



# **The European External Action Service at work**

## **How to improve EU foreign policy**

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## **The EPC's Programme on Europe in the World**

*Building EU foreign policy over the past twenty years has been one of the most challenging and difficult aspects of the process of integration and, despite the innovations introduced by the Lisbon Treaty, is still a long way from meeting the expectations of European citizens and the rest of the world. At the same time, the EU's role in international politics is facing political and economic challenges. The rise of new powers, an increasingly fluid system of global governance, and a growing internationalisation of domestic politics and policies are all putting the EU under pressure to deliver.*

*The EPC's Europe in the World Programme takes a dual approach. The EU's foreign policy capabilities and its political will to play as a global actor are central to understanding the ways in which the Union engages with the world. It analyses the External Action Service, the use of the EU's foreign policy tool box, and political dynamics in Europe.*

*Through seminars, public events and special projects, the Programme also examines the EU's 'performance' in certain parts of the world (especially in the Balkans and in the EU's Eastern and Southern neighbourhoods, but also in Asia) while addressing thematic and cross-cutting issues, such as foreign policy, international migration, international justice, and human rights.*

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*The contents of this paper draw on discussions from a series of workshops entitled The EEAS at Work: Improving the EU's Foreign Policy organised by the EPC during 2011. Task Force members participated on a personal basis and did not engage any parent organisations.*

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# *Executive Summary*

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This paper is not a critique of the first year of the European External Action Service (EEAS). Instead, we take a long-term perspective, looking at the opportunities that can be seized to ensure that the EEAS plays a role in improving the EU's foreign policy, by making it more coherent, promoting integrated and holistic approaches, and building a renewed consensus around the EU's role in the world. We ask how the EEAS can contribute to overcoming the existing strategic, institutional, decision-making and political difficulties that have always challenged EU foreign policy. The EEAS is thus a central component of any discussion on revisiting the European Security Strategy.

The paper examines specific policy areas, some of which are traditionally part of foreign and security policy, while others are emerging areas awaiting policy response: crisis management and peace-building, human rights, non proliferation, the fight against terrorism, energy and international mobility. The text outlines the many ways in which the EEAS can contribute to improving these policies.

The EEAS has an expanding staff of experts and officials whose different cultural and working backgrounds can enhance the competences of the Service, not only in Brussels, but also in the strengthened and upgraded Delegations, provided that they are staffed and trained to meet the challenges. Competence is key to providing the EEAS with legitimacy within the EU's institutional architecture.

The enhanced Delegations, which now legally represent the EU, are much more important interlocutors with other countries and can play a central role in managing relations on a broader range of issues with government and non-governmental actors, in the analysis of local political dynamics, risk assessment and country reporting, as well as in helping to shape EU strategies worldwide. In time, they could take over some functions which are currently managed by the twenty-seven individual national embassies, contributing to reducing duplication and costs.

One core function of the EEAS is to work on the coherence and coordination of EU foreign and security policy. This is no easy task, but as a Service to all institutions the EEAS is ideally placed to smoothen out coordination problems between the EU institutions and the member states and between Delegations, Common Security and Defence Policy (CSDP) missions and Brussels headquarters. Coordination need not be limited to the highest levels but should ensure, formally and informally, the participation and socialisation of all foreign policymakers involved. Often, the best ideas come from informal networks.

Enhancing the EEAS will give it the authority and strength to become the Union's policy entrepreneur on external policy matters, developing new strategic thinking and a more integrated approach to foreign policy, through an efficient use of existing tools, as well as through the High Representative's triple role (in Foreign and Security Policy, as Vice President of the Commission, and as Chairperson of the Foreign Affairs Council).

Strategic thinking in foreign policy and in new transnational challenges, and the ability to design and implement policy are the added value the EEAS needs to deliver if it wants to enjoy legitimacy with the other EU institutions, European and national parliaments, and EU citizen.

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# Abbreviations

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ACP	African, Caribbean and Pacific Group of States
ASEM	Asia–Europe Meeting
ATT	UN Arms Trade Treaty
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Crisis Management
CMPD	Crisis Management Planning Directorate
COARM	Working Party on Conventional Arms Exports
COHOM	Working Party on Human Rights
COREPER	Committee of Permanent Representatives
COSI	Standing Committee on Operational Cooperation on Internal Security
COTER	Working Party on Terrorism (International Aspects)
CPCC	Civilian Planning and Conduct Capability
CSCE	Conference on Security and Cooperation in Europe
CSDP	Common Security and Defence Policy
DDRR	Disarmament, Demobilisation and Reintegration and Rehabilitation
DG RELEX	Directorate-General for External Relations
DG	Directorate-General
DRC	Democratic Republic of Congo
EDA	European Defence Agency
EEA	European Economic Area
EEAS	European External Action Service
EED	European Endowment for Democracy
EIDHR	European Initiative for Democracy and Human Rights
EP	European Parliament
ESDP	European Security and Defence Policy (now CSDP)
ESS	European Security Strategy
EU	European Union
EUMS	European Union Military Staff
EUROJUST	European Union Judicial Cooperation Unit
EUROPOL	European Police Office
EUSR	European Union Special Representative
FAC	Foreign Affairs Council
G20	The Group of Twenty Finance Ministers and Central Bank Governors
G8	The Group of Eight
GAMM	Global approach to migration and mobility
HR/VP	European Union High Representative for Foreign Affairs and Security Policy and European Commission Vice President
IAEA	International Atomic Energy Agency
IFS	Instrument for Stability
MD	Managing Director
MENA	Middle East and North Africa
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organisation
NPT	Non-Proliferation Treaty
OECD	Organisation for Economic Cooperation and Development
OPCW	Organisation for the Prohibition of Chemical Weapons
OPLAN	Operation Plan
OSCE	Organisation for Security and Cooperation in Europe
PSC	Political and Security Committee
SALW	Small Arms and Light Weapons
SitCen	Situation Centre
SSR	Security Sector Reform
TEU	Treaty on European Union
UNDP	United Nations Development Programme
US(A)	United States (of America)
WMD	Weapons of Mass Destruction

# Introduction

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- 1.1 The European External Action Service in search of a mission
  - 1.2 The European External Action Service in search of a role
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## 1.1 The European External Action Service in search of a mission

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The first twelve months of the European External Action Service (EEAS) have not been easy. The economic crisis has relegated foreign policy to a secondary role and the European Union (EU) has become increasingly cacophonous and bereft of global leadership. The EEAS itself has been going through teething problems, which are to be expected of a new and *sui generis* service.

The key challenge now for the EEAS is to show that it has added value. In order to be successful it needs to prove its utility and legitimacy to all stakeholders in EU foreign policy: the EU's institutional framework, its Member States, its citizens, and its private and non-governmental actors. This is particularly important at a time when the US is increasingly disengaging from Europe and expecting the EU to take on greater responsibilities in international security, especially in its own 'neighbourhood'. This is also a time of global power shifts, with emerging countries and the economic crisis all undermining European leadership even in the softer aspects of global governance.

### ***What difference can the EEAS make to the EU's external policies?***

The EEAS was established by the Treaty of Lisbon, was formally launched on 1 December 2010 and brought together parts of the General Secretariats of the Council and the Commission dealing with foreign and security policy and with external relations. It aims to make EU foreign policy more coherent and effective (see Table 1 on p. 3). In terms of its potential, and compared to national ministries, the EEAS encompasses duties carried out by both foreign and defence ministries, and helps define the aims of development cooperation, a role which in many countries is performed by a separate ministry or agency. In other words, its mandate and responsibilities are much broader than those of a traditional diplomatic service.

But many of the diplomatic tools for fulfilling these tasks are not entirely under its control: the Commission still manages the bulk of resources for external relations, while the Common Foreign and Security Policy (CFSP) budget remains unaltered by the creation of the EEAS, with many security-related tools still activated by the Member States. This means that institutional coordination, especially between the Service and the Commission, is vital if the EU's new body is to be used effectively, and budgetary constraints have already been an obstacle to this.

Political and diplomatic coordination among Member States and the EU institutions is equally necessary to produce a stronger strategic vision for EU foreign policy. Relations with the European Parliament and leadership from the European Council and the Foreign Affairs Council (FAC) are also of crucial importance for the EEAS' success and to strengthen its legitimacy *vis-à-vis* the European and national parliaments and EU citizens.

