
Working inside out: what role for Special Envoys in the European External Action Service?

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BACKGROUND

The creation of the European External Action Service (EEAS) in December 2010 is about to fundamentally alter the way the EU conducts its foreign policy. This makes it even more important to orient the Brussels apparatus along strategic goals rather than letting the logic of bureaucracy dominate. However, the imminent abolishment of four EU Special Representatives (EUSRs) by the end of February 2011 signals a different, more disturbing approach. It remains incomprehensible why the High Representative for Foreign Affairs and Security Policy, Catherine Ashton, wants to get rid of a successful crisis management tool without an adequate replacement. Instead, it would be advisable to base the integration of this instrument into the EEAS on well-founded criteria as part of a broader conflict management strategy. This would strengthen the EEAS by providing a clearly defined EU role in a given conflict.

With nearly 15 years at the service of the EU, the EUSRs constitute an established and successful instrument of European foreign policy. The first two mandates focused on the Great Lakes in Africa, and the Middle East Peace Process. Today, 11 EUSRs represent the EU's interests in 25 countries, acting as crisis managers, diplomatic negotiators, and political advisers in conflicts relevant to the EU.

EUSRs have considerably influenced the evolving EU foreign policy. Initially, they were often mandated because the Union did not have a common policy for a particular conflict region. Subsequently, their presence has obliged Member States to develop a common policy to avoid leaving their representatives without guidance. EUSRs contribute to this policy formulation by providing and assessing information from the ground. The policy support provided by EUSRs has been even more important given that

many Member States do not have a diplomatic presence of their own in all crisis regions. Moreover, in pre-Lisbon times, the delegations of the European Commission did not deal with questions of foreign policy and crisis management. It has thus been up to the EUSRs, through regular reports and policy recommendations, to provide the decision-makers in Brussels with information 'made by EU.'

EUSRs show continuity, unlike the rotating presidency, and can thus establish personal and confidential relations with the actors in their respective region. Their personal reputation carries weight – as experienced politicians of a Member State, or as high-ranking national or European diplomats. Being mandated by the 27 foreign ministers in Brussels, they have a bonus compared to the national, or now EU, ambassadors on the ground.

Bridging internal and external divides

While they officially are the EU's 'face and voice' in foreign policy, EUSRs have, in practice, also fulfilled a different role of at least equal importance: they straddle the various internal and external boundaries of the EU. Within the Common Foreign and Security Policy (CFSP) for instance, they form the link between, on the one side, Brussels and the Member States and, on the other, the EU operations on the ground (to which they provided political advice). Moreover, they created links between CFSP and the EU's external relations dealt with by the Commission. This was the case both for political questions, such as the inclusion of their activities in Moldova and the Southern Caucasus into the European Neighbourhood Policy, as much as for practical arrangements: whenever possible, the offices of the EUSRs on the ground were combined with the respective European Commission delegation.

EUSRs also established themselves as important interlocutors for third countries and partner organisations, many of which have their own special representative for a region. They meet their counterparts on equal terms in a 'friends of' format to coordinate international initiatives for conflict resolution. The best-known example of such a negotiation format is the Middle East Quartet, in which representatives of the United States, Russia, the EU and the United Nations (UN) accompany the peace process in the region. Here, through its EUSR, the EU for years has spoken with one voice at the envoy level. At the principals' level of the foreign ministers, it is only since the arrival of the double-hatted Catherine Ashton that the EU shows a united face. In the past her two predecessors,

Javier Solana and Benita Ferrero-Waldner, participated jointly in the sessions.

This international boundary-spanning function underscores the extent to which EUSRs are a regular diplomatic instrument deployed by states and international organisations alike. While the most recent changes of the Lisbon Treaty brought only little change directly to the way EUSRs function, it is the question of how they should relate to the EEAS that will most transform their work. Over the summer of 2010, a debate took place between the High Representative and Member States about the abolishment of a number of EUSR mandates. This quarrel is bound to restart before the end of February when four mandates are set to phase out.

