtvis att förändras. Den allt större variationen i de olika diplomatiska nätverkens styrka och det ökade antalet medlemsländer med mycket små diplomatiska tjänster, sammantaget med de svårigheter medlemsländerna har upplevt med det diplomatiska samarbetet, har i vissa fall i praktiken lett till en EU representation. Denna trend kommer troligtvis att förstärkas i och med inrättandet av EEAS, eftersom unionens delegationer kommer att åta sig vissa eller möjligtvis många uppgifter som idag utförs av medlemsländernas ambassader. Det arbete som då kan tänkas återstå för de nationella ambassaderna kommer dock inte endast handla om bilateral representation gentemot värdlandet utan kanske ännu viktigare, de utrikespolitiska frågor som medlemsländerna ännu inte kunnat enas kring. Gränsen mellan europeisk och nationell diplomati kan därmed komma att blir ännu skarpare. Nationella ambassader kommer därför fortfarande att vara relevanta vad gäller Europas yttre förbindelser, men deras roll kan gradvis komma att förvandlas från att vara grundstommen av europeisk diplomati till att vara ett reträttverktyg för medlemsländerna när europeisk diplomati inte fungerar.

Sammanfattning av rekommendationer

1) Att definiera EEAS uppdrag bör prioriteras. Det är en förutsättning för att kunna ta itu med frågan om utrikestjänstens storlek och ansvarsområde, den institutionella balansen och relationen till strukturerna på kommissionen och rådssekretariatet, som inte kommer vara en del av EEAS, och till nationella utlandstjänster.
2) För att vara säker på en framgångsrik start för EEAS, bör utrikestjänsten på ett tidigt stadium inrikta sig på områden där det finns mest mer-

värde att hämta och där den därmed kan göra mest nytta. Problemet med EU är inte bristen på diplomatiska resurser utan förmågan att kombinera dem effektivt för att stödja gemensamma målsättningar. Fördelarna är därför mest synliga i regioner där EU har starka utrikespolitiska intressen och där ett integrerat pelaröverskridande tillvägagångssätt är av särskild vikt. Samtidigt bör EEAS ha som mål att komplettera nationell representation genom att tillsätta EU delegationer i områden där få medlemsländer är representerade. Detta minskar risken för dubbelarbete och öppnar möjligheter för medlemsländerna att organisera alternativa former av representation genom delegationerna

3) Man bör genom en institutionell konstruktion säkerställa EEAS utveckling, t.ex. med en överenskommelse om att se över utvecklingen efter ett antal år. En eventuell utveckling av ansvarsområden och uppdrag i en osäker värld eller kanske i konkurrens med medlemsländerna och deras diplomatiska tjänster innebär en risk för organisatorisk otydlighet i lägen där tredjeland är involverat. Genom att lära sig genom praktisk erfarenhet och med *ad hoc*-lösningar riskerar EU att skapa ett lappverk av olika typer av representation som senare är svåra att rationalisera.

4) Så snart som möjligt bör man inrätta ett europeiskt center för diplomatutbildning för att säkerställa att EEAS medarbetare från två olika institutioner och 27 olika byråkratier delar gemensamma professionella och administrativa normer och är tillräckligt kunniga om EU praxis och tillvägagångssätt. På lång sikt kan man minska vissa interna revirstrider som ibland skadar relationen mellan olika aktörer på fältet genom att ingjuta en europeisk anda, *esprit de corps,* hos dem som tillfälligt arbetar för EEAS.

5) EEAS öppnar upp för en rad nya potentiella möjligheter för att stödja europeiska diplomatiska tjänster i deras uppdrag. Till exempel borde seriösa analyser om var och hur EEAS kan stödja eller till och med ersätta en permanent bilateral utlandsrepresentation vara en väsentlig del av den framtida översynen av utlandstjänster. Vidare, flera tjänster inom EEAS skall kunna vara mer attraktiva än inom de nationella utlandstjänsterna vilket bör öppna upp för nya intressanta karriärmöjligheter, speciellt för diplomater från de mindre medlemsländerna. Regeringarna bör se till att 3–4 års tjänst hos EEAS utgör ett intressant alternativ för nationella diplomater. Detta kräver att bestämmelser om frågor som lön och diplomatisk immunitet är adekvata men även att diplomater kan återvända till sina egna förvaltningar där deras europeiska erfarenheter värderas efter förtjänst.

6) Regeringarna bör inte underskatta vikten av potentiella institutionella förändringar. I Lissabonfördraget saknas detaljer kring så gott som alla aspekter beträffande skapandet av EEAS med den nya höga representanten som chef. Hur man ska precisera dessa bestämmelser kommer vara av yttersta vikt för den framtida fördelningen av kompetenser mellan europeisk och nationell diplomati. Medlemsländerna måste inom kort fatta beslut om frågor rörande framtiden och det är svårt att redan nu se vilka konsekvenserna av dessa beslut kommer att bli samt hur man eventuellt skulle kunna upphäva dem. En sak som verkar säker är att de nationella diplomatiska strukturernas roll vad gäller representation och utförandet av EU:s utrikespolitik kommer att omvärderas. Den europeiska diplomatin kommer troligen att särskilja sig i ökande grad från den nationella diplomatin trots att den delvis utförs av nationella diplomater.
7) Huruvida EEAS verkligen kommer att kunna förse EU med en gemensam röst kommer även i fortsättningen att bero på om utrikestjänsten har ett tydligt budskap att förmedla. Själva konstruktionen av den nya institutionen kommer inte att överbrygga grundläggande meningsskiljaktigheter inom utrikespolitiken. Gemensamma procedurer kan varken ersätta eller (på egen hand) skapa en gemensam politik. Politisk enighet kring tillvägagångssättet och målsättningarna för EU:s yttre förbindelser kommer att förbli den allra viktigaste faktorn för hur väl EEAS kommer att lyckas.

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Francesco Anesi and Lisbeth Aggestam

The Security-Development Nexus:

The Challenge of Coherence in the ESDP

– SIEPS 2008:7 –

EXECUTIVE SUMMARY

The security-development nexus has become a central feature in the holistic conception of the EU's global role. This report examines the policy linkage between security and development from the point of view of the challenges that it raises in terms of coordination, coherence and consistency in European Security and Defence Policy (ESDP). This also involves an analysis of how development policy increasingly is framed in relation to the ESDP. Development policy and security policy have evolved in two separate pillars of the Union and this policy duality represents an obstacle for the EU in projecting a coherent global role. The report examines the *conceptual* evolution of coherence at an institutional, policy and operational level, dissecting four specific facets of the security-development nexus: (1) institutional coherence and inter-pillar coordination; (2) strategic policy formulation; (3) policy dynamics; and (4) policy implementation.

The main findings of the study are:

– The pillar structure of the Union represents the primary reason for policy disjunctions between EU development policy and the CFSP/ESDP. Security and development are guided by parallel structures, by different procedures and decision-making models. Even though the civilian dimension of the ESDP has grown significantly, this has largely taken place in parallel and autonomously from Community-based policies and instruments. In some cases, the delineation of competencies is contested. While the principle of coherence guides inter-pillar coordination at the intermediary level, primarily by the Political Security Committee (PSC) and COREPER, the coordination of instruments (the policy-mix) is limited by a short- and long-term dichotomy.

– On the level of strategic policy formulation, a foreign policy consensus is emerging incrementally. The European Security Strategy had an instrumental role in creating a unified strategic framework and in engendering reforms to make the EU more active, capable and coherent. The *European Consensus for Development* set the parameters for a new political focus in EU development policy. Political conditionality is now a central feature of EU external assistance. Stronger emphasis on a linkage between crisis management and humanitarian assistance is made. The trade-off between poverty reduction and strategic security choices has not, however, been fully addressed.

– New guiding concepts, such as *comprehensive planning* for ESDP and *policy coherence* for EU development policy, are reflections of new policy dynamics and *de facto* convergence. Measures aimed at policy

innovation, adaptation and substitution seek to overcome the short- and long-term dichotomy at the core of the security-development nexus. A process of *policy osmosis* can be detected, whereby initiatives started in one policy area might be upgraded in the other. To a significant degree, the improvement of policy coherence is a process of *learning by doing*. However, the institutional rivalry generated by the persistence of bureaucratic politics continues to undermine efforts at greater coherence and consistency.

– The problem of consistency and coherence in policy implementation is explored in two case studies in Africa where the security-development nexus tends to be most urgent. The general conclusion emerging from the case studies of Darfur and the Democratic Republic of Congo is that even if the way in which a mission is framed in Brussels tends to be decisive, there is flexibility on the ground that encourages informal mechanisms of coordination and discreet cooperation between different institutional actors to emerge. After all, the dividing line between political and humanitarian work is often blurred in ESDP missions. This suggests that the principle of coherence and consistency may evolve bottom-up rather than top-down in the process of policy implementation. Regrettably, feed-back mechanisms tend to be either ineffective or ignored, leading to limited spill-over of learning from one mission to another. This means that greater coherence and consistency between the Council's preference for a crisis management approach and the Commission's predilection for long-term capacity-building engagement continues to be difficult to attain.

– The report concludes that coherence and consistency across the security-development nexus would be further improved if a more unified approach to policy-making was achieved that encourages less institutional rigidity in Brussels. This could be done pragmatically through the establishment of liaison offices between the Council and the Commission to promote a proper implementation of comprehensive planning and reinforce the practice of drafting joint strategies. Together with the establishment of a Lesson Learning Unit providing a feed-back mechanism to policy, it would also provide a more strategic sense of direction rather than letting the process drive the policy. This in turn relates to the question about the de-coupling of the security-development nexus from CFSP initiatives – a question that needs to be more fully addressed. It remains to be seen whether the reinforced foreign policy machinery, to be implemented after the Lisbon Treaty has been ratified, will be able to correct this key problem if the EU is to achieve greater political influence as a global actor.

1 INTRODUCTION

> Security is the first condition for development.[1]

With the development of a European Security and Defence Policy (ESDP), and the subsequent articulation of a European Security Strategy (ESS), the EU is raising its ambitions as a security actor. The EU's self-image is one of a "power for good" and "peace-builder" in the world rather than a traditional military power.[2] The European Security Strategy talks of the EU being more "capable" and "responsible" in taking on new tasks in the areas of crisis management, conflict prevention, peacekeeping, state-building, and the reconstruction of failing states.[3]

This conception of the EU's global role is based on a broad and holistic approach to security. To address effectively the key threats perceived, such as the problems of failing states, regional conflicts and international terrorism, the ESS advocates close coordination between security and development policy. After all, the EU is one of the world's leading contributors of humanitarian assistance and development aid. From this point of view, EU development policy could be seen as a key component in the effectiveness of an emergent ESDP. As Deighton notes,

> the traditional aid and development role of the Union and how this currently dovetails with the apparently growing role of ESDP lies near the heart of [the] policy debate. (…) The balance between the use of military force, and aid, development tools, and civilian instruments of power [are] of particular interest in [the] discussion.[4]

As an international organisation, the EU is unique in being able to draw on such a wide range of instruments and capabilities to address crises and conflicts in both short- and long-term perspectives. At the same time, the coherence of the EU as a security actor is hampered because of its complex institutional structures and policy-making systems. Development policy and security policy have evolved in two separate pillars of the Union. This division empowers different actors to speak on behalf of the EU in its external relations and generates different logics of action given the distinctive policy-making processes and mechanisms for security and develop-

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[1] European Council, A Secure Europe in a Better World – European Security Strategy (2003), www.consilium.europa.eu/uedocs/cmsUpload/78376.pdf.

[2] Solana, J., Countering globalisation's dark side, *Europe's World,* Autumn (2007). For a critical analysis of this ethical conception of the EU's global role, see the special issue of *International Affairs*, on the theme: Ethical Power Europe?, vol. 84, no.1 (2008).

[3] European Council, A Secure Europe in a Better World (2003). See above note 1.

[4] Deighton, A. (ed.), Securing Europe? Implementing the European Security Strategy, *Zuercher Beitraege zur Sicherheitspolitik*, no. 77 (Center for Security Studies, 2007), p. 10.

ment respectively. This policy duality within the EU represents an obstacle for the projection of a coherent global role. Indeed, it could be argued that the effective coordination and coherence of security and development is a precondition for the EU to emerge as a capable, active and credible security actor in the post-Cold War world.

1.1 Aims

The aim of this report is to examine the security-development nexus from the point of view of the challenges of coordination, coherence and consistency that it raises in the ESDP. This also involves an analysis of how development policy is increasingly becoming framed and politicised in relation to the objectives of the ESDP. While the European Security Strategy of 2003 attempted to pull together all the political and intellectual threads of the Union's external activity, it was too short and wide-ranging to provide any real reference point for how security and development should be coordinated. In order to disentangle the ESDP-development nexus, we will be examining four specific, but inter-related, problems: (1) institutional coherence and inter-pillar coordination (illustrating the institutional and the decision-making *system*); (2) strategic policy formulation; (3) the policy dynamics; (4) policy implementation. These analytical categories serve as heuristic devices to enable us to capture the policy processes at various levels as well as changes in policy dynamics.

- Firstly, we examine the question of institutional coherence, which involves identifying and mapping out the key institutions/actors in the security-development nexus and consider the extent to which there is an emergent institutional framework for inter-pillar coordination.
- Secondly, we investigate whether there is convergence in terms of policy formulation that would indicate the emergence of a strategic framework at the systemic level in which to address the security-development nexus. We will thus examine policy assumptions and the conceptual mind-maps guiding policy-makers in the fields of security and development policy that would be indicative of such a convergence or lack thereof.
- Thirdly, we explore the underlying policy dynamics of the security-development nexus which involves a closer analysis of the process of learning (the reform process) and bureaucratic politics. These two types of policy dynamics may either be conducive to or impede greater coherence.
- Fourthly, we examine how a policy based on the security-development nexus is implemented in practice. To this end, we analyse two cases of ESDP-missions, both of which are drawn from Sub-Saharan Africa. It is

in Africa that the intersection between security and development is most apparent and arguably more urgent. Furthermore, outside the Balkans and Eastern Europe, Africa has become the major focus in EU foreign and security policy; a litmus test for the EU as a global actor.

1.2 The security-development nexus

The emphasis in policy-making on the security-development nexus is a general phenomenon that is not just specific to the EU, and should be seen in the light of the changing perceptions of threat after the end of the Cold War. This does not mean that security and development were entirely separate issues during the Cold War, but in terms of policy-making at that time, there was less reason to integrate the two in a common framework. In the post-Cold War period, three interrelated factors seem to spur the emphasis on the security-development nexus.

First, there is a widespread view that to address the complexities of the post-Cold War threats, like failing states, regional conflicts and international terrorism, a closer coordination between the objectives of security and development needs to be made in order for the two policies to work effectively and coherently in both short- and long-term perspectives. The security-development nexus is an integral part of the policy discourses articulated on conflict prevention, crisis management and post-conflict reconstruction. From an objective point of view, it should be pointed out that the claim of a causal relationship between security and development still needs to be validated in practice, i.e., the assumption that there *is* a positive relationship between greater security and development and *vice versa*.[5] However, this larger question will not be examined in this report which primarily focuses on the question of consistency and coherence in the policy-making process.

Second, the security-development nexus rests on a broadening of both concepts, which makes the overlap between the two more obvious. During the Cold War, security tended to be conceived in military terms, whilst development was focused on the traditional economic indicators of GDP and trade. Today, the object of security is not simply perceived in relation to states, but also to individuals and the non-military dimensions of security.

[5] For a critical analysis of the security-development nexus see Chandler, D., The security-development nexus and the rise of 'anti-foreign policy', *Journal of International Relations and Development*, vol. 10 no. 4 (2007), pp. 362–386; Berdal, M., *Security and Development,* Paper submitted to the UN High-level Panel on Threats, Challenges and Change (2004); Stewart, F., Development and Security, *CRISE Working Paper*, No. 3 (Centre for Research on Inequality, Human Security and Ethnicity, 2004).

The concept of *human security*, originally coined at the UN and approvingly discussed within the EU, encapsulates this widening conception of security.[6] Similarly, the objectives of development policy have broadened to include wider measurements of human well-being to include psychological and material factors rather than basic economic indicators.[7] While the nexus between security and development rests on these expanding conceptualisations, this broadening also brings with it a lack of definitional clarity as to which policy framework is most appropriate to address specific issues and with what instruments.

Third, the argument for a security-development nexus is also a reflection of an extended conception of interests to include *others*, that is, a sense of responsibility beyond national borders, implying an "ethical foreign policy".[8] The end of the Cold War provided space for issues like human rights, humanitarian intervention, good governance, democracy and international economic justice to be more vigorously promoted on foreign and security policy agendas. We should, for instance, recall that the European Union introduced the idea of political conditionality already in the Maastricht Treaty of 1992, making a number of policies and agreements conditional on the grounds of democracy and human rights criteria. This was significant given the non-political nature of EC development cooperation up until that time.[9] This sense of responsibility towards others is not simply altruism, but an intricate mixture of direct and more indirect interests.[10]

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[6] See the Commission on Human Security, Outline of the report of the Commission on Human Security (2003), http://www.humansecurity-chs.org/finalreport/Outlines/outline.pdf, and the Barcelona Report of the Study Group on Europe's Security Capabilities, *A human security doctrine for Europe*, (2004), http://www.lse.ac.uk/Depts/global/Publications/HumanSecurityDoctrine.pdf.

[7] Amartya Sen conceptualised development as an enhancement of "human capabilities" and, together with Mahub ul-Haq, he inspired the work of the United Nations' Development Programme on this front (see various Human Development Reports). Sen, A.K., *Development as Freedom* (Oxford University Press, 1999). The recent work by the World Bank is also significant, see Narayan, D. *et al.*, *Voices of the Poor* (Oxford University Press for the World Bank, 2000).

[8] Aggestam, L., Introduction: Ethical Power Europe?, *International Affairs,* vol. 84, no. 1 (2008), pp. 1–11.

[9] Only with the fourth Lomè Convention in 1989 was development assistance explicitly lined to human rights. This initial linkage was successively expanded in the 1995 revision of Lomè and was completed with a integration of the principle of conditionality in the 2000 Cotonou Agreement. Dimier, V., Constructing Conditionality: the Bureaucratization of EC Development Aid, *European Foreign Affairs Review*, vol. 11, issue 2 (2006), pp. 263–280.

[10] In the academic literature, a distinction is made between what is called "possession goals" and "milieu goals"; the former more closely aligned to the traditional narrow conception of national interest. This distinction was first coined by Arnold Wolfers in a seminal book, *Discord and Collaboration: Essays on international politics* (John Hopkins University Press, 1962).

As the Director General for Development, Stefano Manervisi, makes clear, "Development policy is about projecting political stability, economic prosperity and solidarity. It is thus a policy of values, but is also a policy of influence and interest".[11] Underneath the specific objectives of a mission, there are normally wider interests that are considered. For instance, the EU's involvement in the Democratic Republic of Congo has to be seen in the broader context of a concern that EU Member States have about increased immigration and refugees to Europe, as well as material interests like resource supplies.

These three reflections on the security-development nexus in general can also be found more specifically in the European Security Strategy. This document made clear that the CFSP, ESDP and development are interpenetrated policy areas.[12] However, the reason why the security-development nexus is challenging for the EU in particular is that these two policy areas are driven by distinct institutional structures and regulated by different mechanisms making the nexus challenging to operationalise in practice.

It is also important to stress that the ESS made explicit a policy assumption that was widespread within the Council, but much more controversial in the Commission, that the relationship between security and development is one of mono-causality rather than interdependence. The ESS unequivocally states that "security is a precondition for development" without recognising the reverse. This is controversial from the point of view that it seems to suggest the subordination of development policy to security considerations. Rather than pursuing poverty reduction as a goal in itself, it seems to suggest that it would be gauged against a security rationale. Whether this mono-dimensional view of the relationship between security and development has actually been translated into the policy-making process, or whether it should be more appropriately characterised as one of simultaneity will be explored in this report.