The debate on the institutional set-up has overshadowed discussions on the substance of EU foreign policy, and fundamental deficits in the EU's global performance still need to be addressed. The added value that the EEAS could bring is in connecting the dots between the EU's vast and diverse external competences, and in developing coherent foreign policy strategies and integrated approaches. This means that it must champion the EU's main asset: the ability to develop policies that link security with economics, internal affairs with external policies, and values and principles with interests.

The questions driving this paper are 'outside-in' rather than 'inside-out': instead of examining the internal structures of the institutions, programming and the type of funding available, this paper conceptualises a set of policy challenges, identifies the priorities, and examines the most appropriate structures and best ways to act in the policy field. These questions are addressed in six selected policy fields, in which the EEAS's role ranges from central and crucial to being a potential source of added value. Each of these fields is typically cross-cutting and multi-dimensional, meaning that the logic of 'silos' and 'exclusive competences' does not help to find real solutions.

- i) *Crisis management* and longer-term *peace-building* after conflict – including preventing new conflicts. This is a field in which the past two decades have seen a remarkable increase in the EU's commitment, through diplomatic and political engagement, the deployment of mixed and civilian security and defence missions, and complex peace-building efforts. These include longer-term development policies, and the impact of other EU policies and instruments on the territory concerned.
- ii) *Human rights* are further entrenched by the Lisbon Treaty as a value to be mainstreamed across all EU policies, and overlap more generally with efforts to ensure good governance and promote democracy. Yet the EU is continuously challenged by problems of double standards and of reconciling principled positions with other priorities that are driven by security, energy, trade and migration concerns. Questions must be asked about the coherence, effectiveness and impact assessment of EU policies, and about whether the EEAS has the right guidance, structure and tools to make a difference.
- iii) *Non-proliferation, arms control and disarmament* are among the permanent challenges to be addressed in building a more stable, peaceful world. The EU has been active through its representation in international institutions and non-proliferation diplomacy, through direct Community aid for disposing of Weapons of Mass Destruction and demilitarisation projects, strategic export controls and related assistance. Although it is not responsible for arms control decisions regarding the West's weapons, the EU affects military development through its policies towards the private defence industry and engagement in security-related research programmes.
- iv) *Terrorism* is a challenge whereby recent US setbacks seem to have vindicated the European preference for non-military approaches, which take political, economic and developmental factors into account. Yet it would be dangerous to 'go soft' in all the complex external and international efforts needed to tackle terrorism when the risks and roots of extremism within EU societies are especially clear. What are the right priorities and tools for the EU to adopt, a decade after 9/11? What part can the EEAS play in bringing coherence to relevant external actions and improving overall coordination? Moving away from the more traditional foreign policy domains on which the

EU has based its action since the birth of the CFSP and its conceptualisation in the European Security Strategy (ESS), new issues are emerging in which the EEAS can, and should, play a role.

v) *Energy* is a truly cross-cutting policy area involving climate change, security, transport, trade, the internal market and, crucially, relations with third countries. Public policy must also co-exist with the strong, and often leading, role of private business. Coherence – both within, and between, internal and external policies – has so far been notoriously lacking, for political as much as for institutional reasons. In this vital, but relatively undeveloped, field, the EEAS must show how it can help to build effective protection for the EU’s strategic interests, while contributing to global solutions for safely weathering climate change.

vi) *International mobility* presents a sensitive mix of internal and external policy issues, all the more so since the EU is increasingly using tools related to migration policy (such as visa liberalisation) to achieve its foreign policy aims. Although the policy lead in this field lies outside the EEAS’s structures, it is intricately linked to relations with third countries, and to security/strategic issues. Looking at the EEAS’s role will help to highlight the EU’s challenges in bridging remaining gaps between internal and external policies.

## 1.2 The European External Action Service in search of a role

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Institutionally, the EEAS is an innovation. In fact, legally the EEAS is neither an institution nor an EU agency, but an ‘autonomous body’, giving it an unclear role in the EU’s institutional architecture. Despite all the good intentions in the Lisbon Treaty to bridge the gap between the CFSP and ‘external relations’, as well as between intergovernmentalism and supranationalism, the creation of the EEAS has not solved the problem of having multiple decision-making centres in the EU’s foreign policymaking. On the contrary, it has created new needs for coordination between institutions, Member States and bodies. Consistency and coherence will remain challenges for as long as the EU is not a unitary actor.

**Table 1: The establishment of the EEAS**

‘In fulfilling his 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. [...]’

‘The EEAS shall be a functionally autonomous body of the European Union, separate from the Commission and the General Secretariat of the Council. It is placed under the authority of the High Representative and shall support her in fulfilling her mandate. It shall also assist the President of the Commission and the Commission and the President of the European Council and will equally extend appropriate support to the other institutions and bodies of the Union, in particular the European Parliament.’

‘The EEAS will cooperate with the General Secretariat of the Council and the services of the Commission as well as with the diplomatic services of the Member States in order to ensure consistency between the different areas of the Union external action and between these and its other policies. It shall in particular coordinate with the Commission departments. In this vein, the EEAS and the Commission services in question shall consult each other on all matters relating to the external action of the Union, and the EEAS and the Commission shall take part in their respective preparatory work.’

It is by ‘doing’ that the EEAS can find its appropriate collocation in this institutional architecture. The EEAS was not born with ready-made political capital. It needs to prove that it is not an extra ‘body’ overly complicating the policymaking cycle, but a true ‘Service’, as its original mandate conceived it,

constructively contributing to improving synergies and coherence regarding the EU's performance in international affairs.

The first role for the EEAS should be as a **service to all the institutions** involved in the EU's post-Lisbon foreign policy architecture. This includes the Presidency of the European Council, which represents the EU internationally, for instance at regular summits held with the EU's strategic partners and the European Commission. Duplicating structures, cabinets, and units in institutions other than the EEAS has not been conducive to more concerted policies and approaches. The EU needs a streamlined and coordinated source of analysis and strategy which all the institutions can carry forward according to their respective functions and powers.

A second role is to capitalise on the EEAS as a **knowledge bank**. The participation of the national diplomatic services (with the aim of ensuring that one third of EEAS staff come from the Member States) represents a precious expansion of the Service's expertise on issues, countries, languages and people. There is also an expansion of diplomatic skills, which were not previously required of Commission officials involved in external relations. Together with the ties that national officials can create between national diplomacies and the Brussels headquarters, the EEAS offers the breadth and depth of talent necessary to improve EU foreign policy.

With its network of 140 Delegations with increasingly important political functions, the EEAS can play a crucial role as a **scout on the ground**: gathering information, analysing local political dynamics, improving contacts with local actors and the non-governmental sector, coordinating the work of national embassies, and improving representation *vis-à-vis* third countries. As we shall see, there are huge opportunities to expand the range of issues with which the Delegations should engage, and to make positive contributions to the formulation of EU foreign policies – provided that they are appropriately staffed and their importance is recognised.

The EEAS can also place itself at the **centre of a spider's web of communication** for every policy which has an external dimension. Communication within and between institutions, as well as with non-institutional actors such as civil society, has been poor during this first year, which has resulted in some of the adaptation troubles experienced by new staff. Ensuring that information is conveyed horizontally (between institutions, agencies and bodies) and vertically (from the Delegations to the EEAS, and from the EU institutions to the Member States) is a crucial basis for developing more synergetic and efficient policies and better engagement with the European public/constituencies.

Coordination and coherence remain the two *bêtes noires* of EU foreign policy. The most important priority is to ensure that **coordination** is seen as central to the development of more integrated approaches (for instance to ensure that EU energy policy is in line with its major foreign relations, or to balance internal and external priorities). This does not mean that new institutions, working groups, or units need to be created, as coordination can be carried out flexibly and informally, 'socialising' the officials involved and resulting in more integrated and effective policies. By acting as the repository, guardian and reference point for established foreign policies, with their underlying norms, the EEAS will also contribute to the coherence of EU foreign policy.

The EEAS's most important role should stem from fulfilling all the above. It should act as a **policy entrepreneur**, proposing compelling ideas and approaches to specific foreign policy issues, by devising 'strategies' or 'sub-strategies' in single policy areas. It should do so in the spirit of mutual support with the FAC. This was previously chaired by the rotating EU Presidency (with foreign policy characterised for six months by the inputs of an individual country), so the FAC now needs projects around which to coalesce and build strategic consensus. The EEAS should provide these ideas.

## Crisis management and peace-building

- 2.1 Twelve months of upheaval...
- 2.2 ...and twenty years of crisis management and peace-building
- 2.3 Opportunities with the EEAS
- 2.4 The purpose of EU crisis management and peace-building

### 2.1 Twelve months of upheaval...

After twelve months of uprisings, revolutions, brutal repression in North Africa and the Middle East, and a military intervention in Libya, how has the creation of the EEAS made the EU's crisis management structures and capabilities more effective? How has it helped the EU's peace-building capabilities to evolve?