STATE OF PLAY

Last summer's dispute arose over Lady Ashton's decision to replace a number of EUSRs by officials from within the EEAS. Admittedly, the creation of the EU's foreign service raises fundamental questions about the envoys' place in the new CFSP architecture. Yet the primary problem with her proposal was its unfoundedness: she failed to explain *why* certain mandates should be terminated, let alone substantiate *how* they could be taken over by the EEAS. The row ended with a compromise extending the bulk of the mandates until the end of August 2011, while those for Kosovo, the Middle East Peace Process, Moldova, and the South Caucasus are set to expire on 28 February – with no discernible willingness by the High Representative to propose another extension.

Lisbon and the EEAS

It is a small but significant change in the Lisbon Treaty that has given the High Representative a previously unknown clout over the EUSRs, that made such an argument between Member States on the Council and Lady Ashton possible. Whereas previously the EU Treaty granted the Council the right to appoint an EUSR "whenever it deems it necessary", the Lisbon Treaty now specifies that the Council may do so "on a proposal from the High Representative." It stipulates further that EUSRs carry out their mandate under the High Representative's authority. This means that, while Javier Solana had to get along with the EUSRs that Member States' ministers felt necessary, his successor Catherine Ashton wields what could be called the 'sole right of initiative' for the appointment of an EUSR and the amendment or extension of their mandate. So this summer, national officials again had to learn the hard way that they no longer call all the shots in CFSP. In addition, although the European Parliament obtained a compromise on the auditions of new EU ambassadors, it does not have a comparable role in the appointment of EUSRs.

Beyond aspects of authority and the power of nomination, the more profound change in the framework conditions for EUSRs comes with the creation of the EEAS. Some of the past strengths of the EUSRs – continuity of presence and in-depth local political knowledge – have become less pronounced in relative terms with the transformation of Commission into Union delegations. So setting up the new foreign policy structures is also an opportunity to reassess the necessity or the concrete formulation of certain mandates, including the possibility of their expiration. What used to be an innovative 'double hat', such as a EUSR heading a Commission delegation, might now be reduced to a single one, with the new head of Union delegation taking over the tasks included in the EUSR's mandate.

Yet it would be wrong to abolish the EUSRs altogether. Although they were created when the EU did not have the foreign policy structures it intends for the EEAS, not only have they been effective tools of CFSP, but also they are a regular instrument of diplomatic services around the world.

There are three immediate challenges:

1. to establish criteria for when the deployment of an EUSR is useful within a fully functioning foreign service;
2. to manage the transition into the EEAS of those mandates that can run out;
3. to integrate the remaining EUSRs into the structures of the new service.

The first challenge has so far been sorely missing from the debate. In particular the High Representative did not provide clear reasoning why she wants to scrap some mandates, and not others.

On the second challenge, initial reactions both in the EU's policy-making circles as well as in third countries have shown the political dangers of such poorly communicated proposals. Rather than being seen as a mere technical procedure, the withdrawal of an EUSR may be perceived as a lack of interest by the EU, in the region or in conflict resolution. It should therefore not phase out any of the existing mandates before an alternative from within the EEAS is in place.

The third challenge is mostly organisational. EUSRs have a specific mandate and separate status, including their own team and budget, for which they are accountable to the Commission, not the Council. At present, the total staff working for EUSRs amounts to more than 100 people, including political advisors and support staff – so there is good reason to think thoroughly about how the EUSRs as an established instrument can function effectively alongside an emerging foreign service.

PROSPECTS

The fact that four EUSR mandates are set to expire at the end of February creates self-inflicted time pressure that is unhelpful under the current circumstances. The initial focus on the build-up of the EEAS means that the EUSR question has been given too little attention to take far-reaching decisions now.

The High Representative and the Council should defuse the immediate situation by extending the four mandates until 31 August 2011, the date when all other mandates expire. The existing provision that enables the Council, upon the High Representative's proposal, to terminate a mandate when the EEAS has taken over the respective functions ('sunset clause'), should remain in force.

Criteria for a strategic use of the EUSRs

With a view to taking a more strategic decision before August 2011, the High Representative should, with the support of relevant institutions such as the Directorates-General of the Commission and the European Parliament, propose a set of criteria for the use of EUSRs.