1.3 Consistency and coherence

Despite the recognised nexus between security and development, these are still two distinct policy fields. The problem of consistency and coherence will, therefore, always be a challenge as long as the aim is to coordinate different issues and forms of policy-making. Again, this problem is not

[11] Manservisi, S., Europe as a Global Actor: Priorities and Perspectives of the EU's Development Policy, *FIIA EU-Presidency Lecture Series* (Finnish Institute of International Affairs, 2006), p. 5.

[12] European Council, A Secure Europe in a Better World (2003). See above note 1.

unique to the EU. However, it is exacerbated in the case of the EU because the two policy areas of security and development have purposely been kept distinct from one another through the pillared structure of the European Union. Development policy falls in the first supranational pillar, where the Commission plays a decisive role in the policy-making process, while security policy has firmly been rooted in the second intergovernmental pillar.

The problem of coherence and consistency that this institutional divide has created in the external relations of the EU is widely recognised. It should be remembered that even before the case of the security-development nexus was made, the Maastricht Treaty stipulated that a linkage and greater consistency[13] between the pillars of its external policies should be ensured, singling out the Council and Commission to take responsibility for this process.[14]

> The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. (Treaty of the European Union, Title 1, Article 3).

In 2001, the Laeken Declaration tasked the Convention on the Future of the European Union with several challenges, including that of "develop-[ing] the Union into a stabilising factor and a model in the new unipolar world". The Laeken Declaration opened a constitutional debate on coherence, on how to "improve the efficiency of decision-making" and asked numerous questions related to EU External Relations:

> How should the coherence of European foreign policy be enhanced? How is synergy between the High Representative and the competent Commissioner to be reinforced? Should the external representation of the Union in international fora be extended further?[15]

The discussion of an External Action Service and an EU Foreign Minister has partly been a response to overcome these problems. To achieve greater consistency towards common objectives is important for the credibility of the Union as a security actor able to defend its interests and values on the international stage.

Before we proceed to examine the problem of consistency raised by the security-development nexus, some clarifications and distinctions need to be made about the concepts of consistency and coherence themselves; two

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[13] The requirement of consistency was introduced in the Treaty with the Single European Act but was originally mentioned in the 1974 Communiqué of the Paris Summit.

[14] Article C of the Common Provisions of the Maastricht Treaty, 1992.

[15] European Council meeting of 14–15 December 2001, Laeken Declaration on the Future of the European Union, p. 3ff.

concepts that have attracted considerable academic debate.[16] To begin with, we need to consider that consistency is a nest of different problems. Thus, we should make a distinction between three different problems of consistency.[17] First, there may be a problem of horizontal consistency, which refers to a problem of coherence between different policies. Second, there is the problem of institutional consistency, which pertains to the fact that EU external relations mandates two sets of actors applying two sets of procedures, i.e. the inconsistency arising from the institutional divide between the Commission and Council. Third, there may also be a problem of vertical consistency in that individual Member States may pursue policies more or less contradictory to agreed EU policy. In this report, we will be paying particular attention to the problems of horizontal and institutional consistency. Finally, it should be pointed out that the concepts of consistency and coherence will be used interchangeably in this report.[18]

1.4 A note on material and methodology

This report draws on both primary and secondary sources to investigate the security-development nexus in the ESDP. The primary material consists largely of EU documents, policy and strategy papers, reports, and interviews with EU Council and Commission officials. The secondary material is based on academic analyses. Few of these problematise the security-development nexus as such, although there is burgeoning literature that seeks to bring studies of development policy and foreign policy closer together.[19] The academic analysis on the relationship between development and security is fragmented and fractured. The disciplinary divide resonates

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[16] Nuttall, S., *European Political Co-operation* (Oxford University Press, 1992); Smith, M.E., Unfinished business: coherence and the EU's global ambitions, in Smith, M. E. (ed.), *Europe's Foreign and Security Policy. The Institutionalization of Cooperation* (Cambridge University Press, 2004); Krenzler, H.-G. and Schneider, H.C., The Question of Consistency, in Regelsberger, E., de Schoutheete de Tervarent, P. and Wessels, W. (eds.), *Foreign Policy of the European Union: From EPC to CFSP and Beyond* (Lynne Rienner, 1997), pp. 133–152; Tietje, C., The Concept of Coherence in the Treaty on European Union and the Common Foreign and Security Policy, *European Foreign Affairs Review*, vol. 2, issue 2 (1997), pp. 211–233; Duke, S., Consistency as an Issue in EU External Activities, *EIPA Working Paper*, 99/W/06 (EIPA, 1999).

[17] Nuttall, S., Coherence and Consistency, in Hill, C. and Smith, M.E. (eds.), *International Relations and the European Union* (Oxford University Press, 2005), pp. 91–112.

[18] Consistency tends to be the preferred term in English, while the French favour the word coherence – which in turn has a specific legalistic interpretation in German.

[19] See for instance, Smith, K., The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?, *European Foreign Affairs Review*, vol. 3, no. 2 (1998), pp. 253–274; Woods, N., The shifting politics of foreign aid, *International Affairs*, vol. 81, no 2 (2005), pp. 393–409; Woods, N., *et. al*., Reconciling effective aid and global security: Implications for the emerging international development architecture, *Global Economic Governance Programme Working Paper*, no. 19 (GEG, 2005).

in different research questions and in different conceptual perspectives. Whereas the foreign policy analyst considers development as an instrument to achieve foreign policy objectives,[20] the development expert reverses this order and examines poverty reduction as a goal in and of itself.[21] The analysis in this report draws on these overlapping yet heterogeneous strands of literature.

It is important to underline that this report is anchored in Foreign Policy Analysis (FPA) and Security Studies in terms of how the research questions and the analysis have been conceived and interpreted. The reason for this is that the question of consistency and coherence is primarily analysed in relation to the ESDP rather than EU development policy. What we are primarily interested in is how the security-development nexus impinges on the policy-making of the ESDP and which relevant policy/reform processes have been initiated since the genesis of the ESDP. This involves asking a set of classic FPA questions, such as what influence processes have on outcomes, the virulence of bureaucratic politics, understanding policy dynamics and the conceptual mind-maps of policy-makers.

[20] Arts, K., and Dickson, A.K. (eds.), *EU Development Cooperation: From Model to Symbol* (Palgrave-Manchester University Press, 2004); Santiso, C., Reforming European Foreign Aid: Development Cooperation as an Element of Foreign Policy, *European Foreign Affairs Review*, vol. 7, issue 4 (2002), pp. 401–422; Hadfield, A. (2007), Janus Advances? An Analysis of EC Development Policy and the 2005 Amended Cotonou Partnership Agreement, *European Foreign Affairs Review*, vol. 12, issue 1 (2007), pp. 39–66.

[21] Bonaglia, F., and Goldstein, A., and Petito, F., Values in European Union development cooperation policy, in Lucarelli, S., and Manners, I. (eds.), *Values and Principles in European Foreign Policy* (Routeledge, 2006), pp. 164-185; Holland, M., *The European Union and the Third World* (Palgrave, 2002): Grilli, E., *The European Community and the Developing Countries* (Cambridge University Press, 1994).

2 THE CROSS-PILLAR STRUCTURES

The present chapter delineates the institutional perimeter in which EU actors work and decide; underlines mechanisms for inter-pillar coordination and unresolved institutional inconsistencies; and emphasises the distinction between different policy-making models in ESDP and in Development Policy. This *structural duality* inherent in the pillar structure of EU policy-making is mirrored in the institutional set-up, with different institutional actors responsible for different policy areas.[22] The institutional infrastructure of the ESDP-development nexus will be presented in a hierarchical order, from the institutional apex to intermediate inter-pillar bodies, with a special emphasis on crisis management and conflict prevention. The institutional picture will illustrate the compartmentalisation of EU policies and will shed light on the difficulties in the current reform process.

2.1 Institutions and actors

2.1.1 The Council: the strategic framework

The European Council, the pinnacle of policy-making in the EU architecture, is the institutional level at which EU policies are discussed and integrated. Meeting four times per year, Heads of State/Government, the President of the Commission and the High Representative for CFPS set the general political direction of the EU and provide a common strategic framework. Accordingly, the European Council defines principles and general guidelines in CFSP and delegates the elaboration of the policies to the Council of the European Union.

The Council of the European Union is the main decision-making body of the EU and is responsible for general integration of policies.[23] The Council adopts CFSP decisions, makes recommendations to the European Council and "shall ensure the unity, consistency and effectiveness of action by the Union" (Article 13, Paragraph 3, TEU). In monthly meetings of the *GAERC (General Affairs and External Relations Council*), Member States decide on the formulation of common policies in all areas of external rela-

[22] "Single by name, dual by regime, multiple by nature – this is the Union's institutional framework in a nutshell. An overarching 'single institutional framework' exists on paper and in its broad outline, but the practice is of different policy-making regimes through which the competences of the EU's foreign policy actors are determined. (…) Both formally and in practice, pillars and methods are blurred". Keukeleire, S. and MacNaughtan, J., The EU's Foreign Policy System: Actors, in Keukeleire, S. and MacNaughtan, J. (eds.) *The Foreign Policy of the European Union* (Palgrave-MacMillan, 2008), pp. 66–67.

[23] A specific role is attributed to the Presidency of the Council in CFSP: it is responsible for the implementation of decisions, represents the Union in CFSP related matters and conducts political dialogue with third parties on behalf of the Union (this will be modified by the Treaty of Lisbon).

tions (CFSP, ESDP, trade, development cooperation, humanitarian aid). GAERC approves the general budget (the first source of development assistance), replenishes the European Development Fund (intergovernmental budget for the ACP-EU relationship, representing the second source of development assistance) and manages CFSP/ESDP. An informal Development Council[24] meets generally every six months in the GAERC setting in order to review development policy. In this context, the Council has the dual role of giving political direction and of approving the initiatives proposed by the Commission. In order to adopt the proposals of the Commission, the Council liaises with the European Parliament – through the co-decision procedure – and engages in dialogue with the European Commission on an equal level. Yet, the role of the Council in the design of the policies is subsidiary, as more than 80 percent of the proposals of the Commission are passed as "A-points" in the Council with no discussion/changes. Similarly to the Development Council but with different decision-making procedures, Defence Ministers can meet informally under GAERC auspices.

According to Mueller-Brandeck, the Council, "traditionally considered the 'supreme manager' of CFSP and its central powerhouse, is in fact less and less able to cope with its multitudinous tasks".[25] As a consequence, inter-pillar coordination occurs at an intermediary level. Accordingly, the following analysis will focus on the Council infrastructure and on how development is treated in the CFSP/ESDP governance structure, concluding with the brief overview on the role of the Commission. A comprehensive description of decision-making procedures is beyond the scope of this report. The following analysis is simply intended to highlight the main features of the decision-making structure and summarise the main responsibilities of the primary institutional actors responsible for the articulation of the ESDP-development nexus.

2.1.2 The CFSP/ESDP institutional structure

The Treaty of Amsterdam established in 1997 the *High Representative for CFSP* and a strategic planning office, the Policy Planning and Early Warning Unit (now Policy Unit). According to Article 26, Title V, of the TEU, the High Representative "shall assist the Council in matters coming within the scope of the CFSP, in particular through contributing to the formula-

[24] From 2002, the Development Council was merged with GAERC (Solana Reform of Council formations).

[25] Mueller-Brandeck Bocquet, G., The New CFSP and ESDP Decision-Making System of the European Union, *European Foreign Affairs Review*, vol. 7, no. 3 (2002), p. 264.

tion, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties". The *Policy Unit*[26] supported the High Representative in outlining strategic priorities and "came to resemble ever more an extended cabinet [to the High Representative]".[27] Since 1997, the CFSP/ESDP institutional infrastructure in Brussels has been strengthened and re-defined.

At the Brussels-based level, the *Political and Security Committee* (PSC) is the linchpin of the crisis management system in ESDP.[28] As the institutional core of ESDP decision-making, the PSC works as a policy initiator, where the ESDP levers (civilian and military crisis management) are pulled together. The PSC, composed by representatives of Member States of ambassadorial rank, is responsible for following international crises and for strategically leading the EU decision-making, as mandated by the GAERC. The PSC exercises political authority, gives strategic direction and formulates options/sectoral policies in ESDP.

The PSC liaises with *Committee of Permanent Representatives of Member States* (COREPER), "the most influential of the preparatory committees"[29] in the Council machinery. COREPER oversees politically the decision-making machinery of the Council and has a special prerogative in linking "those CFSP matters which go beyond pure diplomacy and fall back on the possibility for action of the First Pillar".[30] The relationship between COREPER and the PSC is the first institutional basis for the interplay between development policy and ESDP, as both are "important mediators between the intergovernmental and communitarian aspects of external relations".[31] COREPER in particular has been delegated special responsibilities as "the main forum for ensuring policy coherence": with the assistance of the Presidency and the General Secretariat, COREPER has to scrutinise the entire policy-making process, so that its proceedings "fully reflect the various sectoral and horizontal considerations"– even if the item discussed "is not primarily concerned with development policy, but where there is an

[26] DG E has special responsibilities in the CFSP area. Significantly for the ESDP-Development Nexus, a specific DG for Development also exists within the Policy Unit.
[27] Missiroli, A., ESDP: How it works, in Gnesotto N. (ed.), *EU Security and Defence Policy: The first five years (1999-2004)* (EUISS, 2004), p. 62.
[28] Duke, S., Consistency as an Issue in EU External Activities. See above note 16.
[29] Haynes-Renshaw, F. and Wallace, H., *The Council of Ministers of the European Union* (Macmillan, 1998), p. 72.
[30] Mueller-Brandeck Bocquet, G., The New CFSP and ESDP Decision-Making System of the European Union, p. 265. See above note 25.
[31] Duke, S. and Vanhoonacker S., Administrative Governance in CFSP: Development and Practice, *European Foreign Affairs Review*, vol. 11, issue 2 (2006), p. 173.

important development dimension".[32] This is reflected in the division of labour between PSC and COREPER, the latter having a Community-focus and managing directly the inter-pillar institutional and legal aspects of foreign policy (horizontal and institutional consistency). The PSC and COREPER are to be regarded as the *guardians of coherence* once ESDP is under discussion in the Council structures.

The PSC is directly advised by the EU Military Committee on the military component of ESDP and by the *Committee for Civilian Aspects of Crisis Management* (CivCom) in the civilian aspects of ESDP. In the EU Military Committee, the highest EU military institution, development policy is not discussed. In the light of the ESDP-development nexus, the CivCom and the *Civil-Military Cell* are of greater significance. CivCom, constituted by relevant Representatives from Member States, supports the PSC and COREPER in its advisory function, formulates recommendations and examines the coherence of civilian aspects of crisis management in CFSP/ESDP. CivCom performs the function of information centre, where relevant information on the current and potential contribution by Member States in civilian matters is stored.

The *CivMil Cell*, established as a compromise after the 2003 Tervuren affair[33], should "assist in strategic planning and operational tasks for the conduct of autonomous EU operations across the range of the military, civil-military and civilian spectrum". Institutionally located under the military ESDP structures, the CivMil Cell should "develop close coordination with aid agencies and other civilian operators, both on the ground under crisis conditions and in Brussels" and coordinate "the reports from civilian and military authorities to Brussels, learning lessons from the operation and in helping to improve EU coherence on the ground".[34] In this sense, Pullinger emphasised that the CivMil Cell could be seen as a *systems integrator for all EU crisis planning* in preparing joint strategic options and in overseeing the inter-pillar dimension of the mission.

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[32] Conclusions of the GAERC meeting on 17 October 2006 (Luxemburg) on Integrating Development Concerns in Council Decision-Making – Orientation Debate on Policy Coherence for Development and the Effectiveness of EU external action (Doc. 14072/06), p. 3ff.

[33] In March 2003, Belgium, France, Germany and Luxemburg proposed the idea of an independent EU military headquarters to be based in Tervuren, just outside Brussels. At the height of the diplomatic dispute over the Iraq war, the proposal was strongly opposed by a number of EU Member States, led by Britain.

[34] Pullinger, S., *et. al.*, Developing EU Civil Military Co-ordination: The Role of the new Civilian Military Cell, *Joint Report by ISIS Europe and CeMiSS* (ISIS, 2006), pp. 5–6.

Whereas CivCom and the CivMil Cell could be thought of as inter-pillar units, the institutional innovations have only produced limited results in terms of inter-pillar coordination. This consideration remains valid also more generally.[35]

2.1.3 The Commission: agenda-setter and policy-manager in development

The *European Commission* has a primary responsibility in development policy, as the Commission formulates the policies and manages development assistance. The European Commission advances legislation to the Council in matters related to development policy. It structures the agenda in development assistance through Communications; administers the EU budget and the European Development Fund; supervises the implementation of its policies; engages in the harmonisation of Member States' Development Policies; and manages – bilaterally and multilaterally – the relationship with third countries. The combination of direct administrative powers and of the monopoly over policy initiatives makes the Commission an *agenda-setter* and a primary *policy manager* in development policy.

The Commission has only a limited role in ESDP, however. In theory, the Commission is "fully associated" in CFSP (Article 27, TEU[36]), manages the CFSP budget, and is represented in various forms and degrees in ESDP decision-making.[37] The participation of the Commission in ESDP decision-making processes facilitates the inter-pillar coordination. In practice, however, institutional participation led only to modest results in terms of inter-institutional collaboration and cross-fertilisation. The contribution of the Commission to the formulation of the policies remains minimal and constrained by its internal institutional fragmentation. The Commission, for instance, is present in the PSC and in CivCom. Yet, whereas the implicit assumption is that the PSC and CivCom are fully informed of the development projects of the Commission in a specific mission, this is apparently

[35] Interview with Council official (ESDP), London, 16 November 2007.

[36] The Lisbon Treaty will amend the role of the Commission in CFSP (the Commission will be fully associated in CFSP via the High Representative, in dual capacities as a Commissioner for External Relations and performing the function of Vice-President of the Commission) and will guarantee the High Representative for Foreign Affairs and Security Policy a personal role in guaranteeing consistency in parallel to the Council and the Commission (Art. 21(4)).

[37] The Commission is represented by senior officials from DG Relex in the PSC, is usually represented by its Deputy Secretary General in COREPER and sits in the EUMC, in the various CFSP/ESDP Committees (Nicolaidis Group, EU Military Committee Working Group, Politico-Military Working Party).

not always the case. The Commission, in fact, participates in the PSC via a senior official of DG Relex[38] (Crisis Management and Conflict Prevention[39]), and not anyone from DG Development. Conversely, "an orthodox and defensive view of the EC relationship with the second pillar dominates the Commission's administration".[40]

In comparative terms, however, a recent CEPS study on coherence noted that it is

> easier to ensure [coherence] in the policy-making processes in the European Commission than in the EU Council. The main reason is that decisions are ultimately taken by the Commission as a whole, thereby allowing all interests to be represented and cleared at the central level, i.e. the College of Commissioners, whereas decision-making in the Council must navigate the nine sectorally divided ministerial formations and numerous subordinate bodies, where the majority of decisions are taken.[41]

This is associated with the principle of collegiality, but is also a result of the various workings of intra-institutional groups (*inter alia*, the Commissioners' Relex Group, the Directors General Relex Group, and the Inter-Service Quality Support Groups, a network of officials with an interest in a particular issue).

The Commission remains, in general, institutionally fractured. The division between DG Dev and DG Relex is based on different geographical spheres of influence; the two political DGs are functionally isolated from ECHO (European Humanitarian Aid Office), whose mandate is purely apolitical/neutral and which coordinates humanitarian aid, disaster relief and emergency aid, often disbursed through NGOs and civil society; EuropeAid is the common implementing agency but has no role in determining the policies. Most significantly, the division between strategic policy-making in Brussels and the implementation phase on the ground has been exacerbated by the creation of EuropeAid and by the deconcentration process (a

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[38] The Relex official frequently presents the Commission's development-related views and occasionally invites officials from DG Development to address the PSC.