Changing the structural conditions to carry out crisis management is not in itself sufficient to change the EU's profile, especially in the security field. We may be witnessing a move away from a view of EU foreign policy in which the CSDP plays a central role. During the Libyan crisis, EU Member States' opinions diverged over whether to intervene militarily, even though an unusual international consensus on the route to take against the Gaddafi regime had emerged. A CSDP mission to accompany the humanitarian effort was prepared in case the UN requested it – but the request never came (See Table 2: EU response to the crisis in Libya). The military mission was only possible thanks to the assets of the US. Washington has since signalled its intention to cut back its security responsibilities in parts of Europe and in the Western Mediterranean. However, this does not appear to have led the Member States involved in the Libyan intervention to rethink Europe's security and defence capabilities, or even to ask the European Defence Agency (EDA), now tied to the EEAS's crisis management structures, to identify the loopholes, gaps and duplications in European defence.

**Table 2: EU response to the crisis in Libya**

Issue Area	EU Action
Border-control operations	Launched Frontex operation <i>Hermes 2011</i> as requested by Italy, to assist with migration from North Africa.
Civil protection mechanism	HR/VP Ashton and Hungarian Presidency instructed the Commission to repatriate EU nationals, 23 February 2011. 6,500 EU citizens were evacuated through the Consular Unit of the EEAS Situation Centre (with Member State cooperation)
Sanctions	A series of targeted sanctions introduced: banning sales of arms, ammunition and related material, visa bans, freezing assets of Colonel Gaddafi and family. Stricter sanctions beyond the UN mandate. Assets unfrozen in December 2011.

Humanitarian aid	Commission dedicated €30 million to humanitarian needs, 3 March 2011. €80.5 million from EU, €156.5 million from EU and its Member States, 20 October 2011. Assisted 400,000 Libyan refugees in Tunisia.
EU-Libyan diplomatic relations	EU Joint Communiqué between European Commission and European Council 'A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean,' founded on deeper economic integration, broader market access and political cooperation. EU opens Liaison Office in Benghazi, to become EU Delegation to Libya. HR/VP Ashton visits the region and meets with National Transitional Council.
Legal action in United Nations	Resolution 1973, adopted 17 March 2011, declared a 'no-fly zone' over Libya, listed protection of civilians, and introduced limited sanctions. Of the three EU Member States in the United Nations Security Council, France and the UK approved the measure, while Germany abstained.
Military intervention	Ad-hoc coalition to enforce UNSC Resolution 1973 results in intervention in Libya, 19 March 2011, led by France and the UK. Initial EU Member States involved include: the UK, France, Belgium, Denmark, Italy and Spain. NATO control of the mission, <i>Operation Unified Protector</i> , begins on 23 March. EU Member States participating: Belgium, Denmark, France, Greece, Italy, the Netherlands, Romania, Spain, Sweden and the UK.
CSDP Mission	Operation EUFOR Libya. Military support available at the request of UN OCHA.

## 2.2 ...and twenty years of crisis management and peace-building

By definition crisis management is complex, as all sources of crises are related to social, economic, environmental, political and security issues, aspects which require the joint application of political, diplomatic, military, humanitarian and financial assistance tools. Given this complexity, the EU is not alone in struggling to define the best institutional structures and tools to apply. However, it does have some assets which the EEAS can strengthen, even if the political context is not favourable to a stronger security role for the EU.

EU crisis management has unique attributes, as the CSDP is part of a broader package that includes distinctive civilian tools. Indeed, this is the attribute of CSDP that has appealed most to EU Member States: while the longer-term tools were managed by the Commission and are now partly managed by the EEAS, the military and civilian CSDP was an area over which the Member States had political control. After rapidly developing its crisis management capabilities since the 1990s, the EU now has all the qualifications and tools to carry out an integrated approach to foreign, security, defence, development and humanitarian policies, while other security actors, such as NATO, are a long way from achieving a similar level of integration.

The project of peace-building has distinguished the EU since its foundation, as integration between its Member States and successive EU enlargements are generally seen as distinctive methods to make war unthinkable. The Balkan wars of the 1990s, and the troubles in Rwanda and Somalia, triggered the EU to develop peace-building as part of its foreign policy. The past two decades have seen tremendous progress since the days when the EU was accused of playing a subordinate role to the US, paying the bill for peace-building but not contributing to crisis management and conflict resolution.

The EU pursues peace-building as agreed by general consensus at international level, by addressing the economic, social and political aspects of reconstruction and reconciliation, including institution-building, and promoting good governance, human rights and the rule of law. Peace-building thus

encompasses a broad range of approaches to conflict: preventing violent conflicts, tackling the root causes of conflict and emphasising human security (see Table 3 on EU peace-building tools and policies on p. 9).

## 2.3 Opportunities with the EEAS

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The creation of the EEAS has not eliminated the challenges of coordination and coherence between the EU's broad tools – challenges which exist for all actors, including unitary states. CSDP decision-making remains intergovernmental. The Council Secretariat's former Crisis Management and Planning Directorate (CMPD) has now been included in the EEAS's crisis management structures, together with the EU Military Staff (EUMS) and the Civilian Planning and Conduct Capability (CPCC). These answer directly to HR/VP Catherine Ashton, but their relationship with the other EEAS structures has not been formally established. In addition, in December 2010 HR/VP Ashton nominated a Managing Director for Crisis Response and Operational Coordination, who was active throughout the crisis in Libya, but whose position in the organigramme is unclear as far as his relation to crisis management structures is concerned (see Annex I for EEAS organigramme). To add to these organisational loopholes, the Commission has its own Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, who manages an average annual budget of €640 million.

The dual role of the High Representative of the Union for Foreign Affairs and Security Policy as a Vice President of the European Commission (HR/VP) is an important change for both crisis management and peace-building. Much of the EU's current crisis management and peace-building efforts are concentrated on the Balkans, Eastern Europe, North Africa and the Middle East, as well as Africa, where ten CSDP missions are currently deployed (see Table 4: Ongoing CSDP Missions). The longer-term policies of these three regions are managed jointly by the EEAS and the Commission: in the division of responsibilities, the Commission retained Commissioners for Enlargement and Neighbourhood, and for Development.

The EU needs to ensure that any problems of cooperation and coordination between the Commission and the EEAS can be solved; if not, this could put into question the *raison d'être* of the EEAS and bring the debate on the coherence and coordination of EU external action to the fore. The creation of a 'Group of Commissioners' – chaired by HR/VP Ashton and including the Commissioners for Development, Enlargement and Neighbourhood, International Cooperation, Humanitarian Aid and Crisis Response, Trade, and Economic and Monetary Affairs – is a welcome development which would benefit from the support of a coordination committee established lower down the hierarchy.

The management of resources is also complex. The former Commission Service for Foreign Policy Instruments, which includes the Instrument for Stability (IfS) (conceived to deal with crises), EU financing of CFSP operations and election observation missions, has been merged with the EEAS but is only loosely integrated with it, as it too responds directly to the HR/VP. Apart from Member States' contributions to CFSP operations, the bulk of EU resources for external relations, however, are managed by the Commission, under EEAS guidelines.<sup>1</sup>

Finally, it is not clear how the work of the Regional Directorates and the crisis management structures are formally related. The Regional Directorates report to the Corporate Board (and indirectly to HR/VP Ashton) whereas the crisis management structures come under the HR/VP's authority. Organigrammes are never perfect, and crisis management presents specific challenges;

nonetheless, the current provisions will not adequately reflect the integrated approach the EU could be capable of delivering unless further efforts to establish coordination mechanisms are made. Indeed, in the debate with the European Parliament on developing a comprehensive approach, the HR/VP in her statement on the basic organisation of the EEAS committed to developing an "appropriate structure" in order to "ensure that the relevant units from the Commission transferred to the EEAS which deal with planning and programming of crises response, conflict prevention and peace-building, and the CSDP structures, work in close cooperation and synergy, both under her direct responsibility and authority, within the appropriate structure". Since then, the EEAS has upgraded its crisis response capabilities through the creation of the Crisis Management Board chaired by the High Representative or the Executive Secretary General to co-ordinate measures related to crisis prevention, preparedness and response capabilities to crises of all types. In response specific crises, as necessary, the Crisis Management Board will establish Crisis Platforms to bring together all relevant EEAS services as well as services of the Commission and the Council Secretariat'.<sup>2</sup>

The Lisbon Treaty provisions do offer a set of opportunities to improve structural conditions for EU crisis management. Doubling up the post of High Representative with that of a Vice President of the European Commission could, in theory, give more continuity to the EU's external action. As both Commission Vice President and Chair of the Foreign Affairs Council, it is also hoped that the holder of the new post will help to forge consensus among the 27 Member States and give more continuity to the EU's commitments. The CSDP was upgraded from the European Security and Defence Policy (ESDP). It is also hoped that the appointment of a permanent chair of the Political and Security Committee (PSC), linked to the Corporate Board of the EEAS and to its working groups, will provide continuity compared to the previous rotating presidency.