Looking at how these have operated in very diverse settings and with very specific mandates, a number of conclusions can be drawn to offer a solid basis for any future decision on EUSR mandates.

The EU should mandate an EUSR:

- in case of a cross-border conflict that threatens to destabilise a region strategically important to the EU;
- when an international 'friends of' format is negotiating a conflict resolution and other relevant actors have already nominated EUSRs – this way the EU can make its contribution on a par with its partners;
- when the EU has long-term interests in the region that go beyond crisis management and thus envisages a longer engagement with personal continuity.

The EU should nominate as EUSR:

- high-ranking personalities from politics and diplomacy, from Member States and EU institutions, who bring with them both a good knowledge of the conflict situation and the Brussels apparatus;
- experienced movers and shapers, who besides the will and the ability to develop their own initiatives also show readiness to follow instructions from the operational level in Brussels;
- persons who can establish rapport and mutual trust with the High Representative, from whom the weight of their activity on the ground can be derived.

The tasks of an EUSR should be:

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

The same basic principles can be applied to nominate 'thematic EUSRs'. To date, the so-called Personal Representatives – senior members of the High Representative's cabinet – have fulfilled this function. Such a mandate may be warranted

- when there is a crosscutting policy issue of strategic importance in which the EU has a long-term interest, such as human rights, non-proliferation, energy, or climate change;
- where the EU wants to use an envoy to build consensus among Member States and across institutions, in particular with the Commission, as well as be adequately represented on the international stage.

Merging mandates and managing the transition

On the basis of these criteria, some EUSR mandates for a single country could be combined with the function of head of delegation, be absorbed into it, or be transformed into a regional mandate. Such a fusion, if politically feasible, is conceivable for instance in Bosnia and Herzegovina and Kosovo.

The expiration of the mandate could be aimed for in FYROM (Macedonia), in Afghanistan or for the African Union. Finally, a transformation into a regional mandate would be possible in the case of Sudan by including the conflict around Somalia and the horn of Africa.

While this rule can serve as a first guidance, it should not be automatic. There can be cases – such as the Transnistria conflict, which is supervised by the EUSR for Moldova but has regional implications – where the local head of delegation would be overwhelmed by the sheer extent of the necessary conflict management when he or she has to concurrently assume the overall foreign policy representation in the country.

In principle, some of the existing regional mandates could be transferred to high-ranking officials in Brussels (e.g. the head of the Middle East department in the EEAS taking responsibility for the peace process).

Nevertheless, the nature of the conflict and the format of international crisis management should remain decisive for a possible transfer of an EUSR mandate onto any newly created positions in the EEAS.

After all, an EU official may not have the necessary political format to be able to influence the conflict parties at the highest level or work adequately with other envoys.

In either case, the High Representative should use the time bought by a mandate extension until August to prepare this mandate transition or expiration, respectively. This implies not only internal coordination but also an early discussion both with international partners and the countries concerned to avoid any further irritations.

Maintaining the EUSRs as an effective instrument of a strong diplomatic service

At the same time, Catherine Ashton needs to create the structures necessary for EUSRs to work from within the EEAS rather than in parallel to it. Because once the importance of the availability of an envoy for the EU as an actor on the international scene has become clear, the question is how to manage the relations between this special instrument and the regular foreign service.

A major improvement can be achieved quite easily by integrating the policy advisors of each EUSR into the EEAS, or by drafting such personnel from its ranks. Similarly, the service should provide a joint administrative support structure for all EUSRs. This was discussed at length already before Lisbon but never put in place.

Last but certainly not least, the Council should instruct the High Representative to draw up “conflict strategy papers” for all existing and future EUSR mandates. By detailing the EU’s role and interest, its current level of engagement as well as possibilities for concerted action of the EEAS, such papers contribute to a greater degree of goal-orientation in crisis management in general.

Advocating such a considered approach is not confined to Member States. Thanks to the Lisbon Treaty, both the Commission and the EP have gained considerable sway over CFSP. They should press the High Representative and the Council to adopt a more strategic orientation about the use of EUSRs. After the sobering institutional wrangling about the creation of the EEAS, this would display a spirit geared toward policy results rather than petty bureaucratic interests.

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