[39] The unit, established in 2001, is responsible for the coordination of conflict prevention in the Commission (*inter alia* mainstreaming conflict prevention in assistance programmes and in Country Strategy Papers), assesses potential contributions to CFSP and manages the Rapid Reaction Mechanism/Stability Instrument. Due to limited human capacity, the unit is "a focal point more than a facilitator". International Crisis Group, EU Crisis Response Capability Revised, *Europe Report*, no. 160 (ICG, 2005), p. 19.

[40] Keukeleire, S. and MacNaughtan, J., The EU's Foreign Policy System: Actors, p. 93. See above note 22.

[41] Executive Summary, in Egenhofer, C. (ed.), *Policy Coherence for Development in the EU Council-Strategies for the Way Forward* (CEPS, 2006), p. iv.

reform process in EU External Assistance initiated by Commissioner Patten), diluting foreign policy objectives in development planning.[42]

2.2 Decision-making: the Community method and intergovernmentalism

The EU is not a unitary actor in all aspects of external relations, least of all in times of crisis. The pillar structure represents the primary reason for policy disjunctions between Development Policy and CFSP/ESDP. Unlike most nation-states, when considering a response to an international crisis, the Union must always give precedence to considerations founded on legal competence. Competence comes before any consideration of effectiveness in international action.[43] Accordingly, it seems premature to declare that EU foreign policy is mostly pillar-transcending.[44]

As a first approximation, the institutional framework is rightly described in terms of the "divorce between development and security"[45]: development policy and ESDP are guided by parallel structures , by different decision-making processes and by different procedures (right of proposal, political and financial control). The distinction between the intergovernmental CFSP/ESDP and the Community method remains. The permanent difference between ESDP/CFSP and development policy lies in the decision-making model followed. Whereas in ESDP unanimity is the guiding principle and Member States have the ultimate authority to decide, development policy is determined by qualified majority voting and the Commission plays a leading role as an agenda-setter with executive powers. Actions and resolutions in development policy are shaped by the shadow of the majority voting rule. Member States are still represented, but its

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[42] Interestingly, even Eurostep, a network of NGOs focusing on EU development assistance, criticised the separation of definition of policy and the implementation, proposing the reunification of the project cycle. Eurostep, Proposal for a new architectural structure for External Policies within the European Commission, Briefing Paper, available at http://www.concordeurope.org.

[43] As Hill and Smith point out, the EU has a "profound desire to systematize or pigeon-hole" its international relations. "There is a persistent tension between this desire to systematize, the growing expectations of EU intervention and the persistent growing fluidity of international order – a tension putting increased pressure on the EU and underlining the problems of attention and resource allocation." Hill, C. and Smith, M., International Relations and the European Union: Themes and Issues, in Hill, C. and Smith, M. (eds.), *International Relations and the European Union* (Oxford University Press, 2005), p.12.

[44] Keukeleire and MacNaughtan, The EU's Foreign Policy System: Actors. See above note 22.

[45] Gourlay, C., European Union procedures and resources for crisis management, *International Peacekeeping*, vol. 11, no. 3 (2004), pp. 404–421; Youngs, R., Normative Dynamics and Strategic Interests in the EU's External Identity, *Journal of Common Market Studies*, vol. 42, no. 2 (2004), pp. 415–435.

executive role enables the Commission to have a direct responsibility as an *agenda-setter*.

At present, when it comes to combining ESDP and development policy, the EU is working on the simple assumption of coherence, even if it does not live up to it.[46] The EU crisis management infrastructure has evolved into a complex security network. The proliferation of ESDP institutions gave the EU new military and civilian policy options (as we will discuss further in 3.1). Yet, conversely, no linear line of command exists among the different institutions at the ESDP-development interface. Coordination mechanisms and integration reforms were initiated, yet yielded piecemeal results. Despite sporadic instances of inter-pillar coordination (highlighted in the cases), problems related to coherence and to integration in civilian crisis management (Commission vs. Council) remain patent:

> While the Council and the Commission are enjoined by the Treaties to be jointly responsible for ensuring the consistency of EU external activities, it is widely recognised that this is difficult in practice in the area of civilian crisis management precisely because there is *no 'unity of command' and competencies overlap*, whereby qualitatively similar actions (...) can be supported through either first or second pillar instruments. Moreover, the question of the delineations of competencies remains contested and the area of civilian crisis management is characterised by ongoing disputes about where the dividing line between Community development co-operation and CFSP should lie.[47]

2.3 Inter-pillar coordination and institutional consistency

Three levels of inconsistency are detected in the interaction between the Commission and ESDP: the first level is financial inconsistency; the other two levels are lack of policy integration and the separation of powers in the field, and these are ramifications of institutional inconsistency.

(1) Financial inconsistency

Despite the expansion of the civilian side of ESDP, the Commission remains an important actor in crisis management policy-making, predominantly as a financial player. As Figure 1 illustrates, initiatives in specific sectors (police reforms, Security Sector Reform, Demobilisation Disarmament Reintegration, programmes in the area of human rights and the rule of law in post-conflict situations, and in electoral processes) could be equally undertaken under the ESDP umbrella or as development assistance programmes. In these specific functional areas, a division between the

[46] Gourlay, C., Civil-Civil Co-ordination in EU crisis management, in Novak, A. (ed.), *Civilian Crisis Management: the EU Way*, Chaillot Paper 90 (EUISS, 2006), p. 105.
[47] Ibid., pp. 103–4.

Council and the Commission does not exist. Initiatives and financing options (general budget of EDF for the Commission activities; the limited CFSP resources in the general budget[48]) often overlap and this creates policy confusion.[49]

(2) *Lack of policy integration*
The coordination of instruments (the articulation of the policy mix) is limited by a long-term/short-term dichotomy (Development versus ESDP missions). The Commission is often present in the field and has recently developed policy mechanisms for crisis situations, which could also support ESDP operations (such as the Rapid Reaction Mechanism or the Stability Instrument since January 2007). Yet, the main thrust of the Commission portfolios is determined by long-term engagement. Whereas short-term measures could be supportive of ESDP operations (also via flanking measures), long-term instruments are not easily adaptable to the ESDP perspective.

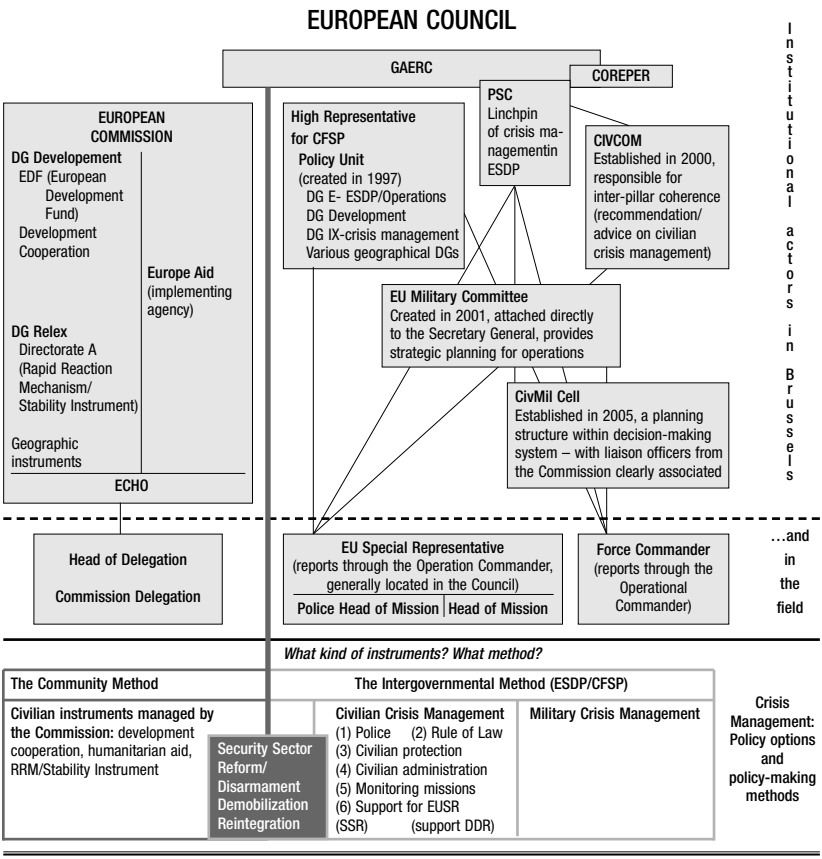
Development cooperation in the field is regulated to some extent by short-term instruments but mostly by long-term commitments. ECHO, the Africa Peace Facility and the RRM/Instrument of Stability are being managed with greater dexterity, but represent the exception, rather than the norm. Country Strategy Papers (CSPs) and Regional Strategy Papers were introduced in 2001 as an indicative 3-to-5-year policy framework. CSPs enhanced the profile of political conditionality (a CSP comprised a predetermined envelope and a second incentive tranche) and integrated – with analytical difficulties – conflict indicators to economic programming, but they lack strategic flexibility.

(3) *The separation of powers in the field*
From the perspective of Brussels, an additional layer of complexity is the translation of policies on the ground. As Figure 1 reveals, no single line of authority or line of command exists. This scheme is ideal-typical and not universal (as it depends on the number and on the nature of ESDP missions present in the field). It demonstrates immediately, however, that every single mission has a different line of command and reports to a dif-

[48] The only categorical distinction is between the Athena mechanisms (financing military crisis management and ESDP operations having a hard security component) and the other sources mentioned (general budget, including CFSP budget, and the European Development Fund).

[49] The recent multiplication of initiatives (Stability Instruments versus CFSP start-up fund) being a clear example. Under the Treaty of Lisbon, the Council, acting by qualified majority voting, could create a new start-up fund in the framework of CFSP (Art. 41(3) TEU).

Figure 1: Institutional actors (in Brussels and in the field), decision-making and instruments



Source: Authors' re-elaboration of Nugent, N., *The Government and Politics of the European Union* (Palgrave-Macmillan, 2003), p. 425 with simplification of the institutional structure.[50]

[50] The diagram selectively simplifies and reduces EU decision-making to key units in their hierarchical order. The selection of units is based on their relevance for the articulation of the Security-Development nexus at an EU level. The scheme takes the Brussels-based institutional framework from Nugent, N., *The Government and Politics of the European Union* (Palgrave-Macmillan, 2003), p. 425, updates it and maps/links the Brussels infrastructure with the operational infrastructure in the field and with the policy instruments. As a simplifying scheme, it does not pretend to be exhaustive.

ferent institution back in Brussels: the Force Commander reports through the Operational Commander to the EU Military Committee, to the PSC and to the SG/HR; the EU Special Representative is generally responsible for civilian crisis management and reports – through the Operation Commander – to the Council General Secretariat/High Representative, to the PSC and to CivCom[51]; the Head of Delegation sends his/her briefing to the Commission.

In the field, coordination depends on the political relationship between the different actors at an operational level, and mostly on the relationship between the Commission Delegation and the EU Special Representative (EUSR). The role of the Commission Delegations has been strengthened in the implementation of development policies with the reform process initiated in 2001 by Commissioner Chris Patten. The Commission Delegation, however, does not have any compulsory advising role to – nor implementation authority over – ESDP/CFSP.

Inversely, the EUSR has a coordination role in the ESDP realm (his/her role being defined by the mandate received from the Council), but no first-pillar competence – except in the case of the "double-hatted" arrangement in FYROM and to the African Union in Addis Ababa. The EUSR is directly linked with the Secretary General and provides strategic advice to the PSC. According to Council documents, the EUSR should be the "in the field-coordinator for coherence".[52] In this respect, the EUSR should play a coordination role between the Presidency, the Commission and the other diplomatic missions and should liaise with the international community.

The (inter-pillar) separation of powers remains intact and a nominal level of coordination has been zealously formalised in the Brussels-based apparatus. Coordination, however, is more informal and voluntary than mandatory or legally binding and has taken various forms in different mis-

[51] If the EUSR is not present in the mission, or if he/she is not the Head of Mission of the Civilian ESDP operation, then the Head of Mission reports to the Operation Commander. The Head of the Civilian Planning and Conduct Capability (CPCC) within the Council Secretariat is regularly, but not always, the Operation Commander for ESDP civilian operations. We acknowledge the corrections suggested to the chart and here by the external reviewer. In case of a double-hatted arrangement, for instance the EUSR in Skopje (FYROM), the unit Head of Delegation (Commission) merges with the relevant unit.

[52] The Council elaborated a "reference framework", presented by the SG, on procedures for coherent, comprehensive crisis management in the form of a "living document to be studied in detail and evaluated by civilian and military experts", a "working paper" constantly revised, reviewed and updated by the PSC and Political-Military Working Groups. Council Secretariat, Suggestions for procedures for coherent, comprehensive EU crisis management – Forwarding Note to Delegations, 5633/01, Brussels, 24 January 2001, p. 2.

sions. The political responsibilities of the EUSR (i.e. giving strategic guidance to in-the-field actors) partially intersect with the political dimension of the Commission on the ground. Consequently, the experience points to varying outcomes in the field (collaboration in Congo and Bosnia Herzegovina[53], discord in Macedonia[54], cooperation *via* institutional consolidation in Darfur/Sudan).

As examined in this chapter, 'what you see, depends on where you sit'. Different actors have different priorities, policy integration has been tackled in the institutional design of ESDP and of EU civilian crisis management, but the degree of inter-pillar contamination remains minimal at an institutional level (restricted to formal participation of the Commission in ESDP institutions) and inter-pillar units have not escaped problems of institutional/horizontal consistency. Shifting from actors to policies, the next chapter will point to the increasingly significant convergence between development policy and ESDP at a strategic level.

[53] In the case of Althea in Bosnia Herzegovina, the EUSR became responsible for the whole coordination and the Force Commander was requested to coordinate with the EUSR "with a view to ensuring consistence of the EU military operation with the broader context of the EU activities in BiH". Institute for Security Studies, EU Security and Defence – Core Documents 2004, *Chaillot Paper*, no. 75 (ISS, 2005), p. 325. EUFOR, EUSR and the EU Police Mission agreed on a series of principles and guidelines for cooperation at an operational level.

[54] The EUSR and the Head of Delegation did not speak to each other from 2001 to 2005, then, in November 2005, the two positions were combined with an experimental "double-hatting arrangement". Ioannides, I., Police Mission in Macedonia, in Emerson, M., and Gross, E. (eds.), *Evaluating the EU's Crisis Missions in the Balkans* (CEPS, 2007), pp. 81–125.

3 STRATEGIC POLICY FORMULATION

This chapter examines the extent to which a process of convergence in strategic thinking is taking place between the ESDP and development policy to address the security-development nexus. The analysis of policy assumptions below suggests that a foreign policy consensus is evolving incrementally, which increasingly frames the conceptual maps of policy-makers in DG Development and ESDP respectively.

3.1 The security perspective

The European Security Strategy (ESS) of 2003 is an important document in the sense that it provides a basic reference point for greater coherence between security and development. First, it makes clear that CFSP, ESDP and development cooperation are interpenetrated policy areas. The ESS expresses the ambition to integrate the whole panoply of instruments under the EU Relex remit and to harmonise CFSP and non-second pillar instruments. Instruments, capabilities and objectives had previously been created in an incremental way and according to different philosophies. The ESS articulates them in a single strategic framework.

> Trade and development policies can be powerful tools for promoting reform. As the world's largest provider of official assistance and its largest trading entity, the EU and its Member States are well placed to pursue these goals. Contributing to better governance through assistance programmes, conditionality and targeted trade measures remains an important feature in our policy that we should further reinforce. (…) Preventive engagement can avoid more serious problems in the future.[55]

Second, positing that "security is a precondition for development", the ESS gave prominence to a mono-dimensional correlation between security and development. The ESS made explicit a policy assumption guiding security experts in the Council of "security first" rather than the simultaneity of the nexus. This policy assumption, as we will see below, was toned down in the 2005 *European Consensus for Development*.

Third, the ESS advocates a restructuring of security and development on the basis of greater coherence, which would involve a process of collective re-thinking in the Council and the Commission. The EU needs to become "more active in pursuing its strategic objectives" and "more capable to bring all necessary civilian resources to bear in crisis and post crisis situations".

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[55] European Council, A secure Europe in a better World (2003), p. 11. See above note 1.

> The challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from the Member States and other instruments. All of these have an impact on our security and on that of third countries. *Security is the first condition for development.* Diplomatic efforts, development, trade and environmental policies, should follow the same agenda. In a crisis there is no substitute for unity of command. (…) Greater coherence is needed not only among EU instruments but also embracing the external activities of the individual member states.[56]

The ESS does not, however, enter into the minutiae of the policies and does not indicate how development policy should be integrated in CFSP/ESDP. It is more of a blueprint for what a coherent European foreign policy should look like by inducing the mainstreaming of political and conflict issues into development aid.[57] To gain a more in-depth understanding of how policy assumptions about the security-development nexus have evolved, we should examine more closely how the civilian dimension of crisis management developed within the EU.

ESDP was originally founded for military crisis management tasks and had a predominantly military dimension (Headline Goals, Petersberg Tasks, Battle Group concept). Civilian Crisis Management complemented the initial military focus of ESDP and the 2000 Feira European Council set four priority areas in relation to it (police, strengthening the rule of law, strengthening civilian administration and civilian protection). Importantly, ESDP civilian crisis management was not created as a development of Community external policies, but was institutionally separated from it. The official integration of policy-making was intensified with the ESS and in 2004, when the scope of civilian crisis management was expanded with the 2008 Civilian Headline Goal.

The new programme added new goals and operational capabilities, such as integrated crisis management, monitoring missions, supporting measures for the EU Special Representatives and contributions to both Security Sector Reform (SSR) and Disarmament, Demobilisation, Reintegration (DDR). Significantly, the aim of the programme is to "[integrate] multifunctional resources, [to improve] the connection of conflict prevention and crisis management (…), [and to create] synergies [and better dialogue] between development cooperation and civilian crisis management experts".[58]

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[56] Ibid., pp. 11–12. (emphasis added)

[57] International Crisis Group, EU Crisis Response Capability Revised, *Europe Report*, no. 160 (ICG, 2005), p. 4.

[58] Politico-Military Group, Draft EU Concept for Comprehensive Planning [Note to the PSC], 13983/05, Brussels, 3.11.2005. Institute for Security Studies, EU Security and Defence, pp.121–128. See above note 53.

The strategic outlook from the Council of the ESDP approach to development is clearly articulated by Jim Cloos, Director in the Council of the EU General Secretariat, who argued:

> The link between the political objectives defined in the ESS and the actual use of Community funds should be strengthened. The question has also to be asked whether we get good value for money for our external assistance and development aid. The EU (EC and Member States) provides 54 percent of the world's ODA, and has pledged to do even more. But the results achieved in terms of development and in terms of the EU influence and visibility are not commensurate with that effort. One of the reasons for this failure is the piecemeal approach taken in the pursuit of seemingly unrelated objectives in the areas of development, security, human rights. There is in fact an intimate link between them. The ESDP operations should be seen in that light. The less than 1 percent of external assistance money spent on them should allow us to better spend the remaining 99 percent.[59]

As a consequence, the Council crisis management apparatus has deepened its institutional emphasis, particularly on Africa.[60] As recognised by key policy-makers, Africa represents

> the place where the new thinking about the interdependence of development, security and human rights is of particular relevance. The December 2005 European Council adopted a new Africa strategy based on these ideas. The new crisis management tools can make a difference here and add the extra bit [*sic*] needed to render development aid more efficient.[61]

3.2 The development perspective

Although development cooperation has been "one of the cornerstones of European integration" since 1957[62], it was only the Treaty of the European Union in 1992 which established the legal basis of development cooperation and its formal competence in the Treaties.[63] With the Treaty of Maastricht, EU development cooperation was calibrated according to the principle of the '3 Cs': coordination, complementarity and coherence.[64]

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[59] Cloos, J., EU Foreign Policy: Where next after the European Security Strategy?, in Deighton, A. (ed.), *Securing Europe? Implementing the European Security Strategy*, Zuercher Beitraege zur Sicherheitspolitik 77 (Center for Security Studies, 2007), p. 123.