This could also contribute to embedding Member States' decision-making processes in EU structures. Even if the agenda-setting power still rests with the Member States, including the Political and Security Committee (PSC) in the EEAS, it could potentially lead to improved coherence in policy formulation and implementation, which could increase the policy options to be pursued by or through the EU. However this is curtailed by the PSC's mandate, which is limited to the CFSP and CSDP proper, restricting the links between crisis management and peace-building policies.

With respect to CSDP missions, the EEAS could contribute enormously to improving background conditions. It could use the EU Delegations to gather information and formulate policy responses, and enhance EU impact and visibility in the field. The Delegations also provide an opportunity to strengthen vertical coherence. However, CSDP missions normally operate separately from the Delegations, both geographically and in their reporting. They need to be more fully incorporated into general EU policies through better consultation and coordination with the EU Delegation (beyond the obligatory periodical meetings) and more integration into the EEAS. Delegations should include crisis management experts who will engage meaningfully with CSDP missions on the ground. The Head of Delegations should be briefed to provide a political 'chain' of authority so that its missions have political support at the highest level and are integrated into general external action.

Integrating the EU's Special Representatives into the Service as well as making them directly responsible to the HR/VP, could improve the EU's visibility in crisis situations, ensure that the EU is active in shuttle diplomacy, has a presence on the ground, and can concentrate resources and deploy tools at short notice. This would be useful in laying the foundations for longer-term peace-building policies. The EU-Tunisia Task Force, chaired by HR/VP Ashton and managed by EU Special Representative for the South Mediterranean Region Bernardino Leon, is an example of how this works in practice.

The strengthened Delegations could provide knowledge of local conditions and coordinate with international and non-governmental partners in peace-building efforts on the ground. They could coordinate with CSDP missions on the ground, and contribute to vertical coherence with Brussels. However, there are still weaknesses in conflict analysis, intelligence and ‘early warning’ capabilities, all of which are missing in the traditional delegation configuration, which the EEAS could address.

Delegations can also play a crucial role in supporting local ownership, an increasingly important approach enshrined in EU foreign policy. Local ownership recognises the political role that civil society can play (especially in monitoring the transition process) and the importance of consultation on policy choices and implementation of EU programmes. This approach was particularly prominent in the European Neighbourhood Policy Review of May 2011, which set up a Civil Society Facility and the European Endowment for Democracy (EED) to support the sustainability of the non-governmental sector and nascent civil society, but where the EU lacked a strong view of the civil society landscape in the countries in which it wanted to operate. Further to that, the principle enshrined in the two policy tools should not be confined to application in the Neighbourhood but should be extended to all countries in which the EU has a presence.

**Table 3: EU peace-building tools and policies**

<b>Financial support for:</b>
- International peacekeeping operations, peace processes, peace negotiations and reconciliation efforts
- Demobilisation, Disarmament, Reintegration and Rehabilitation (DDRR);
- Anti-mine action
<b>CSDP Missions for:</b>
- Security Sector Reform (SSR), including rule of law (justice and police)
- Civilian administration and good governance
- Border management
<b>Programmatic policies supporting:</b>
- Democratisation
- strengthening the rule of law
- judicial reform
- ensuring respect for human rights and gender sensitive policies
- child-related post-conflict assistance
- institution-building
- independent media and Truth Commissions
- facilitation of the transition from crisis situation to normal cooperation
- addressing degradation and exploitation of natural resources
- tackling proliferation of small and light arms
- strengthening civil society
<b>Humanitarian aid</b>
Relief, rehabilitation, reconstruction operations and development assistance
<b>Trade-related measures</b>

### ***Security Sector Reform – An example of best practice***

Given the complexity and holistic nature of peace-building, (partly inevitable) fragmentation at institutional level, and the challenges of conflicts and state failure around the world, it is useful to focus on specific areas of intervention in order to provide a methodology for improving tools and policies and to provide an example of best practice for other fields. Security Sector Reform (SSR) is one area in which the EU could strive to connect the dots, practically, institutionally and conceptually, and identify a policy cycle using peace-building to move from crisis management to development.

With the end of the Cold War and the centrality of experiences of state failure, SSR provided a linchpin between the previously separate policy areas of security and development. Based on the understanding that an unreformed security sector is a formidable challenge to peace consolidation and development efforts, and with the security governance agenda comprising of both short and long-term objectives, it also provided a bridge between crisis management and peace-building with a particular focus on strengthening institutions and responding to concerns raised by fragile states. Since the 1990s, the EU has been involved in approximately 20 SSR missions around the world.

For the past decade, the EU has been conducting an in-depth strategic reflection on SSR, leading to the adoption of several documents that reflect a growing EU consensus on the 'human security' paradigm and which address the overall functioning of security structures. The aim is to provide an EU approach to assisting fragile, post-conflict and post-transition states in strengthening the transparency and democratic accountability of their security systems, rather than simply improving their efficiency.

SSR's added value rests in its attempt to link existing, piecemeal and sometimes parallel security assistance activities and strategies into a coherent EU-wide strategy. The 2003 European Security Strategy identified the development of SSR as a response to so-called 'new' security threats – such as organised crime, corruption and trafficking in drugs and human beings. In turn, SSR must be seen as part of a holistic EU understanding of peace-building: at the moment EULEX Kosovo is the only CSDP mission that has attempted to take a comprehensive approach to SSR by tackling police, justice, customs and penal aspects of state-building.

## **2.4 The purpose of EU crisis management and peace-building**

Ten years' experience of CSDP shows that, at best, the missions respond to security threats but cannot deal with the crises, as they do not tackle their root causes, so it is important to find a strategic approach for peace-building that can work in a crisis. The transition from crisis management missions to peace-building policies is also a key issue, in terms of resource use, priorities, and commensurability between the crisis situation and the EU's intervention. Many of the CSDP missions lack clear criteria and political underpinnings to provide the rationale for their deployment, strategic planning or vision (see Table 4 for a current list of CSDP missions).

**Table 4: Ongoing CSDP missions**

Location	Name	Purpose	Length	Budget
The Gulf of Aden	<b>EUNAVFOR Somalia</b> <i>Operation Atlanta</i> EU Naval Force Somalia	Combat piracy in international waters near Somalia, escort WFP vessels delivering food aid to Somalia.	5 Nov 2008- Dec 2012.	2010: €8.4 million 2011: €8.05 million
Afghanistan	<b>EUPOL Afghanistan</b> EU Police Mission to Afghanistan	Contribute to civil policing in Afghanistan, and to establishing rule of law.	15 June 2007- 31 May 2013.	€60.5 million
Bosnia and Herzegovina	<b>EUPM/BiH</b> EU Police Mission in Bosnia and Herzegovina	Support to law enforcement agencies in Bosnia and Herzegovina against crime and corruption.	1 Jan 2003- 31 Dec 2011.	€7.63 million
Bosnia and Herzegovina	<b>EUFOR ALTHEA / BiH</b> European Union Military Operation in Bosnia and Herzegovina	EU takeover of NATO-led military operation SFOR. Consists of 7,000 EU troops.	2 Dec 2004-	€23 million
Democratic Republic of Congo	<b>EUSEC RD Congo</b> EU Security Sector Reform Mission in the DRC	Security-sector reform assistance with DRC defence forces.	8 June 2005- 30 Sept 2012	2010-2011: €12.6 million
Democratic Republic of Congo	<b>EUPOL RD CONGO</b> EU Police Mission for the DRC	Security-sector reform, in policy and justice system.	1 July 2007- 30 Sept 2012	€7.15 million
Egypt	<b>EUBAM Rafah</b> EU Border Assistance Mission for the Rafah Crossing Point	EU support in the Gaza Strip, monitoring the Rafah border crossing between Gaza and Egypt. Monitored 443,975 passengers as of Sept. 2011.	25 Nov 2005- 31 Dec 2011	€1.4 million
Georgia	<b>EUMM Georgia</b> EU Monitoring Mission in Georgia	Ceasefire monitoring mission after the 2008 South Ossetia War. Unarmed mission.	1 Oct 2008-	€23.9 million
Iraq	<b>EUJUST LEX / Iraq</b> EU Integrated Rule of Law Mission for Iraq	Civilian crisis management operation: train judges, police and penitentiary officers.	1 July 2005- 30 June 2012	07/2010- 06/2011: €22.3 million
Kosovo	<b>EULEX Kosovo</b> European Union Rule of Law Mission in Kosovo	Police and civilian mission to Kosovo following Declaration of Independence. Largest CSDP mission; 2,850 staff as of April 2011.	9 Dec 2008- 14 June 2012	10/2011- 06/2012: €165 million
Libya	<b>EUFOR Libya</b> EU military operation in support of humanitarian assistance operations in response to the crisis situation in Libya	EU will conduct a military operation if requested by the UN Office for the Coordination of Humanitarian Affairs (OCHA).	1 April 2011- four months from date of initial operating capability	€7.9 million
Moldova and Ukraine	<b>EUBAM</b> EU Border Assistance Mission to Moldova and Ukraine	Assist with border management and surveillance between Moldova and Ukraine; observe customs clearance and border patrols and assist with prevention of smuggling.	1 Dec 2005-	€1.4 million
Palestine	<b>EUPOL COPPS</b> EU Coordinating Office for Palestinian Police Support	EU support in the West Bank, assisting the Palestinian civil police, security-sector reform and establishing rule of law.	1 Jan 2006-	€8.25 million
Uganda	<b>EUTM Somalia</b> EU Somalia Training Mission	Strengthen the Somali security forces and contribute to the stabilisation of Somalia, in liaison with the Transitional Federal Government.	May 2010-	2010-2011: €7 million

Experience has shown that while missions could greatly benefit from being better integrated into the EEAS and better coordinated on the ground with the EU Delegations, they need to be situated in a broader context. Missions themselves are not solutions, but just one part of the tool box.

Repeated calls for a new European Security Strategy (ESS) have highlighted the need to revise the 2003 document, even if there is no great political appetite for doing so. Indeed, the 2008 review process focused on the implementation of the ESS rather than on reinventing the wheel. The EEAS can contribute to a more integrated approach to crisis management and peace-building as a necessary part of any ESS review.

The EU needs to focus on a few key issues in order to develop an overall approach. Strengthening the capacity to understand the nature of a conflict or a potential conflict and, crucially, the implications of EU intervention, would be a first step. Conflict prevention remains one of the core missions of the EU's international profile. 'Early warning' mechanisms and conflict analysis need to be far more integrated into the daily work of EEAS officials, especially working on the ground. The EEAS and its Delegations' analytical and forecasting abilities would be crucial in understanding the situation on the ground. It would also be necessary to strengthen the Delegations, by including military or security attachés, and by training staff to understand the broader causes of conflict.

The large numbers of former Commission staff employed by the EEAS mean that many officials lack relevant experience in more security-related fields, where conflicts are usually generated. Increasing the number of national diplomats who are security experts would have the dual advantage of improving the EEAS's expertise and ensuring that Member States are fully involved in all topics that may be nationally sensitive.

Improving coordination 'between the EU Delegations and embassies of the EU Member States on the ground' would help to pool knowledge, develop local contacts, and understand the dynamics within third countries. At the same time, this knowledge needs to find its way back to Brussels and other European capitals in order to shape policy decisions taken there. All this could contribute to improving forecasting and avoiding situations in which the expected is unexpected, as happened with the Arab Spring. It would also help provide 'early warning' indicators and give the EU more insight into preventing conflicts before they arise, preventing the Union from being caught unprepared, as was the case with the war in Georgia in 2008.

Understanding the broader picture would be a third step. Here the HR/VP has been particularly sensitive to the multilateral dimension. In the context of international responses to the Arab Spring, for instance, the EU has been attentive to the role and positioning of other actors, such as the Arab League, and to decisions taken by the international community through the United Nations. It was the Member States, however, which pushed for the adoption of sanctions against Syria, and here the EU has followed international decisions rather than driving them. This reflects an unstated division of labour in which the EU seems to play a secondary role compared to the US, Turkey, the Arab League and Iran. Nonetheless, an assessment of the international context and the leverage that the EU may hold *vis-à-vis* other players can no longer be used as a fig leaf, especially when the US is demanding a greater EU role, particularly in Europe and with its neighbours.

Understanding the local dynamics as well as the broader international context are two necessary background conditions to measure whether the EU can reach internal agreement and develop a common policy which is more than a compromise, and whether its contribution to crisis management can make a difference and be of relevance on the ground.

## Human rights

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- 3.1 Human rights in international relations
  - 3.2 Human rights at work: the EU's track record
  - 3.3 Opportunities with the EEAS
  - 3.4 Aims and values for an EU human rights' policy
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### 3.1 Human rights in international relations

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Human rights are both one of the most exploited rhetorical commitments in political declarations and one of the least consistently developed areas of foreign policy. This is not for lack of means: the EU's global promotion of human rights dates back at least to the creation of the Common Foreign and Security Policy (CFSP) with the Treaty on the European Union, and it was further consolidated in the Lisbon Treaty. Research indicates that European citizens expect human rights to be one of the EU's top priorities in global affairs. Yet there are many well-known cases where promoting human rights have conflicted with other strategic, security, energy-related, or trade priorities. Double standards and the gap between rhetoric and implementation have been widely criticised and provide the backdrop for a 'values versus interests' debate. While one would not expect international actors to pursue an entirely values-based foreign policy, in balancing priorities, the scales are often tilted towards more material interests.

A paradox runs through promoting human rights. They are often considered a secondary issue for foreign policy, relegated to an 'afterthought' or a 'tick the box' category by creating a special budget line or setting up a sub-committee. Yet human rights' issues go to the heart of international relations, as they impinge on notions of sovereignty, interference and intervention in the internal affairs of foreign countries. They also call into question the internal affairs of EU Member States, especially when they are accused of failing to respect the principles they preach internationally, regarding for example the treatment of foreign nationals or of terrorist suspects.

As a result, the tools to promote human rights are often considered part of the 'low politics' of international relations, even though the debate on why, when and where to pursue human rights-related goals often takes place at the highest level. However, this is usually in reaction to precipitating events, such as the Arab uprisings, rather than part of a continuous and sustainable policy. The key to conceptualising human rights in international relations is to see them as integral to foreign policy rather than as a 'luxury', precisely because supporting human rights is a central aspect of creating security in a country.

An international human rights policy features two dimensions. The first is multilateral, with the ratification of international law, treaties and conventions and justice (such as through membership of the International Criminal Court). In the global arena, EU Member States are leaders in submitting their internal affairs to international jurisdiction. By giving the EU a legal personality, the Lisbon Treaty allows the Union to submit its internal human rights' practices to international review. This external policy dimension means that human rights explicitly regulate aspects of external action and are integrated into foreign policy, which requires coherence between human rights' policies and other EU action, as well as 'consistent and complementary' action by the EU and its Member States.<sup>3</sup>

**3.2 Human rights at work: the EU's track record**

Much has been achieved in the twenty years since the EU's committed itself to global human rights. The incremental inclusion of human rights in EU foreign policy has resulted in their becoming embedded and 'institutionalised' into EU policy, making it hard for the EU to respond to events around the world without referring to them. On paper, human rights are integrated into regional policies, such as the European Neighbourhood Policy, and are an element of bilateral relations with individual countries. As a reflection of the growing consensus over the links between human rights and development and, especially since the 1990s, between human rights and security, human rights have been integrated into thematic policies, such as development cooperation or conflict prevention. The EU has also developed strategies in specific areas, such as the fight against the death penalty, which entails the delivery of diplomatic or public messages to condemn the use of capital punishment, even in countries with which the EU has strong relations, such as the US.

**Table 5: Human rights initiatives and policies**

Death penalty guidelines (1998)
Election Observation Assistance (2000)
Fight against torture (2001)
Human rights dialogues and subcommittees at various political levels
Rights of the child
Human rights defenders
Women's rights
Democratisation strategy (2009)
European Endowment for Democracy (2012?)