[60] The former Director of the Policy Planning and Early Warning Unit (1999–2005), Heusgen, C. *et al*, *Civilian Perspective or Security Strategy? European Development Policy Confronting New Challenges in Foreign and Security Policy*, Report - International Seminar of 23 November (Friedrich Ebert Stiftung, 2004), available at www.fes.de, p. 14.

[61] Cloos, J., EU Foreign Policy, p. 126. See above note 59. Along similar lines, see the former French Minister of Defence, Alliot-Marie, M., A blueprint for buttressing Africa's precarious security, *Europe's World,* Summer (2007).

[62] Lister, M., *The European Union and the South. Relations with Developing Countries* (Routledge, 1997), p. 22.

[63] Articles 177–181 were previously relegated to an Annex of the Treaty of Rome.

[64] Article 130u–x.

The policy assumptions guiding EU development assistance have shifted significantly. In the 1990s, the EU adapted to a changing external environment and to internal institutional turmoil and altered its role "beyond a mere developmental change to a state of radical transformation".[65] Whereas previous Development Commissioners asserted the non-political nature of EC development cooperation[66], it is now considered part of the range of EU foreign policy instruments in international politics. Conditionality (particularly with reference to good governance) and CFSP strategies inform the current foreign policy consensus in development policy-making. The Director General of DG Dev, Stefano Manservisi, describes the EU's political approach to development in the following way:

> … development is not (at least not only) about spending money, delivering aid or implementing projects and programmes. Neither is it about trying to eradicate poverty in isolation from trade, security, diplomatic or other concerns. (…) the EU is not just another donor. Development is not institutional charity. *Development is at the heart of the external action of the EU.* (…) Together with other components of EU's external action (trade, CFSP, ESDP, humanitarian relief, diplomatic relations) Development policy is about projecting political stability, economic prosperity and solidarity. It is thus a policy of values, but is also a policy of influence and interest.[67]

Hadfield suggests that an "inherent duality of poverty-reduction and security objectives now typifies EU development policy" and that development policy "now operates more robustly as official EU foreign policy".[68] The paradigm shift is firmly rooted in EU external assistance "from the original assistance-focused development that typified the Yaoundé and Lomé Accords to the politicized and securitized reform-focused goals of the Cotonou Amendment".[69] Chris Patten, former Relex Commissioner, referred to the interaction of development policy and foreign policy as the CFSP-development nexus.[70] Observing the new international behaviour of the EU in Africa, Gorm Olsen identifies a shift "from promotion of devel-

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[65] Smith, M., The Commission and External Relations, in Spence, D. (ed.), *The European Commission* (John Harper Publishing, 2006), p. 331.

[66] A former Development Commissioner, Joao de Deus Pinheiro, stated: "Community aid, once depicted as a model of political neutrality and non-interference in the internal choices of the recipient countries, is now becoming distinctively more political in its objectives. Actual distribution of aid is also being made more conditional than in the past on policy actions by recipients. Politicization of aid is a recent, but already established, trend.", quoted in Grilli, *The European Community and the Developing Countries,* p. 74. See above note 21.

[67] Manservisi, S., Europe as a Global Actor, pp. 5 ff. (emphasis added). See above note 11.

[68] Hadfield, A., Janus Advances?, p. 39. See above note 20.

[69] Ibid., p. 44.

[70] Patten, C., Europe in the world: CFSP and its relation to development, Conference at the Overseas Development Institute, London, November 2003, p. 4, at www.odi.org.uk.

opment by means of foreign aid towards emergency assistance with the possibility of crisis management by military means".[71]

The increasingly politicised approach to development has been inherent in the new course of policy inaugurated with the 1999/2000 reforms in the management of external assistance. This sought to address the problem that the Community appeared as a generous donor but with very little political weight. Politically, the justification of the reform was to "restore the credibility [of the Commission] as a foreign policy actor in one of the major fields of external EU actions".[72] The reasons for the reform were technical as well as strategic: the gap between ambition and implementation; an excessive centralisation and the absence of strategic purpose in aid; excessive fragmentation in terms of structure, institutional mechanisms and procedures.

While in 1998 the OECD critically pointed out that the EU's "organisational framework has appeared to influence policy, rather than the opposite"[73], the 2002 review by the Development Assistance Committee (DAC) stressed that "reform has strengthened the organisational structure of the European Commission by integrating the services dealing with political, trade and development more strongly within a 'RELEX family'".[74] The effect of the reform was a restructuring of institutions, a process of de-concentration towards Delegations[75], the drafting of the 2000 Development Statement and the creation of EuropeAid as a single implementing agency.

The enhancement of EU development policy became manifest in the 2005 *European Development Consensus*[76] and the initiatives leading to the debate on the EU security-development nexus (2001-2007), and occurred on three levels.

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[71] Olsen, G.R., Changing European concerns: security and complex political emergencies instead of development, in Arts, K., and Dickson, A.K. (eds.), *EU Development Cooperation: From Model to Symbol* (Palgrave-Manchester University Press, 2004), pp. 80–100. And see in particular, Olsen, G.R., Europe and Africa's failed states: from development to containment, *International Peacekeeping*, vol. 9, no. 3 (2002), pp. 87–102.

[72] Patten, C., Commission shakes up the management of external assistance, Press Release of 16 May 2000, IP/00/480 (Brussels) [emphasis added].

[73] OECD DAC, DAC Peer Review of the European Community, *OECD Development Co-operation Review Series* (OECD, 1998), pp. 3 ff.

[74] OECD DAC, DAC Peer Review of the European Community, *OECD Development Co-operation Review Series* (OECD, 2002), p. 77. Santiso still criticised the reform for its "technocratic bias", Santiso, C., Reforming European Foreign Aid. See above note 20.

[75] In 2004, 80 Delegations, active in 148 Countries or Territories, had full responsibility for development aid.

[76] Joint Statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the European Commission – The European Consensus on Development, December 2005 (OJ 2006/C 46/01).

First, at a policy level, the interface between conflict prevention and development policy emerged in the 2001 *EU programme for the Prevention of Violent Conflicts*,[77] approved in the context of CFSP under the leadership of the Swedish Presidency. In the document accompanying this document, the Commission made explicit an instrumental approach to development cooperation.[78] The EU "expanded structural crisis response mechanisms within EU machinery" and "aimed to establish a closer match between development cooperation and the political commitment to address the root causes of conflict".[79] With the 2001 Conflict Prevention Programme, the policy emphasis was placed on the programming of assistance, supposed to "lead to greater coherence between the EU's strategic priorities and to the right 'policy mix' for each country or region".[80] The Commission placed a stronger emphasis on the linkage between crisis management and EC external assistance. In order to do so it underlined the "symbiotic relationship between the political initiatives taken by the EU under CFSP/ESDP and the assistance delivered by the Community".[81] Clearer political priorities and improvements in early warning/action resulted in the introduction of Country Strategy Papers (strategic frameworks for bilateral cooperation) and of Rapid Reaction Mechanisms (flexible crisis-related instruments). As ESDP was still in its infancy, the EU focused on the existing CFSP and developmental approaches. Only with the increase in numbers and in measures of ESDP missions did the link between development and security emerge as a salient aspect of EU policy-making.

Second, at an institutional level, the Development Council was abolished during the Seville Meeting (July 2002), its function being absorbed by the General Affairs and External Relations Council. This led to the creation of a "Super Council of Ministers in charge of External Relations"[82], working as a coordinating body with the European Council and rationalising strategic decisions in development cooperation and foreign policy. The

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[77] European Council meeting of 15-16 June 2001, EU Programme for the Prevention of Violent Conflicts.

[78] Commission Communication of 11 April 2001 on Conflict Prevention (COM(2001)211 final).

[79] International Crisis Group, EU Crisis Response Capability Revised, p. 38. See above note 57.

[80] European Commission, *Programming, Evaluation & Comitology*, http://ec.europa.eu/external_relations/reform/intro/prog_en.htm. Accessed on 27 April 2008.

[81] Report of the European Commission Conflict Prevention and Crisis Management Unit of April 2003, Civilian instruments for EU crisis management, p. 11, at http://ec.europa.eu/external_relations; Commission Communication of 11 April 2004 on Conflict Prevention (COM(2001)211 final) p. 11.

[82] Santiso, C., Reforming European Foreign Aid. See above note 20.

Solana rationalisation of Council formations[83] was interpreted by development experts as a progressive politicisation of development assistance and a reconciliation of development and foreign policy.

Third, at a political level, the *European Consensus for Development* provided for the first time at Member States and Community level a common vision guiding the action of the EU in development assistance. EU development policy moved from the 2000 *Development Policy Statement* to a proto-strategy. Co-signed in December 2005 by the Presidents of the European Council, the Parliament and the Commission, the document addressed for the first time the issue of difficult partnership and fragile states, added conflict prevention to the list of EU comparative advantages and responded, implicitly, to the European Security Strategy:

> Development objectives are goals in their own right. Development cooperation is one major element of a wider set of external actions, all of which are important and should be coherent, mutually supportive and not subordinate to each other. Security and development are important and complementary aspects of EU relations with third countries.[84]

The emerging consensus of the relationship between security and development was now firmly one of simultaneity, rather than "security first" as stated originally in the European Security Strategy of 2003.

[83] The "Solana Reform" modified the configurations of the Council of the European Union, reducing the thematic formations of the Council from 16 to 9.

[84] Joint Statement by the Council, the European Parliament and the Commission on the European Union Development Policy: The European Consensus, p. 11.

4 POLICY DYNAMICS

In contrast to the previous chapter which focused on the question of coherence at the strategic, conceptual level of policy, this chapter explores the security-development nexus at a lower level of the policy-making process. We will begin by analysing the extent to which the convergence found at the strategic level translates into concrete policy proposals and initiatives – what we here call *de facto* convergence. We will then proceed to investigate how *bureaucratic politics* and *a process of learning* either impede or induce greater convergence and coherence of the security-development nexus in the ESDP. Rather than a path-dependent process towards greater coherence, what emerges from the analysis is a process of *disjointed incrementalism*, which would suggest that the foreign policy consensus outlined in the previous chapter has not been fully internalised and remains open to competing interpretations at the lower level of policy-making.

4.1 *De facto* convergence

The European Security Strategy had an instrumental role in creating a unified strategic framework for EU foreign policy and in engendering a policy momentum for reform. As Bailes anticipated: "It might have enough conceptual and procedural force to improve the quality, timeliness and coherence of EU policy in areas of *de facto* convergence".[85] The *European Consensus for Development*, on the other hand, set the parameters for a new political role and a short-term focus of EU development policy.

These changes in policy assumptions instigated a reconfiguration of strategies and policy-making devices to integrate development with the new political challenges of CFSP/ESDP, the so-called comprehensive planning. In parallel, the 2000 Patten reform process and the promotion of *Policy Coherence for Development* (which interestingly predated the ESS) opened a wide-ranging discussion in policy-making circles on the role and the contribution of development to EU foreign policy.

4.1.1 From 'Comprehensive Planning' in ESDP…

The Council and the Commission are increasingly moving towards strengthening their coordination and defining a more precise functional division of labour. As the 2004 *Action Plan for Civilian Aspects of ESDP* suggested: "To contribute to coherence between security and development, synergy between EU development assistance activities and civilian crisis

[85] Bailes, A.J.K., The European Security Strategy - An Evolutionary History, *SIPRI Policy Paper*, no. 10 (Stockholm International Peace Research Institute, 2005), pp. 22–23.

management under ESDP should be elaborated and better developed, including in post-conflict stabilisation and reconstruction".[86]

In the field of civil-military cooperation, the EU had licensed the *Comprehensive Planning Concept*[87] in the form of a living document, amendable according to lessons learned and operational experience. Elaborated by the British Presidency, the Comprehensive Planning Concept represents a "systematic approach designed to address the need for effective intra-pillar and inter-pillar co-ordination of activity by all relevant EU actors in crisis management planning"[88] and is now part of a current re-structuring of civilian crisis management (the post-Hampton Court Agenda). The concept evolved from the planning phase to the operational phase and is now part of a series of review mechanisms. Consequently, a comprehensive review was conducted by the Council and the Commission on the EU activities in Aceh, in Sudan/Darfur, in Bosnia Herzegovina and in the DRC.

4.1.2 …to 'Policy Coherence for Development'

Reflecting the new outlook of EU development policy, the European Commission elaborated the concept of *Policy coherence for development* in 2005[89] and the *EU Code of Conduct on Complementarity and Division of Labour in Development Policy* in 2007.[90] The former is a direct follow-up from the 2005 OECD Paris Declaration and from the European Development Consensus, calling for greater coordination and complementarity, and for a rationalisation of EU donors' activities across sectors and in the field.

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[86] Action Plan for Civilian Aspects of ESDP, adopted by the European Council (Brussels) on 17–18 June 2004.

[87] Comprehensive planning "contributes to the development and delivery of a coordinated and coherent response to a crisis on the basis of an all-inclusive analysis of the situation, in particular where more than one EU instrument is engaged. It includes identification and consideration of interdependencies, priorities and sequence of activities and harnesses resources in an effective and efficient manner, through a coherent framework that permits review of progress to be made. The Council Secretariat and the Commission work together to this end. This approach applies to all phases of the planning process for a crisis management operation conducted under the political control and strategic direction of the Political and Security Committee under the responsibility of the Council, and in accordance with the established procedures for EU crisis management." Politico-Military Group, Draft EU Concept for Comprehensive Planning [Note to the PSC], 13983/05, Brussels, 3 November 2005.

[88] Presidency Report on ESDP (15678/05) adopted at the European Council meeting on 12 December 2005 (Brussels).

[89] Commission Communication of 12 April 2005, Policy Coherence for Development – Accelerating progress towards attaining the Millennium Development Goals (COM(2005) 134 final).

[90] Commission Communication of 28 February 2007, EU Code of Conduct on Division of Labour in Development Policy (COM(2007) 72 final).

The latter, *Policy Coherence for Development*, aims at building synergies between a series of twelve policy domains and development objectives in order to amplify the effectiveness of development aid. In 2006, a rolling programme of work on *Policy Coherence for Development* was inaugurated. Focusing on organisational mechanisms and specifically on decision-making processes within the Council, a biannual review is jointly drafted by the Commission and the Presidency.[91] In the last *EU Report on Policy Coherence for Development*, while arguing for an "alliance between security and development", the Commission nonetheless underlined the "structural difficulties" linked to the nature of the problems addressed and to the "complexity of the EU's institutional set-up as a security actor".[92] Let us therefore turn to examine the problem of bureaucratic politics that complicates the process of coherence and convergence.

4.2 Bureaucratic Politics

Bureaucratic politics constrains policy convergence. Clashes between the supranational Commission and the intergovernmental Council emerge only sporadically, but when they do, turf battles symbolically crystallise the different understandings of similar concepts. Bureaucratic politics is as much a reality in the EU as it is in national systems, and tends to manifest itself at critical junctures. It is illustrated below in relation to three key episodes.

4.2.1 The EU Foreign Minister: a step too far for the development community

Although the original Constitutional Treaty did not alter voting procedures, it provided the EU with legal personality and with an embryonic External Action Service. More importantly, it proposed a Minister for Foreign Affairs. This would have represented the institutional pinnacle of the CFSP-development nexus in the sense that the Foreign Affairs Minister would have been double-hatted, combining the roles of the CFSP High Representative and Relex Commissioner and being Vice-President of the Commission. Bridging the Community pillar and CFSP intergovernmentalism, it was intended to reconcile the two arms of diplomacy. While an

[91] An informal network composed of a pool of experts from the Commission and the Member States was established in 2003. Conclusions of the GAERC meeting on 17 October 2006 (Luxemburg) on Integrating Development Concerns in Council Decision-Making - Orientation Debate on Policy Coherence for Development and the Effectiveness of EU external action (Doc. 14072/06).

[92] Commission Working Paper of 20 September 2007, EU Report on Policy Coherence for Development (COM (2007) 545 final), p. 6.

amalgamation of responsibilities takes place, the Treaty, does not, however, assert the supremacy of foreign policy over development cooperation.[93]

In the wider development community, there was a concern about the politicisation of development policy, whereas the foreign policy experts emphasised the issue of coherence in external relations policies.[94] Dieter Frisch, Head of DG Development during the Delors Commission and the architect of Maastricht's development policy, echoed Clare Short's criticisms of the Commission[95] and expressed concerns regarding the evolution of EU development policy. According to Frisch the Commission "speaks of security as *sine qua non* for development. That means that European resources could end up paying for paramilitary structures combating terrorism".[96]

The Treaty changes will, if ratified, have an impact on the foreign policy system of the European Union. As in the debate leading to the Constitutional Treaty, the development community might fear that the institution of High Representative for Foreign and Security Affairs will lead to a possible shifting of the aid budget from a focus on poverty to a crisis-driven diplomacy and that development cooperation will be subsumed under the "European Foreign Policy apparatus".[97] Given the strengthened legal status of development policy and its stated objective of poverty reduction, the anxiety that EU development policy will become a mere appendix to foreign policy is currently less than probable.

4.2.2 The SALW Case: the Commission defends its sphere of influence

The SALW/ECOWAS case is illustrative of the kind of turf battles that can take place in the 'grey areas' of the security-development nexus, where functional division and division of competence between the Council and Commission is unclear. In this legal dispute, the Commission advanced in

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[93] The Constitutional Treaty grouped, under a single chapter; CFSP, European Security and Defence Policy (ESDP), trade policy, development cooperation, economic and technical cooperation with Third Countries, humanitarian aid, relations with international organisations, and activation of the solidarity clause.

[94] Mackie, J., Reflections on the Place of Development Cooperation in EU External Action, in *Towards a European Integrated Foreign Policy? Implementing the EU Security Strategy*, ECDPM/Clingendael Expert Seminar (2006), available at www.clingendael.nl.

[95] "The Commission is the worst development agency in the world", Short, C., Aid that Doesn't Help, *Financial Times*, 23 June 2000.

[96] Frisch, D., Europe and the South: A New Era - European Development Cooperation: towards policy renewal and a new commitment, Acts of the SID/EDC 2010 International Conference, 27-28 September (The Hague, 2004), p. 13.

[97] Maxwell, S., *et. al*., Revising the EU Development Policy: Issues and Options, *European Development Cooperation to 2010* (ODI, 2004), p. 7. Available at http://www.odi.org.uk/edc/Revising_the_EU_Development_Policy.pdf.

2005 a legal contestation before the European Court of Justice against the Council for a CFSP initiative in the field of small arms and light weapons (SALW). The Commission argued that SALW fell within the competence of EC development policy and the integrity of the first pillar had to be ring-fenced. The Council, on the contrary, defended the supremacy of foreign policy and, more accurately, the realm of intergovernmentalism.[98] The case demonstrates that, whereas collaboration between the two institutions has gradually taken place both at formal and at informal levels, divergences in the application of the different policy doctrines exist.

In general, the existence of different policy-making cultures is confirmed by Commission officials involved in ESDP structures[99], who emphasised the resilience of two different approaches (a pro-active and long-term culture in Community actions versus a reactive and short-term focused culture in the CFSP/ESDP sphere), signalling a different understanding of their role in crisis.

4.2.3 Parallel proposals for greater coherence and coordination

The existence of parallel proposals by the Commission and Council on how to create integrated missions demonstrates a certain competition in setting the agenda and delineating competences. The Commission recently tried to articulate its external policy instruments "without naming [the division between] first and second pillar"[100] in a Communication entitled, *Europe in the World: Some Practical Proposals for Greater Coherence, Effectiveness and Visibility*. The Commission evaluated the EU's external policy assets (enlargement; trade; primarily ACP-centric development; strategic relations, political dialogue and CFSP; disaster response, crisis management and ESDP) and invited the governments of all Member States to "consider what is either necessarily or more usefully achieved at the level of the EU within the provisions of the Treaty".[101] Significantly, the Commission suggested that "within the framework of the existing treaties, the Community and intergovernmental methods need to be combined on *the*

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[98] Case C-91/05, *Commission* v. *Council*.