Roughly 10% of EU aid goes to human rights, good governance, and supporting civil society and NGOs. This percentage is slightly higher when Member States' contributions are taken into account, although there are huge discrepancies between the percentages, which reflect the varying importance European capitals attribute to human rights in their international relations. Sweden, for instance, spends between 30 and 40% of its external assistance on human rights-related objectives, while France contributes less than 5%.

Much EU funding is channelled through the governments of third countries, raising doubts about the relevance of such funding in non-democratic contexts. To overcome this, the EU created the European Initiative for Democracy and Human Rights (EIDHR), a measure to support human rights globally, with an annual budget of around €150 million. While this funding is available directly to NGOs, its application has been limited in terms of programme flexibility and the range of potential beneficiaries. A further measure, the European Endowment for Democracy (EED), is being created to rectify this by supporting a broader range of actors.

**Table 6: Tools for human rights**

Aid
Human rights clauses in bilateral agreements
Human rights dialogues
Diplomatic tools and public diplomacy (demarches, statements and declarations)
Economic and 'good governance' tools and incentives (trade and cooperation agreements, Association Agreements)
Symbolic and diplomatic sanctions
Reduction, suspension of cooperation, aid, trade
Flight bans, visa bans
Asset freezes
Arms, trade embargoes

Human rights clauses have been included in agreements with 120 third countries, many of which include the 'suspension clause' (mostly used in the EU 'neighbourhood'). In theory this allows the EU to apply political conditionality to push for the respect of human rights, through diplomatic and economic tools, and through negative measures to condemn countries deviating from the respect of human rights.

Negative tools have been used sparingly, however, and often towards countries of limited interest to the EU (and which do not impinge on Member States' specific interests). Their use has often been too late, and ineffective. Problems of implementation can be traced to a set of challenges inherent in the EU system, as well as to the international context in which the EU operates. The Arab Spring has prompted a much greater use and a wider variety of tools, at least in the EU's neighbourhood. These have ranged from deepening engagement and offering more incentives for reforming governments, to progressively tightening sanctions and penalties. In the context of the Neighbourhood Policy, the Commission and the EEAS have stimulated some rethinking on the type of policies and tools available. This has promoted new ideas: like 'deep democracy' and 'more for more',<sup>4</sup> or strengthening policies and resources in support of civil society, including social media, and 'digital democracy'.<sup>5</sup>

In practice, however, there are plenty of limits to full integration of human rights in foreign policy, beyond the stated aims of the policy documents that the EU produces. Conflicting aims, such as security, migration control, access to energy, the fight against terrorism, or the need for the cooperation of partner governments on regional or international issues, often get in the way of human rights. The differing way that countries with comparable human rights' records are treated by the EU (some condemned and others condoned) also has a strong impact on the way the EU's commitment is perceived, reinforcing criticism that it operates a policy of double standards.

Political conditionality has been notoriously difficult to apply, especially in making links between the economic, security and political spheres. Conditionality is wrought with dilemmas in terms of its use, the benchmarks, the balance between positive and negative tools, the possible impact it may have on the human rights situation in a given country, and the risk of retaliation. There is also little empirical evidence that conditionality has an impact on political change, as HR/VP Ashton admitted when she cautiously welcomed the Burmese military junta's decision in November 2011 to open up electoral competition to opposition parties.

In recent years there has been a stronger trend towards engaging with authoritarian regimes rather than condemning them. Instances include Belarus until the backlash on political dissent which followed the presidential elections of December 2010; Libya before the war overthrew General Gaddafi's government, Syria until it became evident that the regime of President Bashar al-Assad was

not willing to negotiate with the opposition, and Central Asia, especially in view of the many energy contracts and pipeline routes the EU is promoting there.

EU leaders have justified this preference for engagement on the grounds that isolating human rights' abusers has not been successful in conveying concerns about human rights, and that 'socialising' countries through the international system brings better results in pursuing human rights' standards. But this trend towards engagement also needs to be seen in the light of diminishing EU 'normative' influence, especially *vis-à-vis* the rise of alternative powers which provide similar economic incentives without strings attached. This has been visible, for instance, in the growing presence of non-European powers in Africa, or in the decline of human rights' standards in Eastern Europe, despite the EU's drive for further engagement there through the Eastern Partnership.

In addition to the philosophical problems inherent in the 'values versus interests' debate, and the practical problems of implementation, one reason for the EU's deficiencies in human rights support is differences between Member States and the EU institutions regarding their sensitivity towards global human rights and the role they should play in international relations in general. Although no Member State would admit to disagreeing with the Lisbon Treaty's objectives, there are some which disapprove of the EU's 'lecturing' style and the way in which it privileges cooperation with some third countries, whatever their human rights record, on the grounds that it is more conducive to constructive international relations. One example of this was the EU's position towards Arab regimes before they were toppled.

### **3.3 Opportunities with the EEAS**

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The creation of the EEAS offers many opportunities to better integrate human rights issues into EU foreign policy, to improve coordination within institutions, and to rethink the EU's public diplomacy.<sup>6</sup> What will remain most challenging, however, is addressing the sustainability of human rights aims in foreign policy at the highest level by engaging the Member States and making them implement their commitments.

Improving the coherence and consistency of EU human rights action requires greater coordination at decision-making level between the EU's Working Party on Human Rights (COHOM), the Committee of Permanent Representatives (COREPER) and the Political and Security Council (PSC).

The creation of a Human Rights Directorate within the EEAS can do much to improve this, but it needs to work in tandem with the Regional Directorates and with the Commission Directorate-Generals for Aid, Trade, Energy, Justice and Home Affairs, as well as those concerned with migration issues. At the highest level, human rights require constant attention at meetings of the Foreign Affairs Council in order to improve convergence of views between the Member States and to match the extent to which human rights are embedded in the institutional structures and policies. Improving coherence between the EU and its Member States is probably the hardest task for the High Representative, but the EEAS could foster deeper debates on the centrality of human rights and play a bigger role in developing approaches and strategies to promote discussion between Member States.

The other link the EEAS can make is to improve consistency between foreign policy and the Union's work in multilateral organisations, especially through the UN's Human Rights Council. It is crucial for the new Service to take the lead in this, as the end of the EU rotating Presidency's involvement in foreign affairs also put an end to the impetus some Member States gave to the EU's human rights

agenda. For example, many people considered the Swedish Presidency of 2009 set the standard for human rights efforts in EU policy.

In addition to institutional coordination, human rights need to be integrated into foreign and security policy, to make human rights the 'silver thread' of foreign policy, as the HR/VP suggests. Strengthening the links between human rights and conflict prevention, crisis management and peace-building, socio-economic developments and migration issues will help to foster understanding of the centrality of human rights in global political dynamics. Country Reports and Human Rights Strategies (currently being developed) can improve understanding of third countries, especially through enhanced contributions of the Delegations and national embassies operating on the ground. These can also establish firmer contacts with civil society and NGOs, which are often the source of information on human rights issues, and with political opposition groups under authoritarian regimes. In the context of discussions on the nature and mandate of the EED, knowledge of local dynamics will be crucial for decisions regarding funding.

It is also important to maintain a balance between integrating human rights into foreign policy and ensuring that they remain an independent variable of foreign policy. Human rights are an easily manipulated 'value' which can be used as an alibi for other political priorities. For instance, human rights rhetoric towards Ukraine can be perceived as a way to avoid addressing the country's long-standing request for the prospect of accession to the EU. In the enlargement context in particular, it is fundamental for the credibility of the EU's accession standards to maintain a sustainable and consistent human rights dimension. This also feeds into debate on the EU's credibility and consistency between internal standards and demands made on third countries, which are currently put under strain by developments in some Member States.

Similarly, it is important to ensure that bilateral relations and the political dialogues established with third countries consistently include human rights issues. The creation of human rights dialogues can have a double-edged impact. On the one hand, they keep human rights on the agenda, but on the other, they remove them from the highest level of political dialogue. They then risk becoming a 'tick the box' exercise between officials. Involving civil society in preparing and implementing such meetings is crucial for monitoring the effectiveness of political and human rights dialogues.

Human rights would also benefit from being mainstreamed into so-called 'strategic partnerships' with key countries. Diplomacy needs to move beyond rhetoric, and to raise preoccupations about human rights situations around the globe. For example, it has become increasingly difficult to push human rights issues at the United Nations Development Programme (UNDP), due to the resistance of emerging donors. Explaining the importance of human rights for stability, finding allies for multilateral action and resolutions, and including them in dialogues with other actors on regional security and conflict resolution, would be an important contribution to international affairs.