[99] "Combining the two types of governance in the external actions of the EU is difficult in so far as the time horizons differ, the 'culture' is different (pro-active in the Community, rather reactive in the CFSP/ESDP sphere) and the institutional and procedural requirements vary". Lundin, L.-E. and Revelas, K, Security and Democracy: From the Perspective of Commission Officials Working at the Interface between ESDP and Community External Action, *European Security*, vol. 15, no. 4 (2006), p. 427.

[100] Interview with Commission official, April 2007.

[101] Commission Communication of 8 June 2006, Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility (COM(2006) 278 final), p. 5.

basis of what best achieves the desired outcome, rather than institutional theory or dogma".[102] Surprisingly, this exercise was not undertaken as a joint assessment with the Council. The Commission advanced pragmatic proposals; starting with better strategic planning and enhanced cooperation with the Council in joint assessments (i.e., in the Situation Centre in the Council Secretariat, and in the Crisis Room in the Commission), joint strategies (participation of the HR in the External Relations Group) and joint actions.

The Council, on the other hand, is currently revising its approach to fragile states. During the Portuguese Presidency of 2007, programmatic documents were presented, aimed to guide the debate on fragile states and the role of the EU in crisis situations.[103] The first joint GAERC session with Development and Defence Ministers in November 2007 discussed the issue of fragile states[104] and dealt with the relationship between development and security[105]. This meeting and the current discussion among policy-makers demonstrates that a general reflection on the ESDP-development nexus is currently in progress: finally not in separated fora or on the basis of parallel policy documents (European Security Strategy versus European Consensus for Development), but in a bilateral policy discussion at the high political level. The first joint GAERC session between Development and Defence Ministers might reinforce the progressive framing of a "foreign policy consensus"[106] and conclude a period of turf battles, legal disputes and political uncertainty.

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[102] Ibid., p. 6.

[103] The Portuguese Presidency commissioned a study by a network of research institutes on 'fragile states' focused on the security-development-governance nexus. Faria, F. and Ferriera, F.M., *An Adequate EU Response Strategy to address situations of fragility and difficult environments*, Study for the Portuguese Presidency of the EU, (European Centre for Development Policy Management, 2007).

[104] Council Conclusions of the GAERC meeting (Development/Defence Formation) on 19 November 2007 on An EU Response to situations of Fragility, including a set of pragmatic organisational proposals: joint analysis and exchange of information; the establishment, in a set of pilot cases, of *ad hoc* "Country and Thematic Teams" involving Commission, Member States and the Council General Secretariat; the mapping of Community and bilateral financial instruments.

[105] Security and Development - Annex to the Conclusions adopted by the GAERC meeting (Development/Defence Formation) on 20 November 2007.

[106] In this context, it is important to note that the first biennial *EU Report on Policy Coherence for Development* was exclusively referring back to the Council Conclusions on *Security and Development* and on *An EU Response to Situations of Fragility* when discussing the advancement made by the programme on security (adopted at the joint GAERC meeting between Development Ministers and Defence Ministers), squaring the circle we have described here. Council Conclusions of the GAERC meeting (20 November 2007) on Policy Coherence for Development.

4.3 A process of learning

Despite the occasional turf battles generated by the bureaucratic politics of the EU, the overall trend is still towards a greater convergence between ESDP and development policy. This development has induced a process of learning across policy-making in the EU. The Council Secretariat and the Commission now report annually in joint documents on the progress in the implementation and mainstreaming of conflict prevention, both thematically and geographically. The 2005 *EU Strategy for Africa*[107], the 2006 *EU concept for support to DDR* and a joint policy framework for SSR, the *EU concept for strengthening African capabilities for the prevention, management and resolution of conflicts*[108] serve as examples for integrating security and development in a single political framework, enhancing the coordination and coherence of EU and Member State policies and instruments. Country Strategy Papers[109] provide operational guidelines for the EC to tackle the root causes of conflicts and to take a conflict-sensitive approach to development cooperation.

Efforts to improve the policy coherence between security and development involves a process of *learning by doing*. For, as Manservisi remarks,

> We play with all possible policies and instruments at our disposal: long-term development programmes, humanitarian relief, trade preferences, CFSP demarches, even ESDP operations or similar. In each and every country, this mosaic is translated into a genuine 'policy mix', which in turn is put into practice by using the EU's toolbox. (…) This is a 'learning by doing process'.[110]

Two cases will be used below to illustrate how this process of learning is taking place.

4.3.1 The Africa Peace Facility: expanding the tasks of EU development policy

The prime example of the intertwining of security and development policy is the Africa Peace Facility (APF). Significantly, it represents an innovative foreign policy mechanism undertaken not under the CFSP umbrella, but initiated by DG Development and the Development Commissioner, Poul

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[107] Javier Solana presented a paper on the EU Strategy for Africa, complementary to the Commission Communication on the subject. Solana, J., Contribution by EU High Representative to the EU Strategy for Africa, Council of the European Union, S377/05 (Brussels, 21 November 2005).

[108] The concept was followed by an Action Plan and by recommendations for its implementation from the PSC. Recommendations from the PSC to the Council and Action Plan on the implementation of proposals relative to the EU concept for Strengthening Africa Capabilities (8551/2/07), 7 May 2007.

[109] Out of 123 Country Strategy Papers, 24 contain provisions on security.

[110] Manservisi, S., *Europe as a Global Actor*. See above note 11.

Nielson. The Africa Peace Facility, adopted for an initial period of three years (2004-2007) and with a financial endowment of 250 million Euro, was aimed at sustaining peace-keeping operations under the authority of the African Union (AU) in Africa. Furthermore, it sought to support an emergent continental security architecture through capacity- and institution-building activities. The APF has been reconfirmed with an additional 300 million for the period 2008-2010 under the Tenth European Development Fund, giving continuity to the policy assumptions that created it in the first place. Paving the way for African solutions to African crises, the EU wishes to support the organisational capacity of the AU Peace and Security Council, the "pinnacle of the continental peace and security architecture designed by Africa's leaders".[111]

The APF revolutionised the relationship between the EU and regional/sub-regional African organisations as well as the EU's role in conflict management.[112] The APF added a new dimension to the traditional tasks of European development policy. Until the development of the APF, EU development policy was engaged in the areas of peace and security in Africa but its contribution was limited and was focused on post-conflict reconstruction.[113] Whereas the Cotonou Agreement merely laid the foundation for a political dialogue on conflict prevention within the ACP-EU framework, a dialogue on security issues was started only with the Africa Peace Facility. Despite the fact that several Member States (including Germany and Sweden) and several NGOs criticised the use of development funding for a peace-keeping operation[114], the Commission effectively extended its competences in the area of crisis management and, accordingly, the Council adapted institutionally.

4.3.2 Integrated transition strategies

ESDP missions and development policies overlap in at least two temporal junctures. At the beginning of an ESDP mission, the Commission will often already have been present on the ground for a considerable time and active in typical developmental programmes and humanitarian assistance.

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[111] European Commission/DG Development (2004), Securing peace and stability for Africa (Brussels: European Commission), p. 6.

[112] Previously African security problems were treated either multilaterally or bilaterally. EU peace-keeping in Africa was either channelled through the UN or through development and humanitarian aid – there was no separate autonomous instrument. The new African dynamics based on the AU and NEPAD changed the African political and security context.

[113] Richelle, K., Europe's Common foreign and security policy and Europe's Development cooperation policy: lessons learnt, current challenges and future directions, *Cooperation Development Studies* (2004), pp. 1–8.

[114] This issue is currently the subject of a very controversial debate within the OECD DAC.

During, and at the termination of a short-term ESDP mission, the Commission normalises its assistance and provides for the transition to long-term programmes.

This dual intersection is occurring naturally, as the first generation of ESDP missions comes to an end and a transition has to take place. Complementary cooperation between the Council Secretariat and the Commission is evidenced in various ESDP missions. For instance, a joint policy framework led to the adoption of an integrated approach to SSR in the Democratic Republic of Congo, following the guidelines of the EU concept on SSR, merging the Commission[115] and Council[116] concepts. In EUPOL Kinshasa, the initial work, undertaken within the framework of an European Development Fund, was superseded by an ESDP mission. Similar transitional processes can be found in a number of ESDP missions (EU Themis[117], AMIS II[118], the Aceh Monitoring Mission[119]).

4.3.3 Lesson learning?

The OECD DAC signalled in 2007 the increasing attention paid by the development community to security issues, on the basis of a growing consensus, and the prominence of the complementarity between ESDP and Development Policy:

> The challenge of coherence is particularly daunting given the variety of instruments available to the Commission and elsewhere in the EU for different contexts. Greater coherence is also required among ESDP instruments and other aspects of country programming; missions sent to the field require better integration into other aspects of Community programming.[120]

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[115] Commission Communication of 24 May 2006 (COM(2006) 253 final) on Concept for European Community Support for Security Sector Reform.

[116] Note of 13 October 2005 from the Council to the PSC on EU Concept for ESDP Support to Security Sector Reform (12566/4/05).

[117] EU Themis in Georgia, the ESDP Rule of Law mission, represented an upgrading of a Commission contribution to the reform of the penitentiary system.

[118] AMIS II demonstrated the necessity of cooperation as conspicuous financial support from the Commission (Africa Peace Facility) supplemented the expertise of an ESDP mission.

[119] The Aceh Monitoring Mission, the first ESDP Mission in DDR, followed the guidelines of the joint EU concept on DDR, and epitomises an integrated approach to inter-pillar cooperation.

[120] With peculiar reference to the Community-ESDP complementarity, the DAC Review affirmed that: "Community policies towards fragile states and security systems reform are other special themes of this review which also require effective whole of government approaches. Currently, no one document outlines a Commission strategy for conflict and fragile states programming." OECD DAC, DAC Peer Review of the European Community, *OECD Development Co-operation Review Series* (OECD, 2007), p. 68.

The transition from short-term ESDP and long-term development policies is far from complete and smooth. The conclusion of ESDP missions will be test cases for coordination and a platform for lesson learning. This is recognised by the Council, which claims,

> (…) lessons learned from past experiences, and concrete steps in a few specific countries are needed to inform the Action Plan and future policies. The Council therefore calls for an analysis focusing on countries where ESDP missions and operations are being planned or conducted or where CFSP, Community and bilateral Member State activities are being conducted, with a view to finding ways to improve the sequencing and coordination of EU activities.[121]

The existing gap between strategic policy design and actual policy programmes[122] that this chapter has highlighted implies that Country Strategy Papers and development programmes are not sufficiently adaptable and flexible to respond to rapidly changing circumstances in the field. In this context, it will be crucial for development cooperation to incorporate lessons learned and to formulate programming in a strategic and holistic view.

Historically, the development side, in 1998,[123] tackled timidly the issue of conflict prevention in Africa and in 2001 tackled it explicitly with the 2001 *EU Programme for the Prevention of Violent Conflict*, positing conflict prevention as a horizontal objective in its external policies. In 2003, the ESS crystallised the foreign-policy consensus in political terms and the Security Strategy became a primary framework document for development policy, as for foreign policy. The constitutional discussion on foreign policy, the

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[121] Security and Development, Annex to the Conclusions adopted by the CAERC meeting (Development/Defence Formation) on 20 November 2007, p. 7.

[122] "The institutional disconnect between the Council and the Commission [makes it] very difficult to fully integrate the programming of complementary development and peace-related activities into the strategic and operational planning of crisis management operations (civilian and military), and in terms of effective sequencing of funding decisions. ESDP decision-making can be swiftly but is not necessarily well informed of all EU action in a given country (or potential EC action) and therefore the likelihood that these missions are poorly linked and articulated with on-going activities of the EC, or Member States activities in areas other than security and defence, is quite high. Although the Commission sits also in Council Committees and Working Groups and is therefore informed of Council activities and planned decisions, the opposite is not true, nor is there always the political will and interest to take into account what the perspective of the Commission is or what activities it is engaged on or plans to conduct." Faria, F. and Ferriera, F.M., An Adequate EU Response Strategy to address situations of fragility and difficult environments, p. 48. See above note 103.

[123] Council Conclusions (GAERC) of 4 December 1995 on Preventive diplomacy, conflict resolution and peacekeeping in Africa; Council Conclusion (Development Council) of 30 November 1998 on The role of development co-operation in strengthening peace-building, conflict prevention and resolution.

establishment of the Africa Peace Facility and the increasing importance of ESDP missions gave momentum to the security-development nexus at an EU level. In 2007 the DAC review underlined, "increasingly, *EC development leadership views development action as an instrument of foreign policy*, which includes but is not exclusively driven by poverty reduction and the Millennium Development Goals".[124]

Critically, however, the 2007 DAC review underscored the existing difficulties in EU development policy in adapting policies on the basis of lessons learned; in systematically mainstreaming conflict prevention in Country Strategy Papers; and in reconciling the various actors involved in horizontal issues (DG Relex, EuropeAid, DG Dev) of conflict prevention.

In November 2007, the first Security-Development GAERC reinforced Manservisi's interpretation of the EU learning curve:

> The *Council firmly believes that lessons learned from past experiences*, and concrete steps in a few specific countries are needed to inform the Action Plan and future policies. The Council therefore calls for an analysis focusing on countries where ESDP missions and operations are being planned or conducted or where CFSP, Community and bilateral Member State activities are being conducted, with a view to finding ways to improve the sequencing and coordination of EU activities.[125]

Despite the 'divorce between development and security' at an institutional level (documented in Chapter 2) and the persistence of bureaucratic politics, centripetal tendencies leading to convergence have been detected in the strategic formulation of the policies (Chapter 3) and in decision-making processes (Chapter 4). This iterative process, as Manservisi's interpretation suggests, is cumulative and is leading to a process of learning.

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[124] OECD DAC (2007), *DAC Peer Review of the European Community,* p. 24. See above note 120.

[125] Security and Development - Annex to the Conclusions adopted by the GAERC meeting (Development/Defence Formation) on 20 November 2007, [emphasis added] p. 7. "The Council firmly believes that this nexus between development and security should inform EU strategies and policies in order to contribute to the coherence of EU external action, whilst recognising that the responsibilities and roles of development and security actors are complementary but remain specific. (…) Increasing coherence between security and development, both at a policy and an operational level, is a process that requires short-term improvements and longer-term action. As a step in this process the Council has identified initial pragmatic actions for increased coherence in some of the areas spanning the security-development nexus: (1) strategic planning, (2) Security Sector Reform, (3) partnerships with regional and sub regional organisations, and (4) humanitarian aid and security. This is without prejudice to other important areas of the nexus, where work also should be taken forward in the future", ibid., pp. 2–3.

5 POLICY IMPLEMENTATION: TWO CASES

We now turn the kaleidoscope from the institutional structure to the subject of operations, i.e. the implementation of policy. This chapter aims at analytically inferring the pattern of EU activities and explores the degree of consistency and coordination of the security-development nexus in two cases: after having sketched a general framework of the political role of the EU in Africa, the EU involvement in the Democratic Republic of Congo and in Darfur will be examined. The cases suggest that coherence and coordination are less doctrinal and more pragmatic in the field. This is not to suggest that legal distinctions become irrelevant on the ground, but rather that the fear of subordination, felt strongly by the development community in Brussels at a strategic level, is less clear in a country analysis. In ESDP missions, the dividing line between political and humanitarian work is often blurred. This section is not a comprehensive review of the international reaction to the two crises, but an actor-specific analysis of the EU modalities of engagement in the crises.

5.1 Africa: A test case of the security-development nexus

The EU's Africa policy is the test case for judging the balance between security and development policy. The EU-ACP framework has been incrementally politicised, particularly with the introduction of clearer political conditionality, of explicit human right clauses and of a system of incentives for good governance. The Commission, traditionally involved in Africa through the ACP framework, specifically dealt with the issue of African conflicts with a series of documents (the first explicit policy on African conflict was elaborated in 1996) and elaborated the concept of *structural stability*. The EU remains a fundamental financial player in Africa in terms of development assistance and humanitarian aid. The underlying assumption of the EU engagement, however, evolved as a result of the 2000 Relex reform process and the increased salience of the CFSP. The EU engagement is now part of a political dialogue, encompassing also conflict prevention and crisis management (*inter alia*, the creation of the Africa Peace Facility as a crisis management instrument, the *Concept for strengthening African capabilities for the prevention, management and resolution of conflict*, and the discussion on fragile states).

Given the severity and the persistence of security challenges in Africa, however, the second pillar and the Council[126] have also become increasing-

[126] Council Common Position (2001/374/CFSP) of 14 May 2001 concerning conflict prevention, management and resolution in Africa (OJEU L 132). With this document,

ly involved. Africa was the theatre of the first fully autonomous military operation outside Europe by the EU in 2003 (Artemis) and was followed by multifaceted operations in the Democratic Republic of Congo, in Sudan, in Chad and in Guinea Bissau (in planning at the time of writing, as an ESDP SSR operation).

The *EU Strategy for Africa*, adopted in December 2005[127], represented an example of best practice, as the Commission and the Council drafted the document jointly. As a general strategy, the EU did not initially create a follow-up mechanism or instruments for the implementation. Previously, in November 2005, the PSC, following a French initiative, requested the Commission and the Council to prepare a concept for strengthening African capabilities.[128] With the concept, the EU tried to define coordination between the Community level, the CFSP level and the national initiatives according to three principles: (i) coherence between the different institutions at an EU level in order to develop a coordination structure and a mechanism for financial support;[129] (ii) strengthening African capabilities

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he Council emphasised the concept of multilateralism as the basis of its policy vis-à-vis African regional organisations. Similar ideas were reaffirmed in successive Common Positions (Council Common Position of 26 January 2004 (2004/85/CFSP) concerning conflict prevention, management and resolution in Africa (OJEU 2004 L 21/25); Council Common Position of 12 April 2005 (2005/304/CFSP) concerning conflict prevention, management and resolution in Africa (OJEU 2005 L 97/57)). The 2005 Common Position also addressed the issue of coordination between the EU and Member States in supporting the AU and other sub-regional organisations. Most importantly, the Council gave an ESDP dimension to its Africa policy in 2004 (PSC Action Plan of 16 November 2004, Action Plan for ESDP support to Peace and Security in Africa (Doc 10538/4/04 REV 4)), and updated it on several occasions (Action Plan on ESDP Support to Peace and Security in Africa – Update, Communication to the Delegations (14189/2/05 REV 2) of 17 November 2005).

[127] The EU and Africa: Towards a Strategic Partnership*,* adopted by the European Council on 16 December 2005*.* Solana, J., Contribution by EU High Representative to the EU Strategy for Africa*.* See above note 107. The first section, devoted to "Peace and Security", recommends: fostering the African Peace Facility through a long-term arrangement; building EU engagement in Africa on Member States' bilateral activities; assisting the AU in implementing the African Standby Force; providing support to African military and civilian operations (including the deployment of battle-groups); continuing efforts to fight the production and the circulation of small arms and involving Africa in the struggle against terrorism.

[128] Concept for strengthening African Capabilities for the prevention, management and resolution of conflicts, I/A ITEM NOTE to the COREPER/Council, 7 November 2006 (14556/1/06).

[129] Interestingly in this context, the PSC was proposed to play the "coordinating role" for the general "coherence of support", whereas the General Secretariat was advised to "put in place a small support and coordination structure (…) for the various aspects of the EU response to African capacity needs, including political dialogue on African capabilities". Ibid., p. 15.

and forging a partnership with regional and sub-regional organisations; and (iii) improving the training of African troops via national programmes or RECAMP (initially a French initiative, later adopted on a European level).