European countries are often isolated at the UN Human Rights Council as a result of insufficient bilateral dialogue with other important UN members. The time is ripe to develop relations with the Arab League, which has taken unprecedented steps to deal with the crisis in Syria and, for the first time, has (indirectly) accepted the principle that human rights are not just a matter of internal policy. Nevertheless, the jury is still out as to what developments this may produce.

### 3.4 Aims and values of an EU human rights policy

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Human rights is one area where the EU can, and should, lead by example, if it is committed to considering them to be at the heart of foreign policy, as they are central to any policy that aims to promote sustainable development and global security.

In turn, this means that the EU needs to ensure oversight of the European and national parliaments, and to be open to pressure from NGOs. It also should establish stronger partnerships and consultations with the non-governmental world, and ensure that public opinion, which is often the trigger for (belated) Member State action, is more consistently informed and involved.

It would also help if the ‘values versus interests’ debate were opened up and discussed in a more in-depth manner. Not only is it based on false assumptions of the intrinsic dichotomy between the two, but persuasive arguments need to be strengthened to understand that, given the importance of human rights for development and security, maintaining them is in the EU’s long-term interests, rather than simply being a Euro-centric moral concern.

## Non-proliferation, arms control and disarmament

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- 4.1 What are the issues?
  - 4.2 Relevant EU strategies
  - 4.3 Opportunities with the EEAS
  - 4.4 Roles for non-state partners: business, NGOs, civil society
  - 4.5 Challenges ahead and open issues
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### 4.1 What are the issues?

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Arms control, disarmament and non-proliferation issues have a long history in the EU's development as an international actor. Security negotiations in the Conference on Security and Cooperation in Europe (CSCE, now OSCE) were one of the forcing houses for European political cooperation, eventually leading to a Treaty-based Common Foreign and Security Policy (CFSP). By the 1980s and 1990s, the Union had developed positions in support of abolishing chemical and biological weapons; for the nuclear Non-Proliferation Treaty (NPT); on various weapons bans for humanitarian purposes (e.g. on anti-personnel mines and blinding lasers), and on arms restraint measures as an ingredient of regional security-building. EU members coordinated their positions on similar issues in larger arenas like the UN. The only complete no-go area for EU policy was arms control involving the West's own nuclear weapons and major conventional armaments – both of which were, and still are, reserved for discussion in NATO.

For a long while these were non-problematic aspects of the EU policy *acquis*, arguably reflecting the most 'ethical' side of European diplomacy. These were simple, thanks to, and in proportion to, their isolation from other strategic issues, and rarely drew attention above or beyond the CFSP expert working groups deliberating on EU positions. The real challenges started – and continue to be seen – when arms issues became part of larger policy complexes, and major external relationships were at stake, touching on more varied underlying interests in Europe itself. Typically, wider-reaching armaments policies also needed to meet post-Cold War challenges. This highlighted how relevant competences had become scattered among different EU institutions and policy frameworks, making it both more crucial and more difficult to coordinate them.

The best-known example is the way that US policies after 9/11 brought nuclear non-proliferation to the top of the strategic agenda, driving the EU not only to adopt a new multi-instrument strategy (in

December 2003), but to come forward as a broker for peaceful solutions with Iran. This in turn meant seeking leverage in areas of EU-Iran relations beyond the Common Foreign and Security Policy.

The same year, the Council introduced a 'non-proliferation clause' - requiring good practice on related international obligations and arms control - to be inserted in all future 'mixed' agreements with non-EU states (i.e. agreements in which EU Member States are also involved in negotiations and must approve the outcome). The complication was that the European Commission was still in charge of negotiations on these agreements. It also controlled funding to help EU partners to control and destroy materials used in Weapons of Mass Destruction (WMD), and to make concrete improvements in their export control systems. As a final twist, the EU's own nuclear safety practices fall within the domain of the old EURATOM Treaty and are handled within the Commission as an aspect of energy policy.

### ***Who decides – the Council or the Commission?***

Illegal or irresponsible trade in small arms and light weapons also became a major concern in the early 2000s, due to the risk that they could be obtained by terrorists and criminals, but above all due to the many deaths they cause. An aid decision adopted by the Council in 2003 following its new small arms' strategy led the Commission to appeal to the European Court of Justice, on the grounds that the same action could and should have been taken on a Community-wide legal basis (in the context of development and social protection work). While the Court struck down the specific decision, it did not deny the Council's right to act on aspects that concern international peace and security.

Both institutions have continued to work in the field, and in 2008 the Council adopted a clause about a responsible small arms policy - parallel to the non-proliferation clause – to be included in all future third-country mixed agreements. Both clauses are starting to generate serious dialogues on arms issues with a wide range of partners, though very few agreements with satisfactory clauses have come into force so far. Indeed, with the most sensitive countries it is tempting to simply avoid using the 'mixed' format.

Export controls on the EU's own arms producers have been less troublesome between the EU institutions than among Member States. For a long time the Member States could not agree, partly due to different strategic and economic interests on whether to make the Code of Conduct on Conventional Weapons Exports, adopted in the CFSP framework, legally-binding. In 2008 they finally agreed to enshrine the relevant principles of restraint in a Common Position, the strongest form of action that the CFSP allows. However, this still relies on Member States translating it into relevant national legislation. By contrast, legally binding Regulations drafted by the Commission in the trade policy field have been applied to the export of WMD-related 'dual use' items and technologies, and to the export of instruments of torture.

As a final complication, the EU is committed, on the basis of Single Market policies in support of its defence and aerospace industries, to maintain Europe's competitive position in relevant advanced technologies. The Treaty provision (now Article 346) that allows nations to exempt arms production and procurement from Community rules on security grounds has never been revoked. But since the 1990s, nations have increasingly seen a role for both the Council and Commission in promoting industrial collaboration on defence and the industry's overall competitiveness.

The European Defence Agency (EDA), which began work in the Council framework in 2005, supports relevant research, technology and production programmes, while the Commission recently secured approval for 'defence market' Directives, which open up the EU's internal arms procurement to

easier inter-state transfers and stronger competition. The Commission also provides funding for technical innovation and advances in new dimensions of security, and for European space programmes that have some military applications. This set of policies do not, of themselves, undercut the EU's pro-peace, arms' control posture – for instance, effective industrial collaboration may ease overall downsizing of the industry – but they open the door to criticisms of applying 'double standards' if they result in sidestepping or diluting normative restraints in the arms field: a point which we will return to below.

## **4.2 Relevant EU strategies**

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The EU's strategy against proliferation of WMD provides a good example of the Union's current approach to arms-related hazards. While accepting that force might be needed as a last resort to tackle the dangers of proliferation, the vast majority of EU provisions relate to peaceful efforts to reduce and guard existing weapon stocks, prevent illegal transfers i.e. to non-state actors, strengthen 'firewalls' between related civilian technologies (like nuclear energy) and weapons development, and persuade nations that are pursuing or contemplating proliferation to change their ways. Importantly, the EU recognises (as it does in its general Security Strategy of 2003) that the WMD temptation reflects the possibility of things going wrong in national and/or regional security, and tries to address nations' broader motivations - which in turn implies offering 'package' deals. This approach offers a marked contrast to US policies, which became particularly clear in 2002-3, when US policy demonised the act of proliferation as such and jumped straight to forceful solutions.

The 2003 Security Strategy's principle of 'effective multilateralism' guides many of the best-established lines of EU arms control. EU states all belong to the NPT, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. The EU has worked collectively to maintain and strengthen these 'three pillars' of non-proliferation. The International Atomic Energy Agency (IAEA) and the OPCW (Organisation for the Prohibition of Chemical Weapons) are the relevant executive agencies.

EU funds have been deployed to support research and development regarding nuclear fuel banks to reduce the risk of producing nuclear weapons. Such approaches often make the best political sense, as states elsewhere are less likely to resent – for instance – World Health Organisation advice on bio-safety that happens to be EU-funded. The EU has further supported multinational export control groups like the Australia Group, the Nuclear Supplies Group, the Zangger Committee, and the Missile Technology Control Regime, where smaller numbers of (primarily) developed nations have set up strict standards on transfers of WMD-related and dual-use goods and technology.

In handling conventional arms' issues at global level the EU has acted on similar lines. It has supported successive Geneva Convention protocols and/or separate conventions banning 'inhumane' types of weapons and techniques. It has also supported national and regional efforts (i.e. in post-conflict settings) to regulate, collect and control Small Arms and Light Weapons (SALW), for which no global instrument yet exists. It pushed for all its members to join the Wassenaar Arrangement: the multilateral export control group for conventional weapons and related sensitive technologies.