Harmonisation and coordination remain elastic concepts. The lack of agreement on financial and institutional matters is the corollary of diverging opinions of Member States and of bureaucratic politics among EU actors. At present, there is no agreed mechanism on phasing and sequencing different financial instruments.[130] More often than strategies, the availability of instruments and financial means dictates what the EU could do, making the process driving the policy. Specific aspects remain taboo and are dealt with directly by Member States. The EU, for instance, could not fund military training directly either through the Cotonou framework or the CFSP budget.[131]

5.2 Democratic Republic of Congo: Discreet cooperation

> Une intervention militaire n'atteint son plein sens que si elle s'inscrit dans le cadre d'un engagement global. Ceci est particulièrement vrai pour la RDC, où l'Union européenne a déployé toute la gamme de ses moyens – politiques, civils et militaires, financiers et ceux liés au développement – dans une approche cohérente et en coopération étroite avec tous les acteurs internationaux et régionaux.[132]

Emerging from a decade of instability and a series of peace agreements[133], the DRC is generally defined as a fragile state and it epitomises the dilemmas of external actors in a post-conflict setting. The case of the DRC is

[130] In this context, the establishment of the Stability Instruments in November 2006 is considered as a bridging mechanism between short-term crisis measures and long-term development assistance.

[131] Military expenditure remains outside the CFSP budget and is jointly financed by Member States outside the Community budget and via the GDP-calibrated Athena Mechanism: TEU Art.28.3, Par. II; Council Decision establishing a mechanism to administer the financing of the common costs of the European Union operations having military or defence implications (ATHENA). 2004/197/CFSP, 23 February 2004.

[132] Javier Solana in his intervention on the DRC at the UNSC on 9 January 2007 at www.consilium.eu.

[133] The EU supported actively the work of the UN and of the AU in the implementation of the successive agreements and of the final 2002 Pretoria Global and All-Inclusive Agreement on Transition in the DRC, and specifically the 2003 Memorandum on Security and the Army, which provided *inter alia* for the establishment of the Integrated Police Unit (IPU) and for the distribution of military posts. The international community established a peacekeeping force in 2003 with the creation of MONUC (initially created in 1999 with a contingent of 500 military observers and currently the most important UN peace-keeping mission with 17,000 troops – but no European contingent) and was present through CIAT, the international body supervising
the transition to the elections.

illustrative of the articulation of instruments available to the EU. Democratisation and stabilisation is interfacing rehabilitation efforts, making it difficult to distinguish categorically between the political work of CFSP and the economic work of DG Development. The role of the EU and its Member States in the DRC was fundamental in terms of electoral support (sustaining the transitional governance structures), in terms of support for UN-based effective multilateralism (Artemis and EUFOR acted as complementary forces to 17,000 UN troops) and in terms of financial presence.

Development cooperation, as traditionally defined by the European Commission, was resumed in the post-conflict environment[134], but the DRC was also considered a laboratory for ESDP. Operation Artemis in 2003 was the first military mission outside Europe[135] and was followed by a second military ESDP mission in 2006. The case, which will be typified as a case of *discreet cooperation* between the Council and the Commission, demonstrates the scope of procedural innovations, institutional pragmatism and policy integration on the ground.

5.2.1 Community policies and instruments

EC Development cooperation to the DRC, suspended in 1992 as a result of the mismanagement of funds by the government, was resumed in 2002 after a decade of internal conflict. EC development assistance amounted to 750 million since 2002.[136] The core of the EU involvement was led by the European Commission *via* the European Development Fund and took the form of electoral support in the transitional phase. The Country Strategy Paper and the National Indicative Programme 2003-2007 aimed at fighting poverty, sustaining the transitional institutions and macroeconomic reform.[137] After 2003, humanitarian aid was progressively replaced by short-term electoral support and long-term development assistance.[138]

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[134] The DRC represented the first recipient of EU aid in 2004 (178 million annually 2004/05) and remained the first EC African recipient in 2006.

[135] Artemis was considered as a paradigmatic case for future ESDP interventions in terms of geographical theatre, modus operandi (i.e. Battle Group Concept; de-linkage from the UN structures), limited time horizons (up to six months). Ulriksen, S., Gourlay, C. and Mace, C., Operation Artemis: the Shape of Things to Come?, *International Peacekeeping*, vol. 11, no. 3 (2004), pp. 508–525.

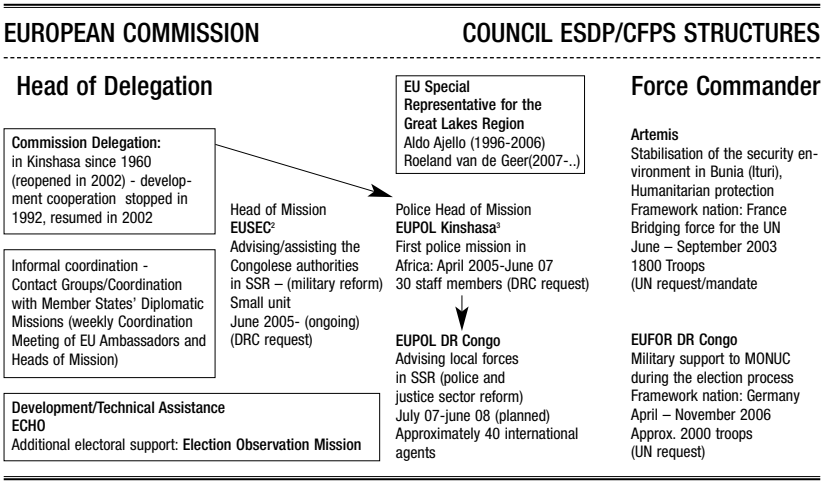
[136] The first National Indicative Programme was signed in 2002 under the 8th EDF (approx. 120 million), a second Programme was signed in 2003 under the 9th EDF (approx. 200 million), and an additional *tranche* (230 million) was allocated after a mid-term review in 2004.

[137] In the following period, 2008–2013, the EU will focus on governance, security sector reform and reform in the police and in the justice sector.

[138] Despite the interruption of development assistance, ECHO continuously provided approximately 50 million annually to the DRC from 1992 to 2002.

The European commitment was indispensable to the first free election in forty years, as the Community contribution (149 million, i.e. the largest Community contribution to an election process[139]) plus the bilateral contribution of Member States (approximately 80 million Euro) represented more than half of the electoral support received by the DRC. The financial contribution was paralleled by the establishment of a series of election observation missions, the largest of its kind for the EU. Financed primarily through the EIDHR (European Initiative for Democracy and Human Rights), the missions monitored preparation, conduct and follow-up of the elections and were deployed successively during the constitutional referendum (December 2005), during the legislative election and the first Presidential round (July 2006)[140], during the provincial election and during the second Presidential round (October 2006).

Figure 2: The EU in the DRC: institutions and operations (in Brussels and in the field)



Source: Authors' own design.[141]

[139] The UN estimated the cost of the electoral process at 265 million.

[140] The Election Observation Mission in the July election was headed by Gen. Philippe Morillon MEP, comprised 286 observers (40 observers' missions), and 1700 international observers, plus 450,000 candidates' witnesses and 35,000 national observers, were accredited by the UN and MONUC.

[141] The arrows give a temporal dimension to inter-linked operations.

5.2.2 ESDP missions

The EU has conducted four ESDP operations in the DRC since 2003. Following two separate requests from the United Nations, the Council authorised the deployment of two autonomous military operations. Operation Artemis in 2003 had the primary task of stabilising Bunia/Ituri, while EUFOR in 2006 was a military support operation to MONUC (UN Mission in the DRC, the largest and most complex peace-keeping operation established in 1999) during the elections. The impact of the two missions was considerable. Artemis stabilised the security environment in the region of Ituri and preserved the credible commitment of MONUC in the DRC. Three years later, Spanish and Polish contingents in EUFOR coordinated with MONUC the Congolese IPU (Integrated Police Unit) and prevented an attack by Kebila's Presidential Guard on Vice-President Bemba's residence in Kinshasa before the announcement of the presidential results (20-22 August 2006), defusing a potentially destabilising crisis. Additional to the two military operations, two civilian crisis management operations were launched with a SSR-focus: (i) EUPOL Kinshasa, a long-term EU police reform operation aimed at helping to establish and train the IPU[142] and the first ESDP African civilian crisis management mission; and (ii) EUSEC which assists, advises and monitors the reform of the Congolese army.

5.2.3 Discreet inter-institutional cooperation

In the DRC, the dual nature of the EU policy-making system takes form and substance. Whereas the definition of the missions and the initial mobilisation of the resources took place in Brussels, the implementation on the ground encouraged a new set of actors come into play.

From the institutional perspective of Brussels, the DRC became a focal point of inter-institutional convergence. Yet, in the DRC, the EU has been institutionally blamed for (a) a "failure to better link military crisis management with wider peace building"[143] by keeping security and development compartmentalised; and, paradoxically, (b) for the difficulty/inability to integrate an effective military operation in a political strategy. Security analysts emphasised the risk of having a "successful ESDP initiative in

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[142] Established at the request of the Congolese government, the objective of EUPOL Kinshasa is to monitor, mentor and advise the Integrated Police Unit (i.e. a 1000-man inter-mixed unit of the National Congolese Police with special responsibility for the protection of key institutions of the transition).

[143] Saferworld-International Alert, *Strengthening Global Security through addressing the Root Causes of Conflict: Priorities for the Irish and Dutch Presidencies* (Saferworld / International Alert, 2004), pp. 7–8.

Congo (…) [resulting in] a military success but a political failure, because when EU forces left the political situation deteriorated".[144]

Whereas these two observations about the DRC (lack of formal policy integration in the field, difficult transformation of a military success into a sustainable political solution) are generally valid, they need to be tempered by three qualifications. Firstly, in the DRC case, inter-institutional consensus led to discreet cooperation between different pillars. Whereas a fundamental distinction is maintained between the Commission and military crisis prevention instruments[145] (in the mandate for EUFOR, for instance, no mention is made of coordination between the military chain of command and the Commission Delegation), a transition belt has been created between a Commission development programme and Council-based civilian crisis management in specific cases. As Martinelli noted, "For the first time [with the establishment of EUPOL Kinshasa], a project has been divided into two parts to be implemented by two EU institutional actors: the Commission with a Community approach and the Council with an ESDP approach".[146] Significantly, the design of this initiative came from the PSC.[147] The Commission initiated the training programme, which later led to the institution of EUPOL Kinshasa, with a financing decision of the European Development Fund.[148] The Community dimension was officially terminated in April 2005. The ESDP mission was framed as a follow-up to the EDF technical assistance project (training and equipment to the IPU) and will be partially supported by the Commission. In the future, it will be substituted by long-term Community programmes also labelled the substitution effect.

Secondly, targeted ESDP initiatives enhanced the cost-effectiveness of specific development assistance programmes and overcame the division between security and development. Although EUSEC remained a particu-

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[144] IRRI/Egmont, European defence in all its states, *IRRI/Egmont Conference Report* of 3 July, 2007 (IRRI/KIIB, 2007), available at www.irri-kiib.be.

[145] Despite their different nature and their different operational focus, ESDP missions established close coordination. EUPOL Kinshasa developed a working relationship with EUFOR for specific tasks of electoral support and in the police reform (i.e., long-term capacity-building, overall legislative framework).

[146] Martinelli, M., Helping transition: the EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the framework of EU policies in the Great Lakes, *European Foreign Affairs Review*, vol. 11, no. 3 (2006), p. 391.

[147] The PSC adopted a three-stage approach to the support of the Integrated Police Unit (IPU) on 15 December 2003 (on the basis of a common outline paper by the Council Secretariat and the Commission).

[148] The Commission disbursed 6 million, EU Member States allocated 2.3 million, and 585,000 was activated from the CFSP budget for the provision of specific police equipment.

larly small unit, it played a crucial role in supervising the reform of the Congolese army. Initially, the Congolese authorities estimated that 300,000 military officers and former militia combatants had to be included in the DDR and SSR development programmes. Working in collaboration with the Congolese army, EUSEC proposed a series of reforms in the chains of payment in order to limit potential abuses and scope for corruption. This new mechanism allowed a correction of the initial estimates of soldiers involved in the EU programmes (the final estimate reduced the initial number by one-third) and the ESDP direct control on SSR made the resulting Commission SSR-DDR programmes less vulnerable to the problem of so-called ghost soldiers (funding DDR programmes on the basis of inaccurate policy assumptions and erroneous assessments).

The Commission and the Council Secretariat elaborated in 2006 a joined-up national programme for Security Sector Reform in the DRC in order to promote inter-pillar coherence. After the EU adoption of a comprehensive police framework in SSR in June 2006[149], this policy initiative was replicated at an operational level with the SSR plan for the DRC.[150] Furthermore, EUSEC represented an example of horizontal coherence between the ESDP operations and the Commission. The 'flanking measures', undertaken by the Commission in connection with EUSEC, included financing aid to the Congolese soldiers' wives and children (i.e., aid which do not qualify for UN aid),[151] enabling the EU to work effectively with other international partners. The responsibilities of EUSEC in dealing with the reform of the Congolese army and the Congolese rebel factions have been complemented with the leading role of the Commission in the governance sector. The Commission is highly involved in administrative reform in the government, mostly in judicial and police reforms;[152] and with specific conflict prevention initiatives.[153]

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[149] The Strategy integrated the European Commission Communication, A Concept for European Community Support for SSR (COM (2006) 253 final), with the Concept for ESDP support to SSR at a policy level.

[150] In the context of SSR in the DRC, the EU expressed its ambition to "assume a coordinating role in international efforts in the security sector, in close cooperation with the United Nations, to support the Congolese authorities." Council Conclusions (GAERC) of 5 September 2006 (Brussels) (12255/06), p. 12.

[151] We are grateful to the external reviewer of this report for bringing this point to our attention.

[152] The EU, for instance, is leading the international consortium in governance reform, 'the Compact on Governance', with the World Bank entails several measures in the security sector.

[153] Given the relevance of natural resources, the EU established new programmes, such as the EU Action Plan for Forest Law Enforcement, and reinforced other international initiatives, as the Kimberley Process and the Extractive Industries Transparency Initiative.

Thirdly, from an in-the-field perspective, a series of informal coordination mechanisms was set in place: weekly coordination meetings of EU Ambassadors and Heads of Mission in Kinshasa; and informal coordination between the EU Special Representative and the Head of the Commission. This led to a process of institutional consolidation.[154] At a first approximation, the renewed emphasis on coordination on the ground and the redefinition of the institutional roles *in loco* is also reflected in the evolution of the role of the Special Representative for the Great Lakes Region. Established in 1996 for giving visibility and political clout to the EU in the Great Lakes Region as a mediator during the conflict, the EUSR became a coherence guarantor in the ESDP realm[155] and took on new responsibilities for operational cooperation between the Presidency, the Commission and the Heads of Missions.

Overall, the combination of the three factors (direct linkage between specific measures in ESDP and development assistance; synergies between the crisis management instruments of the Council and the Commission; informal cooperation mechanisms) led to a relatively positive assessment of the EU strategy in the DRC, despite the lack of structural instruments for policy integration:

> Whereas there is a large degree of convergence in strategic vision and objectives between the first and the second pillar in Brussels about the DRC, the financial means available define the difference of approach in the actions carried out. In the field, the reality urges the Council and the Commission to work hand in hand. Contrary to the headquarters in Brussels, where there is a *formal coordination structure* between the pillars, in the field, no coordination structure exists and an *informal cooperation* has taken place.[156]

5.2.4 Institutional rivalry versus coordination: policy assumptions

Difficulties between the Commission and the Council remain, however. In the planning of the transition from an EDF police programme to EUPOL Kinshasa, for instance, the Council preference for a crisis-management approach (short-term, administratively ESDP-driven and with an ESDP-

[154] HR Solana and Commissioner Michel intervened directly at politically critical junctures, either in a bilateral setting or in a multilateral context.

[155] The EUSR lies at the centre of a diplomatic web in the DRC (as the EUSR is responsible for liaising with the AU, the UN and other regional/national partners and has a direct role in ESDP civilian crisis management operations) and in Brussels (as the EUSR reports to the Council and could formulate policy recommendations).

[156] Hoebeke, H., Carette, S. and Vlassenroot, K., *EU Support to the Democratic Republic of Congo* (Centre d'Analyse Strategique, 2007), p. 2, emphasis added.

centralised command structure, rapid intervention) clashed with the Commission proposal (long-term capacity-building engagement, coupled with a small mission subcontracted to independent experts following the routine Commission procedures). The final decision was to link the two proposals and elaborate a sequencing mechanism in two autonomous phases (first the training facility by the Commission, followed by the ESDP advice, assistance and monitoring mission). As Martinelli indicated, "institutional culture at times hampers discussion on how best to do things and impact on the decision-making process", but the creation of a dual-track for the establishment of EUPOL Kinshasa demonstrates that "the progressive blurring of 'Commission-like' or 'Council-like' initiatives, whereby the two actors are developing their projects in close sequence, leads also to a blurring of assumptions and hopefully a cross-fertilization of methods".[157]

5.2.5 The cusp role of the EU

While the EU military and civilian crisis management apparatus in the DRC appears lighter than the UN structure (MONUC consists of 17,000 military troops, 700 military observers and 300 civilian police officials), the relative contribution of the EU and of ESDP was crucial. Operation Artemis, "farcically modest" and "extremely narrow in scope", according to Youngs[158], managed to stabilise a region momentarily abandoned by MONUC. EUSEC became "the best informed security sector reform institution in the Congo" according to the ICG[159] and a cost-effective mechanism for EU development assistance. EUPOL worked with MONUC according to a geographical division of labour[160] (EUPOL in Kinshasa, MONUC Civilian Police in the rest of the country). The involvement of the EU in these security-related initiatives and the degree of policy overlap between development policy and ESDP contradicts to some extent Gegout's view of the EU's role as being "essentially economic" in the DRC.[161] Rather, it underlines the bottom-up synergies that can occur through the use EU instruments on the ground.

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[157] Martinelli, M., Helping transition, pp. 396–397. See above note 146.

[158] Youngs, R., A New approach in the Great Lakes? Europe's Evolving Conflict-Resolution Strategies, *Journal of Contemporary African Studies*, vol. 22, no. 3 (2004), p. 318.

[159] International Crisis Group, Security Sector Reform in the Congo, *Africa Report*, no. 104 (ICG, 2006), p. 20.

[160] While the DRC received US$2 billion in development assistance in 2005, police and army reform are not the most conspicuous programmes but are considered to be strategically important. See ibid.

[161] Gegout, C., Causes and Consequences of the EU's Military Intervention in the Democratic Republic of Congo: A Realist Explanation, *European Foreign Affairs Review*, vol. 10, issue 3 (2005), pp. 427–443.

5.3 Darfur: The limits of cooperation

In February 2003, the situation in Darfur precipitated the worst humanitarian crisis in the region since the Rwandan genocide in 1994, with 2.2 million people displaced and 200,000 deaths. Earlier discussions for EU military intervention under British leadership were overshadowed by the ESDP Artemis operation in the DRC. A partial ceasefire in September 2003, brokered by the African Union (AU) meeting in Chad, collapsed and a second ceasefire (involving the US and other international observers) in April 2004 did not stop the violence.[162] The AU took a leadership role in mediating between the Sudanese governments and the militias; and, after the second N'djamena Ceasefire,[163] deployed a peace-monitoring mission, the AU Mission in Sudan (AMIS). The UN-mandated peace-monitoring mission (UNSC Resolution 1564/2004) was chaired by the AU (assisted by an EU deputy). This was transformed into a 3,000-unit peace-keeping mission (a civilian protection operation, AMIS II) after five months in October 2004. The APF funded two-thirds of AMIS I and AMIS II, thereby making the AU peace-keeping intervention possible.[164]

In April 2005, the operation was increased from 3,000 to 7,000 personnel and a request for logistical assistance by the Chairman of the AU Commission Konaré was made to NATO (for strategic aircraft) and to the EU (military planning assistance coupled with civilian policing). Following the request, at the donors' conference in Addis Ababa in May 2005, the SG/HR presented an EU package composed of a civilian component (police support) and a military component (provision of equipment and strategic transport). The difficult political process, culminating in the May 2006 Darfur Peace Agreement between the Sudanese government and the Sudan Liberation Movement, offered limited hopes as it failed to include all rebel groups. It included, however, the EU and the Commission taking a leading role in crisis management and in a peace-keeping operation. Meetings between high-representatives from the UN, US and the EU took place in Brussels on 8 March 2006 (with the Sudanese Vice-President) and on

[162] The situation was described as catastrophic by the UN (Report of the Secretary General on the Sudan, UN document, S/2004/453, 3 June 2004) and the US Congress defined the Darfur crisis as a "genocide" (House of Congress Resolution 467, July 2004).

[163] France, the US, the UN and the EU also participated in the negotiation process. The EU pledged half of the costs of the AU monitoring mission.

[164] The EU has provided over 400 million in humanitarian aid and support to AMIS since the beginning of the crisis (266 million coming from the APF). Council meeting (GAERC) of 5 March 2007 (Press Release).

18 July 2006 (AMIS donors' conferences[165]), calling for a transition from AMIS to a UN peace-keeping operation.[166] Given the political uncertainties and the timid Libya-led peace talks (October 2007), the prospects for a UN deployment seem distant and bleak and AMIS has continued with a one-off, and ineffective, re-adjustment.[167]

5.3.1 The Commission as a political entrepreneur: the Africa Peace Facility

The Africa Peace Facility (APF) empirically demonstrates a crucial re-thinking in EU diplomacy and is illustrative of the fact that Commission (DG Development) policy-makers are in the process of acquiring a new "strategic culture"[168] in their political action. The European Commission, guided by DG Development, conceived an innovative policy-mechanism upgrading their institutional roles in crisis situations and acted as a political entrepreneur[169], proposing the establishment of the APF. At the Maputo Summit in July 2003, the Heads of State and Government of the African Union (AU) formally requested the establishment of a *Peace Support Operation Facility* in order to face the problems of violent conflicts on the African continent. The Italian and the Irish Presidencies supported the Commission's initiative and the APF was declared operational in the first half of 2004.

The APF was a financial package, intended to support peace-keeping missions and the AU peace and security architecture, including in its institu-

[165] A series of AMIS conferences accompanied the evolution of the AU mission. After the Addis Ababa AMIS conference (26 May 2005), Brussels hosted two successive conferences, jointly organised by the AU, the EU (Solana/Michel) and the UN on AMIS and Darfur Peace Agreement (8 March and 18 July 2006).

[166] The UNSC adopted Resolution 1679 launching a UN operation under Chapter VII in May 2006 – but a joint AU-UN planning mission did not manage to receive final consent for the deployment from the Sudanese government (a new resolution, Resolution 1706 in August 2006, geographically extended the mandate of the UN Mission in Sudan to Darfur and planned for a 20,000-unit reinforcement to AMIS).

[167] On 25 September 2006 the AU announced an additional expansion of AMIS (from 7,000 to 11,000 troops).

[168] Cornish, P., and Edwards, G., The strategic culture of the European Union: a progress report, *International Affairs*, vol. 81, no. 4 (2005), pp. 801–820.

[169] Laffan, B. (1997), From Policy Entrepreneur to Policy Manager: The Challenge Facing the European Commission, *Journal of European Public Policy*, vol. 4, issue 3 (1997), pp. 422–438; Krause, A., The European Union's Africa Policy: The Commission as Policy Entrepreneur in the CFSP, *European Foreign Affairs Review*, vol. 8, issue 2 (2003), pp. 221–237.

tional and to planning capacity.[170] The APF was recently subject to an independent evaluation. Evaluators were generally "struck by the strength of the policy foundation", stressing that "the Facility is beyond doubt highly relevant and the strategy adopted has proved to be appropriate and effective"[171] and "a bold move because it confronts head on the fraught security and development nexus".[172]

Although the APF was not intended to tackle the Darfur crisis alone, Darfur was its primary application. Within the environmental constraints (lack of consensus in the UN Security Council, active opposition of the Sudanese government to UN involvement, overstretch of the UN Department for Peace-Keeping Operations) and the lack of a better option, the APF seemed the only policy option available to the EU. This solution, though temporary and suboptimal, was a surrogate for what was not possible, i.e., a UN-peacekeeping operation. Whereas it clearly did not resolve the crisis, the EU political and financial engagement prevented any further escalation.[173] More importantly, in the perspective of effective multilateralism the EU consolidated its links with the AU[174] and with the UN in a triangular relationship EU-AU-UN.[175] Despite the persistence of violence, the Commission tried to relieve the environmental conditions *via*

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[170] The APF was funded with unspent financial allocation from the European Development Fund (EDF). The EDF funding is the financial arm of the Cotonou Convention with ACP (African, Caribbean and Pacific) Countries. With the APF, EDF was providing financial assistance to a non-ACP regional organisation, the African Union. Arms and military equipment, expenditure on ammunition, salaries and military training for soldiers were excluded as ineligible.

[171] The Mid-Term Evaluation of the APF was presented as "a product of the controversy surrounding the establishment of the instrument. Unsure whether they were making the right move in the wrong way, the EU Member States and the European Commission agreed at the outset that the APF would be subject to an external review after one year of operation". The Evaluation exercise reached "a clear positive assessment on the relevance and effectiveness of the APF (…) with some words of caution". The evaluators stressed the fact that the APF was not AMIS and that "discussion on the APF at least in European circles has often tended to be sidetracked into a debate on the respective roles and value added of the different EU institutions". Mackie, J., *et al.*, *Mid Term Evaluation of the African Peace Facility Framework-Contract (9ACP RPR 22)*, Final Report, NEIMACRO/ Institute for Security Studies/ECDPM (ECDPM, 2006), pp.1–2.

[172] Ibid., p. 11.

[173] Braud, P.A., *Towards a UN deployment in Darfur: avoiding destabilising repercussions for peacekeeping in Africa* (EUISS, 2006).

[174] "By supporting the first major AU operation politically, financially and logistically, the European Union has shown its commitment to supporting regional organizations in order to achieve a 'more orderly world', as stressed in the European Security Strategy of December 2003", Grevi, G., Lynch, D. and Missiroli, A., *ESDP operations* (EUISS, 2006), p. 11.

[175] Tardy, T., *The European Union in Africa: A Strategic Partner in Peace Operations*, Report on a seminar co-organized by the Geneva Centre for Security Policy and the International Peace Academy (GCSP, 2006).

humanitarian aid (approximately 300 million) and *via* UN agencies (approximately 100 million). Taking the APF and bilateral Member States' contributions together, the EU has allocated almost one billion euros to the Darfur crisis.[176]

5.3.2 The Council as a policy manager

The APF was an innovative foreign policy mechanism, more inclined to crisis management than to traditional development assistance.[177] The Commission adopted a phased approach to the APF and Darfur.[178] However, the Commission-led financial endeavour to AMIS did not translate into effective policy. An unpublished report by a joint Council/Commission assessment mission revealed in April 2005 that the planned 2,300-unit AU military force was operating at half its capacity and civil police units were even less operational (only 100 civilian police officers were deployed, out of 800 envisaged).[179] Internal AU documents also acknowledged the difficulties.

The limits of financial cooperation, decoupled from a political strategy, were tackled with renewed emphasis on the complementary role of the Council in the external assistance to AMIS II. Spurred by parallel discussions in the PSC on the Concept for the strengthening of African capacity in the field of the prevention, management and resolution of conflicts,[180] the Council progressively increased its political presence in Darfur. Since the beginning of the crisis, the Council has been involved through an offi-

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[176] The EU contribution could be divided between humanitarian aid (700 million) or support to AMIS and the peace process (300 million); between bilateral contributions (approximately 400 million for humanitarian assistance, 130 million to the AMIS and the political process) or contribution from the European Commission (282 million for humanitarian support *via* ECHO, 300 millions to the AMIS *via* the Peace Facility).

[177] For instance, a funding decision could be taken within a six-week time-frame, compared with lengthy standard procedures for development projects.

[178] The Commission initially made available 12 million in July 2004 as a contribution for the deployment of a ceasefire monitoring commission, successively supplemented, for example in October 2004, with a grant of 80 million in October 2004 and an additional *tranche* of 70 million in 2005; before the replenishment of the APF for the period 2007–2010, the APF suffered a financial gap and was opened to voluntary bilateral contributions by Member States and to an additional contribution from the 9th EDF.

[179] Cronin, D., EU stepping in to help boost Darfur peacekeeping effort, *European Voice*, vol. 11, no. 15 (2005).

[180] The reflection on the external role of the EU towards the AU was shaped primarily by France, and the PSC requested a follow-up to the Council and to the Commission. Three options were tabled: the first envisaged increased coherence at an EU level (the coherence agenda), the second aimed at strengthening the partnership with the AU and sub-regional organisations (regional dialogue), and the third conducive to the development of EU-wide strategies through Member States programmes ("Europeanisation of national policies").

cer from the EU Military Staff in the planning phase of AMIS, who, together with EU observers, participated in the AU operations. The Council has also been affiliated to the AU Headquarters to help the mission logistically, but only in July 2005 was a Special Representative for Sudan appointed by the Council.

A civilian-military ESDP mission was established in July 2005 in order to provide AMIS with political, military and technical assistance. On the military side, the EU expanded its participation in the AU Ceasefire Commission and its technical support (planning experts, technical/financial/material logistic support) with military observers and provided additional equipment and strategic transportation. On the civilian side, the EU established a special instrument for supporting the Civilian Police Component of AMIS II.

5.3.3 Institutional Consolidation: Linking the APF to ESDP

The financial engagement of the EU was flexible and adaptable. This led the EU to play a prominent role, not only in coordinating donors, but also in terms of advising the AU operationally.[181] Yet, the institutional consolidation in the Darfur case demonstrates, in retrospect, the necessity of institutional consistency and the initial lack of a solid institutional agreement between the Council and the Commission.

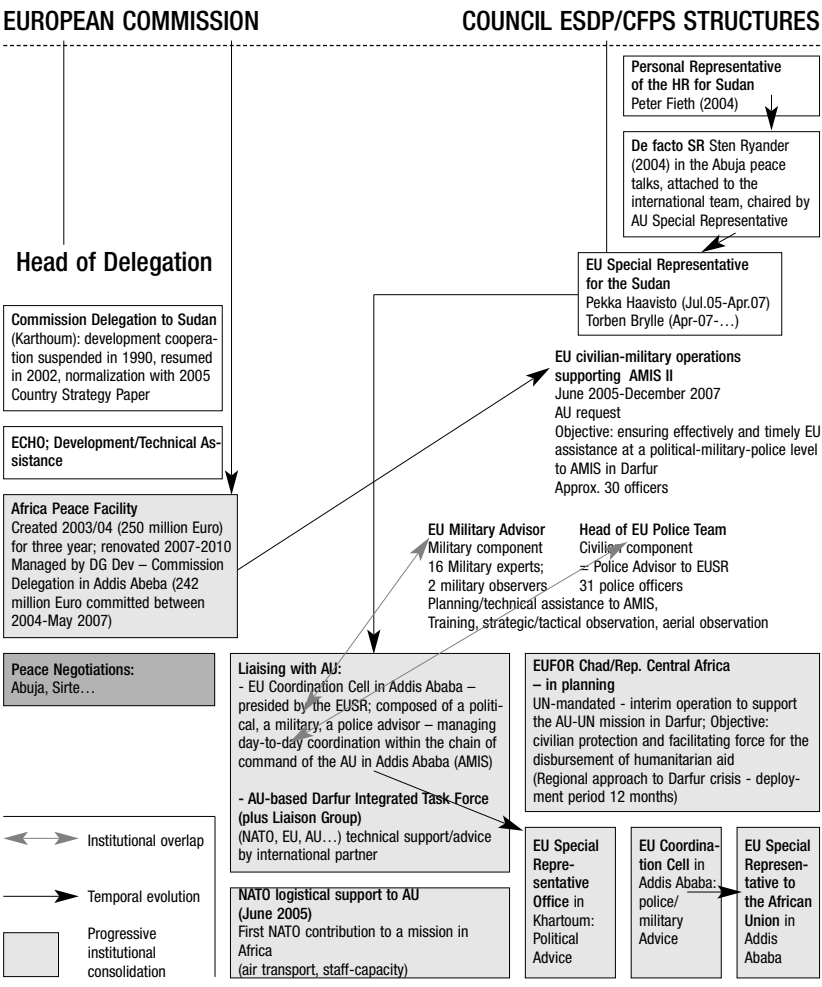
Coordination efforts between the different actors took place primarily in Addis Ababa and with significant time lags. The EU actively participated in coordination of groups on the ground.[182] Initially, the Commission Delegation, supported by the diplomatic representation of the Presidency and by an EU military liaison officer to the AU, interfaced with the AU on EU-AU matters and participated in a series of donors' coordination meetings. When the AMIS mission was upgraded, it required of the EU "commensurate political engagement with the AU and the Government of Sudan, and specific coordination capacity."[183] Consequently, the EU Special Representative for Sudan was created in order to "strengthen [the EU] political role in the crisis (…) and to maintain coherence between the Union's

[181] The EU chaired the Partnership Technical Support, organising the international support to the AU; and established the Darfur Integrated Task Force, where the Liaison Group could engage with the AU in a restricted, more focused format.

[182] A Liaison Group, composed of representatives of the US, the EU, the UN and Canada, met regularly on a bi-weekly basis and briefed on a weekly basis the diplomatic representatives of France, Germany, the United Kingdom, Sweden, the Netherlands, Norway, and NATO.

[183] Council Joint Action of 18 July 2005 (2005/556/CFSP) appointing a Special Representative of the EU for Sudan (OJEU L 188/43), p. 1.

Figure 3: The EU in Darfur (Sudan): institutions and operations (in Brussels and in the field)



Source: Authors' own design.[184]

[184] The EU civilian-military operation supporting AMIS II was terminated in December 2007.

assistance to crisis management in Darfur".[185] In the process of coordination of the Union's contribution to AMIS, an *ad hoc* Coordination Cell has been established in Addis Ababa (a small SR unit comprising a political, a police and a military adviser). The institutional consolidation shifted the responsibility of the EU-AU relationship from the Commission to the Council.[186] In line with this development, an office for the EUSR was created in Khartoum in 2007 (comprising a political adviser) and a Special Representative to the African Union was appointed.

5.3.4 Eclectic multilateralism

Initial disagreement between the institutions, and a weak institutional infrastructure, led the Commission and the Council to set up innovative instruments and a progressively more articulated institutional web. Whereas it is premature to make a final judgement regarding the impact of the APF, some preliminary observations can be made regarding the impact the APF has had on the EU's decision-making practices.

The configurations of the EU intervention in Darfur are multiple but not informed by a strategic framework. The EU vacillated between sending an EU peace-keeping mission to Darfur, supporting the UN hybrid peace efforts and a NATO intervention. The institutional dissonance between the European institutions was also clear during the discussion on the APF, as the Commission was supporting this innovative financial mechanism and an African intervention under AU leadership[187], while the Council initially favoured a direct ESDP military engagement in the region.[188] In an interview, Gustav Haegglund, chairman of the EU Military Committee, described an EU peacekeeping force in Sudan as 'very possible'. The UN Deputy Secretary General, Louise Frechette, saluted the EU initiative and encouraged the Union to take the lead in this international peace-keeping effort. However, Poul Nielson, Development Commissioner, did not hide his doubts, going public and urging for caution.[189]

Tension and rivalry between NATO and EU were constant. "The fact that NATO started thinking about a mission in Sudan rushed the EU to proposing an ESDP mission".[190] The NATO-EU dichotomy was not resolved and

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[185] Council Joint Action of 18 July 2005 p. 2. See above note 183.
[186] Council Joint Action of 18 July 2005 (2005/557/CFSP) on the EU civilian-military supporting action to the African Union mission in the Darfur region of Sudan (OJEU L 188/46).
[187] 'Commissioner urges caution on EU intervention in Sudan', *EU Observer*, 28 April 2004.
[188] 'EU could lead Sudan peacekeeping force, says top military official', *EU Observer*, 13 April 2004.
[189] 'Commissionner urges caution on EU intervention in Sudan', *EU Observer*, 28 April 2004.
[190] Interview with EU Council Official, London, April 2007.

the conclusion was half measures on both sides: with the EU deciding for a very minor ESDP mission and NATO supporting a strategic airlift.[191] In this context, the African Peace Facility appeared to be the only possible alternative.

Although the APF resulted in an innovative mechanism and made AMIS II possible[192], EU policy is not without criticism. The policy was enabled by the presence of unspent funding, but it represented a short-term approach and lacked predictability. Its re-financing was unclear and, as a UN official noted, "There was no exit strategy. What will the EU do when the currently available funds end?"[193] This relates to the relative lack of expertise on the side of the Commission in peace-keeping missions and this aspect was corrected with the gradual integration of the Council military dimension.[194]

A report by the International Crisis Group defined the EU/AU partnership in Darfur as "not yet a winning combination".[195] Criticisms of pusillanimity, made *inter alia* by the former Commissioner for External Relations[196], highlighted the gaps and the inconsistencies of the EU policy[197], but at least the EU has started articulating its effective multilateralism in the African context with a different emphasis. The APF is a case in point: whereas it epitomised the current strategic rethinking on security and development policies, the APF remains an "anomaly"[198] and initially the

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[191] In this context, the division was between Canada and the US opting for NATO and France pushing for an EU coordinated mission.

[192] As noted by Tardy, AMIS II could not have taken place without EU logistical support and funding. Tardy, T., The European Union in Africa. See above note 175.

[193] Interview with UNDP official, Cambridge, May 2006.

[194] EU Council Secretariat, Consolidated EU Package in support of AMIS II, Brussels, 26 May 2005. EU Council Secretariat, EU Response to the Crisis in Darfur – Background document, October 2006, available at www.consilium.eu.

[195] International Crisis Group, The EU/AU Partnership in Darfur: not yet a winning combination, *Africa Report*, no. 99 (ICG, 2005).

[196] Patten, C., L'Europe pusillanime au Darfour, *Le Monde*, 26 March 2007; Fischer, J., Darfur: Die EU muss handeln, *Frankurter Rundschau*, 3 April 2007.

[197] Once collaboration between Council and Commission had been established, it persisted. Problems were originating primarily from AMIS operational capacity. According to the International Crisis Group, in 2005 AMIS was operating only at 40 or 50 per cent capacity. International Crisis Group (2005), The EU/AU Partnership in Darfur. See above note 195.

[198] This anomaly could still generate new institutional cooperation between the Commission, EU Military Staff and the EUSR, Pekka Haavisto. "In general terms, the European Commission is responsible for development and trade policy, while the Council and the Member States have primary responsibility for the Common Foreign and Security Policy and its ESDP component. The African Peace Facility is something of an *anomaly*: it supports a peace and security operation but is administered by the Commission, which has no mandate for and thus experience in military matters because these normally are reserved for the Council. An action like that in Darfur, which is so dependent upon the Peace Facility, requires the EU institutions to work together in new ways." International Crisis Group (2005), The EU/AU Partnership in Darfur, p. 7. See above note 195.

link between ESDP and the Commission was missing.[199] The specificity of the APF rests on the fact that the EU is elaborating an EU-AU-UN triangular relationship. Current developments and the talks held in April 2007 in New York by the UN Secretary General, Ban Ki-Moon, seems to open the possibility of a hybrid AU-UN peace-keeping mission, completing the AU-UN-EU triangle and possibly alleviating the current humanitarian catastrophe.

5.4 Conclusion: Operational consequences for the security-development nexus

The formulation of the policies in Brussels has a defining importance for the operation. How a mission is framed and how inter-pillar collaboration is categorised at Headquarters level has immediate consequences on the ground. In cases of collaboration, EU effectiveness is logically amplified (e.g., EUPOL Kinshasa and the SSR joint national programme for the DRC). In cases of discord, solutions devised by a single institution are not sustainable in the long-run, but flexibility and pragmatism can adjust the initial policy assumption. For instance, in Darfur, the Commission established the Africa Peace Facility without equivalent support from the ESDP structure, except ascertaining the necessity to have the AFP counterbalanced by a corresponding ESDP engagement at a later stage.

The separation of powers in Brussels is less rigid on the ground. Institutional actors in the field have a peculiar elasticity in the implementation of the policy. Informal mechanisms of coordination can supplement the stringent pillar division. Feed-back mechanisms from the ground are, however, either ineffective or easily ignored. This occurred, for example, in the case of EUFOR Congo, where the request to expand EUFOR Congo due to internal instability was sidelined in Brussels.[200]

Inter-pillar coordination is imperative. The establishment of the APF was an innovative procedure in development assistance programmes, although insufficient to tackle the crisis effectively. The mechanism, initiated by the Commission, proved its logistical deficiency and the disbursement of financial resources had to be complemented by the establishment of a

[199] Initially there was no link between ESDP and the APF: it became evident that the Commission did not have the operational capacity to assist a peacekeeping operation. This created the need for institutional consolidation on the ground and an ESDP mission was developed, parallel to the APF.

[200] EUFOR DRC was concluded on 30 November 2006, one month after the second round of presidential elections, but only three days after the Supreme Court confirmed the electoral results and one week before the first elected President had been appointed.

civilian-military ESDP mission. This is a ramification of the lack of joint-planning *ab initio*, which generated an adequate response only after criticisms were raised against the lack of direct responsibility and control over EU aid.

A joint-decision making approach is essential in order to avoid 'sequencing fallacies'. ESDP operations tend to have a short-term duration. When an entry strategy is planned, Brussels-based Council infrastructures need to be kept informed by the Commission on its current programmes (EUPOL Kinshasa is an example, but the ESDP Rule of Law mission in Georgia was also an upgrade of a Commission-led programme in the criminal justice sector). Early-planning and joint fact-finding missions have been valuable modalities of inter-institutional coordination, but did not lead to germane joint decision-making/planning or to stable inter-pillar mechanisms.

When an exit strategy is envisaged, the Commission should be quick to build on the results of an ESDP operation. It is particularly crucial to link civilian crisis management initiatives with Commission-driven SSR/DDR programmes. While episodes of 'Commission-centred substitution' are rare, the first generation of ESDP operations is coming to an end and the long-term effects of EU civilian/military crisis management will be evaluated in the near future. Leaving a policy vacuum, after an ESDP mission is completed might have counter-productive political effects on ESDP and on the ground (leaving "a military success but a political failure"[201]).

Institutional consolidation and adaptation is taking place and illustrates the need to enhance inter-institutional coordination in the field and in Brussels. The issue of representation, that is, of who acts for the EU in a particular crisis, is still unresolved. Representation is here a proxy for coordination. While often dependent on the personal chemistry between individuals, the establishment of an EUSR often creates a policy momentum, as EUSRs are invested with special responsibilities in operational coordination (Figures 2 and 3). The progressive expansion of institutional actors in the Darfur case implies that the organisational structure at the beginning of the operation was sub-optimal and in need of consolidation.

The ESDP-development nexus represents a simplifying formula, not as a magic bullet, yet incrementally has stimulated a specific dynamic in EU policy-making, analogous to a process of learning. The initiation of a security mission has a spill-over effect on development, and *vice versa*. In

[201] IRRI/Egmont, European defence in all its states. See above note 144.

fact, since 2004 *all* ESDP operations with a military-crisis management component have had direct policy links to other instruments[202]. For instance:

a. In 2004, links were established with EU Police Mission and with Commission activities for EUFOR Althea.

b. In 2005, AMIS support included a civilian and a military component and was associated with the Commission contribution (as highlighted in 5.3).

c. In 2005, EUSEC RDC established formal relations with EUFOR RDC, EUPOL Kinshasa (and lately EUPOL RDC), the Commission participating in the form of 'flanking operations' (5.2).

d. In 2008, the establishment of the ESDP bridging military operation in Eastern Chad and the North Eastern Central African Republic (EUFOR Tchad/RCA) was combined with an expansion of humanitarian aid and development cooperation (specifically targeted to contribute to the creation of an UN police force, training Chadian police officers), with an increased support for the African Union and the United Nations (including support for the establishment of UN-African Union Mission in Darfur).

In this chronological spectrum, an incremental process of learning is to be detected equally at an operational level (*operational learning*) as well at a strategic level (section 4.3). As underlined in section 2.3 above, the institutional collaboration on the ground between the Commission and the Council has led to varying outcomes: discord in Macedonia when ESDP was conceptually new in operational terms; cooperation, after initial disagreement, *via* institutional consolidation in Darfur/Sudan, when operational practices were elaborated; collaboration since 2006 in Congo and Bosnia Herzegovina, when an *acquis sécuritaire* had been accumulated. Time and learning are not universal categories and will not explain change independently (as every mission is different in task and magnitude), but have become relevant elements of ESDP decision-making.

[202] The suggestion, made by the external referee (expanding from African to non-African cases since 2004), has been peculiarly beneficial in setting the nexus in a broader context and in its chronological evolution.

6 CONCLUSION

The analysis in the preceding chapters of the security-development nexus in the ESDP presents us with a mixed picture of how the EU is coping with the demand for greater consistency and coherence. The continued formal institutional divide between the Council and Commission necessarily reinforces a compartmentalisation of policy-making. Nonetheless, this study has also traced how a convergence on the strategic level is emerging, focused on addressing the security-development in a more coherent way. Furthermore, the case studies revealed that the policy duality in Brussels does not necessarily hinder pragmatic cooperation and coordination in the field. In this concluding chapter, we will elaborate on this mixed picture emerging of the security-development nexus in the ESDP and what it means in terms of the EU's ambition to be a coherent global security actor.

6.1 The security-development nexus: Another Euro-platitude?

> We should be modest and not oversell our strengths. But probably no organisation is better placed than the European Union to work on the nexus of security and development. Of course we should practise what we preach. And ensure that 'coherence' is not an empty slogan.[203]

There are suggestions that the security-development nexus is just another example of a 'Euro-platitude' disguising the fact that it represents a form of 'ad hoc-ism' more than a holistic policy framework.[204] Given that the ESDP is in its early stages of development, this may not be surprising, but the argument could also be made that the *ad-hoc* nature of policy-making is an expression of a lack of policy coherence based upon the failure of the EU as a security actor to articulate its key priorities and interests.

However, this study found an emergent foreign policy consensus about the security-development nexus at the strategic level between the Council and the Commission. The European Security Strategy had an instrumental role in creating a unified strategic framework and in engendering reforms to make the EU more active, capable and coherent. The *European Consensus for Development* set the parameters for a new, more political and strategic focus in EU development policy. Political conditionality is now a central

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[203] Solana, J., Europe in the world: The next steps, Cyril Foster Lecture, Oxford, 28 February 2008.

[204] Youngs, R., Fusing Security and Development: Just another Euro-platitude?, *FRIDE Working Paper*, no. 43 (Fundación para las Relaciones Internacionales y el Diálogo Exterior, 2007). The problem about 'ad hocism' is also made by Chandler, D., The security-development nexus and the rise of 'anti-foreign policy'. See above note 5.

feature of EU external assistance. The linkage between crisis management and humanitarian assistance is recognised. New guiding concepts, such as *comprehensive planning* for ESDP and *policy coherence* for EU development policy, are reflections of a new policy dynamics and *de facto* convergence.

The separation of institutional power in Brussels has led to a formalisation of cooperation and inter-pillar coordination, but also to doctrinal disputes and turf-battles. The persistence of bureaucratic politics continues to undermine efforts at greater coherence and consistency. This is also evident in the field, where each mission and programme tends to have its own distinct line of command, reporting back to different institutions in Brussels. In the creation of the Africa Peace Facility and in the planning of EUPOL Kinshasa, diverging policy assumptions surfaced. These divergences reinforce the conclusion that the EU is still struggling with horizontal consistency as well as institutional consistency. As long as lessons learnt remain limited (each mission is seen as different), there is some credence to the argument that the security-development nexus in EU policy-making remains *ad hoc*. It appears as if the EU still has some way to go before it can claim that it practises what it preaches.

6.2 Policy Osmosis

This is not to say that the security-development nexus in ESDP has had no impact in policy-making. As this report has sought to demonstrate, a new inter-pillar dynamics has emerged despite the entrenched policy duality that still exists in a formal sense within the pillared structure of the Union. The desire for greater consistency and coherence in security and development has generated what we have conceived of here as *policy osmosis*.[205] The security-development nexus is an interdependent, simultaneous relationship, even if it is still formally based on a system with distinct pillar structures.

Policy osmosis suggests that the pillars are porous and more appropriately conceived in terms of a membrane, with security and development policy intermingling. Initiatives come from different departments and there is no centralised system in terms of policy formulation. Rather, it is an organic process. Policy osmosis implies that initiatives started in a policy area

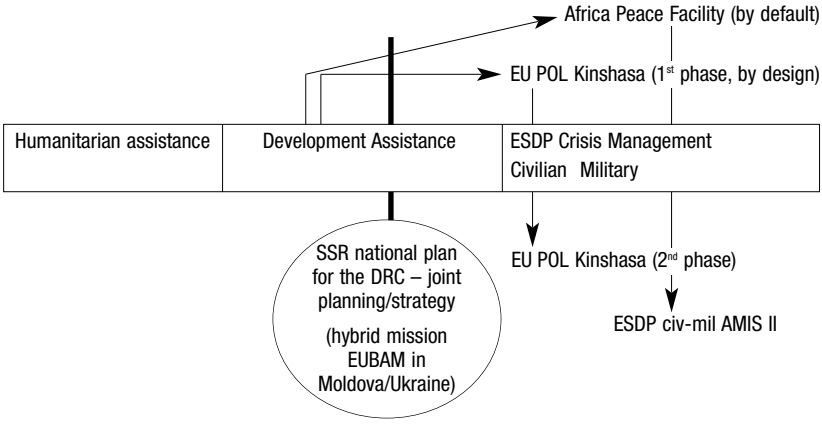
[205] Osmosis is a term from chemistry, defined as the gradual passing of liquid through a membrane, or, more precisely, a phenomenon consisting in the gradual diffusion of two separate, but intermingling, liquids of different concentration through a porous membrane, permeable to both of them.

might be upgraded in the other and that there is complementarity from short-term to long-term measures (and, mostly, from the development area to the security arena). This was, for instance, the case in the joint policy and the integrated approach to Security Sector Reform in the DRC.

In the case of the EU, policy osmosis occurs both at the level of policy-planning in Brussels (when integrated planning is taking place, by accident or by design) and in the operational field (that is, from the bottom-up in the policy-making process). Examples of policy osmosis in the latter case could be retraced in the discreet cooperation in the DRC (and the drafting of a national SSR plan). Policy osmosis at the higher level of planning could be found in the three-phase approach to EUPOL Kinshasa (as the PSC intentionally planned) and in the establishment of the ESDP mission, complementary to the African Peace Facility (by default) (see Figure 4 below).

Conceptually, the spectrum of instruments available to EU policy-makers ranges from humanitarian assistance through development assistance to ESDP. Whereas the spectrum is often represented as a circle (humanitarian assistance is activated in parallel to military operations in a conflict situation, for instance, in Ituri/Bunia and Operation Artemis; and development assistance comes in once the relationship with a country has been normalised), the novelty in EU development assistance is the creation of new instruments at the cusp of ESDP and traditional development programmes.

Figure 4: Policy osmosis



Source: Authors' own design.

Figure 4 above illustrates the dynamics of policy osmosis between development assistance and security policy in the two cases studied in this report.[206]

6.3 A coherent global role for Europe?

The process of policy osmosis outlined above demonstrates the growing dynamics between ESDP and EU development policy. What is absent from this policy process, however, is the interlinkage with the CFSP. This ultimately has implications for the coherence of the EU as a global security actor. While a process of institutional and formal coordination between the ESDP and development policy has been initiated, followed by a mutual and informal adaptation in the field, this appears to have led to a partial delinking from political initiatives of traditional diplomacy. This explains why EU initiatives have had relatively limited political impact, despite the EU's financial and military contribution to specific crises. The short-term emergency dimension risks overshadowing the long-term political aspect of the conflict and the potential instruments for addressing the root causes of political crises. As Missiroli anticipated in 2001:

> Achieving consistency and coherence for CFSP today is markedly different from yesterday. The emphasis, in fact, has shifted from the 'F' of foreign to the 'S' of security, i.e. the 'S' that is common to both CFSP and ESDP and that combines diplomatic (the 'F') and military (the 'D') action with other, less traditional and virtually complementary policy instruments which do not lie primarily in the second pillar remit.[207]

At the end of the day, the security-development nexus draws attention to the problems of making policy without a clear political framework. In the absence of a coherent set of political priorities, *ad hoc* policy-making and bureaucratic politics will tend to thrive. As Hill rightly points out, without "clear criteria for assessing which conflicts need most concern Europe (…) The EU is at the mercy of events, public pressure and its own lack of parsimony, with the result that policy is bound to be erratic and to be vulnerable to accusations of double standards".[208]

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[206] The hybrid mission EUBAM (EU Border Assistance Mission) to Moldova and Ukraine is also a unique case, worth mentioning here. EUBAM represents the only 'double-hatted mission', the only joint ESDP-Commission mission ever planned and put into operation. EUBAM represents a perfect example of policy osmosis.
Memorandum of Understanding between the European Commission, the government of the Republic of Moldova and the government of Ukraine on the European Commission Border Assistance Mission to the Republic of Moldova and to Ukraine (signed on 7 October 2005).
Council Joint Action of 7 November 2005 (2005/776/CFSP) amending the mandate of the European Union Special Representative for Moldova.

[207] Missiroli, A., Introduction, in Missiroli, A. (ed.), *Coherence for European Security Policy: Debates, Cases, Assessments,* Occasional Papers no. 27 (WEU ISS, 2001), p. 6.

[208] Hill, C., The EU's capacity for conflict prevention, *European Foreign Affairs Review,* vol. 6, issue 3 (2001), p. 317.

Thus, for the EU to become a more coherent and credible security actor, it has to begin by articulating and prioritising where the EU envisages it can have an effective influence in crisis management and conflict prevention. This in turn may then encourage greater efforts in achieving coherence and consistency. For the EU to live up to the expectations of a global role, a strategic sense of direction for where and when the EU may act is crucial rather than letting the process drive the policy on the security-development nexus. On the basis of the current conceptual convergence towards a foreign policy consensus and of current reform processes, this strategic coherence could be advanced pragmatically through the creation of a rigorous Lessons Learning Unit and through the establishment of liaison offices between the Council and the Commission to promote a proper implementation of comprehensive planning and reinforce the practice of drafting joint strategies.

SAMMANFATTNING OCH SLUTSATSER

Kopplingen mellan säkerhet och utveckling har blivit en central tankegång i den holistiska synen på EU:s globala roll. I föreliggande rapport analyseras denna koppling utifrån den Europeiska säkerhets- och försvarspolitikens (ESFP) samordning och samstämmighet. Detta inbegriper också en analys av hur EU:s utvecklingspolitik alltmer formuleras i relation till ESFP. Utvecklingspolitik och säkerhetspolitik har utvecklats separat inom Unionens pelare och denna dualism utgör en stötesten för EU:s ambitioner att projicera en tydlig roll på den globala arenan. Rapporten studerar fyra specifika aspekter kring sambandet mellan säkerhet och utveckling: (1) institutionell samstämmighet och samordning inom pelarna; (2) strategisk policyformulering; (3) den politiska dynamiken; och (4) policyimplementering. Följande slutsatser dras i rapporten:

– Unionens pelarstruktur är den huvudsakliga orsaken till separationen mellan EU:s utvecklingspolitik å den ena sidan och den Gemensamma Utrikes- och Säkerhetspolitiken (GUSP)/ESFP å den andra. Dessa politikområden styrs av olika procedurer och beslutsmodeller. Även om den civila dimensionen av ESFP har vuxit avsevärt har detta i huvudsak skett parallellt och självständigt från den gemenskapsbaserade politiken och instrumenten. I vissa fall är gränserna mellan olika befogenhetsområden ifrågasatta och motstridiga. Även om principen om samstämmighet är styrande mellan pelarna, framförallt genom Kommittéen för utrikes- och säkerhetspolitik (KUSP) och Coreper, så är samordningen av instrumenten (den så kallade policysammansättningen) mera begränsad eftersom det finns en spänning mellan den förda politikens kortsiktiga och långsiktiga inriktningar.
– På den strategiska policynivån blir den politiska samstämmigheten allt tydligare. Den Europeiska säkerhetsstrategin bidrog till att skapa ett enhetligt strategiskt ramverk och för att åstadkomma reformer i syfte att göra EU mera aktivt, ändamålsenligt och sammanhållet. Det europeiska samförståndet inom utvecklingspolitiken (*The European Consensus for Development*) gav i sin tur uttryck för en ny politisk fokusering inom området. Politisk konditionalitet är nu en central del av EU:s externa bistånd. Stark betoning läggs på kopplingen mellan krishantering och humanitärt bistånd. Däremot har EU inte till fullo adresserat avvägningen mellan fattigdomsbekämpning och strategiska säkerhetsintressen.
– Begreppen *omfattande planering* (*comprehensive planning*) för ESFP och *policysamstämmighet* (*policy coherence*) för EU:s utvecklingspolitik är uttryck för den nya politiska dynamik och den faktiska samstämmighet som eftersträvas för att överbrygga kortsiktiga och långsiktiga mål-

sättningar som orsakas av kopplingen mellan säkerhet och utveckling. I rapporten kartläggs en process betecknad *policy osmosis* i vilken initiativ inom ett politikområde uppgraderas inom ett annat oavsett tidigare befogenhetsavgränsningar. I betydande utsträckning handlar förbättringar av samstämmigheten om en lärdomsprocess genom handlande. Den institutionella rivaliteten, som har sin grund i byråkratin, fortsätter dock att i viss utsträckning underminera strävan att uppnå större samstämmighet i politiken.

– Problemen kring samstämmighet belyses i två fallstudier i Afrika där kopplingen mellan säkerhet och utveckling tenderar att vara mest angelägen. Slutsatsen som dras från fallstudierna i Darfur och Demokratiska Republiken Kongo är att även om den operationella definitionen såsom den utformas i Bryssel är avgörande så råder det en flexibilitet på fältet som uppmuntrar till upprättandet av informella mekanismer av samordning och samarbete mellan olika institutionella aktörer. Detta beror i stor utsträckning på att skiljelinjen mellan det säkerhetspolitiska och humanitära arbetet tenderar att vara flytande i ESFP-operationer och vittnar om att en strävan att uppnå samstämmighet och stringens mycket väl kan genereras i en process nedifrån-upp. Dessvärre råder det ingen större *spillover* i termer av lärande mellan olika ESFP-operationer, eftersom återkopplingsmekanismer antingen är ineffektiva eller blir ignorerade. Detta leder till slutsatsen att arbetet för att nå en större samstämmighet och stringens mellan rådets prioritering av krishantering och kommissionens preferens för långsiktiga kapacitetsbyggande åtgärder fortsätter att vara problematiskt.
– Studien förespråkar ett integrerat perspektiv i policyprocessen för att minska det institutionella revirtänkandet i Bryssel. Detta skulle kunna uppnås på ett pragmatiskt sätt genom att etablera sambandskontor mellan rådet och kommissionen för att befrämja en effektiv implementering av den omfattande planeringen och vid tillskapandet av gemensamma strategier. Tillsammans med inrättandet av en *Lesson learning unit* – en formaliserad återkopplingsmekanism i policyprocessen – skulle en tydligare strategisk inriktning på operationell nivå uppnås istället för att låta processen driva politiken. Detta är i sin tur relaterat till frågan hur ESFP och EU:s utvecklingspolitik skall knytas närmre till det diplomatiska samarbetet inom GUSP – en fråga som hitintills inte har besvarats på ett tillfredsställande sätt. Det återstår att se om det förstärkta utrikespolitiska maskineri som skall implementeras efter Lissabon-fördragets ratificering kommer att bidra till att lösa detta centrala problem.

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