The EU's own legally-binding Code of Conduct represents global best-practice in defining eight criteria for refusing to license arms exports (such as the impact on conflicts or possible diversion for internal repression). It includes mechanisms for consulting states, monitoring and transparency through the publication of national and EU reports. The Council can and does impose temporary

embargoes on arms exports to individual states, either to enforce UN decisions or on its own initiative. Currently, the EU is among the strongest supporters of proposals being discussed at the UN for a universal Arms Trade Treaty that would transpose at least some of these features into general international practice.

The EU's second strategic principle of surrounding itself with stable and democratic neighbours weighs less heavily in arms control policy, given that most problems have a global dimension, and as NATO and the OSCE have the primary responsibility for taking measures in the Euro-Atlantic area. The EU arms' control *acquis* is included in pre-accession negotiations, and special efforts have been made to address failings in export/transfer controls in the Western Balkans. EU contributions to 'cooperative threat reduction', as the process of gathering up, controlling and destroying 'loose nukes' and old chemical weapons is called, have largely focused on Russia and other former Soviet neighbours, which are important partners in sharing 'best practice' on nuclear, chemical and bio-safety and export control. However, since the early 2000s both the Council and the Commission have also pursued non-proliferation/export control 'outreach' with all the main interlocutors worldwide, including China and, as far as possible, India and Pakistan, as well as institutional partners.

The EU tools that are applied the most widely are the non-proliferation and small arms clauses: these are now systematically included in all EU external cooperation agreements, as noted above. More specific targets include areas where there are CSDP missions, or where the EU provides other kinds of aid and guidance, such as Disarmament, Demobilisation and Reintegration (DDR) after conflict, and/or Security Sector Reform. Both of these demand the introduction of best practice on internal arms ownership and external trade. Finally, despite many years of frustration, the EU remains committed to seeking a negotiated solution to Iran's potential development of nuclear weapons, and has worked closely with both the US and Russia to this end. The EU gives high priority to forestalling other potential nuclear break-outs nearer to home, and in that context, for example, organised a conference in 2011 on the prospect of creating a nuclear weapon-free zone in the wider Middle East.

**Table 7: Selected list of non-proliferation strategic EU documents**

Title	Date
European Union Code of Conduct on Arms Exports	5 June 1998
Council Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons	12 July 2002
EU strategy against proliferation of Weapons of Mass Destruction	10 December 2003
A Secure Europe in a Better World – The European Security Strategy	12 December 2003
Council Regulation (EC) No 1236/2005 Concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment	27 June 2005
EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition	13 January 2006
Council Common Position 2008/944/CFSP Defining common rules governing control of exports of military technology and equipment	8 December 2008
Report on the Implementation of the European Security Strategy – Providing Security in a Changing World	12 December 2008
Security-related export controls I - Dual use items and technology	5 May 2009
Council Regulation (EC) No 428/2009 Setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use Item	5 May 2009
Council Decision 2009/42/CFSP On support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy	19 January 2009
Internal Security Strategy for the European Union	23 February 2010

### 4.3 Opportunities with the EEAS

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Today, issues related to arms control, export control and non-proliferation figure in just about every EU external relationship, whether with individual nations, regional groupings or global institutions. The presence of the EEAS means that these issues can now be mainstreamed into a single channel of dialogue each time. With its larger and clearly-structured external staff, the relevant EEAS unit can make contact and negotiate with regional units or other specialised groups relevant to its work. This should allow the EU to uphold its arms-related aims more consistently and strongly, to apply the relevant sticks and carrots more fortuitously when negotiating formal agreements, and to pursue practical cooperation or provide security-related assistance. For their part, external interlocutors can go to a 'one-stop shop' in Brussels for all arms restraint-related issues.

One important move was the shift to using permanent Brussels-based chairs for the relevant CFSP working groups. This should strengthen consistency and oversight in those policy aspects where coordination among states remains crucial, such as preparing joint stances for other fora and monitoring export control compliance through the EU Working Party on Convention Exports (COARM). It provides new openings to develop EU policies creatively, *vide* the EEAS's current interest in action on missile proliferation. The staffing of these committees, as well as other aspects of EEAS work, will benefit from a single, larger expert body of officials drawn from former Council, Commission and national sources.

On the ground, the new EEAS-staffed EU delegations should help both to tie together existing strands of dialogue and assistance, and to spot new opportunities. For example, it should be easier to mainstream arms control concerns, including EU small arms policies, into the conduct of *all* CSDP missions, rather than just those that directly address DDR and SSR. It should also be possible to monitor the impact and outcome of arms-related dialogue and assistance (caution: see below on the limits!) New openings may be found to promote EU practices like the Export Code of Conduct as models for national and regional practice elsewhere.

With the expansion of the wording of the original 'Petersberg tasks' in the Lisbon Treaty to include 'joint disarmament operations' and 'military advice and assistance tasks', the CSDP is now relevant to non-proliferation, arms control and disarmament. As well as legitimising the DDR/SSR element in existing missions, this allows EU military and civilian personnel to take on new jobs in arms collection, de-mining, enforcing arms embargoes, training armed forces, and advising national authorities on armaments policy. At a time when the CSDP's dynamism seems to be ebbing away, it is hard to gauge what might come of this; but more frequent good mission opportunities are likely to be spotted if EEAS arms control experts can forge links with colleagues responsible for early warning and rapid crisis response.

As expected, the areas where it is hardest for the EEAS to make a difference are those beyond the formal reach of the CFSP and the CSDP. EU Member States have an overriding competence in this field and their interests still diverge, despite the steady extension of consensus and joint action. As an example, in the past, EU common positions at NPT review conferences and on nuclear weapons issues at the UN have been judged rather shallow and fragile, due to natural differences between France and Britain on the one side, and the EU members which belong to the non-nuclear or even anti-nuclear camp on the other (there was an improvement, however, at the 2010 NPT Review Conference). Some EU states resist tighter standardisation and enforcement of arms export restrictions, while others pay more lip service rather than making sincere efforts to enforce the rules.

Still others are alert to any encroachment into NATO's arms control work. Nothing in the Lisbon Treaty shifts the balance of power from states to the EEAS in such matters, and the new Brussels staff cannot count on more than a very gradual convergence of norms as the result of peer pressure. The second shortcoming concerns the relevant competences and funds that remain outside the EEAS's control. These include detailed administration of development assistance, with its links to conflict prevention and management, and emergency humanitarian aid; and the field of trade policy, where the most binding EU export regulations (on WMD- and torture-related items) have been introduced. It also covers the field of Justice, Security and Liberty, where border controls and anti-smuggling work are managed; the EU's own bio-, chemical and nuclear safety work; the field of broader security research including EU space programmes, and the measures promoted by the Commission to stimulate arms collaboration in the context of enterprise policy.

In the light of the small arms court case and other lessons, the EEAS should clearly aim to cooperate with these other parts of the EU structure rather than challenge them; but permanent efforts at all levels will be needed to ensure coherence, especially *vis-à-vis* outside partners. The fact that the High Representative for the CFSP is also a Vice President of the Commission is not a full solution to such detailed and complex needs. Rather, EEAS experts themselves will need to reach out, not just to those who administer policies in 'normal' times, but also to those responsible for handling crises that raise arms-related issues.

Another major challenge that the EEAS cannot solve alone is the consistency of impact or outcome in EU arms-restraint policies – something that matters not just for the strategic effectiveness of those policies, but also for the Union's image and legitimacy at home and abroad. Independent studies have highlighted general and specific abuses when national decisions bend or elude the rules, and/or when 'end users' are not effectively controlled (thus, an export sanctioned for one recipient may be forwarded to another less desirable one).

This problem is well documented with regard to small arms and other easily portable items, which can leave EU territory by many means and through many legal, as well as shady, channels. Thus, firearms recently found in Colombia were made in 13 different European countries, none of which allows exports to that nation. As for larger items, the course of the 'Arab Spring' has exposed several arms exports by EU producers to that region that now look excessive and/or ill-judged, not least when equipment sold as for 'military' ends up being used for internal repression.

Concerned NGOs and academics would like a European 'watchdog' to focus on the implementation of all relevant export and transfer control policies. However, EU and national officials have so far judged such an idea – or a possible role for the EEAS and its outposts in administering it – as quite impractical. Not only will some EU governments object, but the Union's manpower, funds and expertise, even after the Lisbon changes, are nowhere near adequate for the massive, truly global efforts required. While NGOs will not give up their efforts, the best hope in the short term may be for the EEAS to use its influence to press for greater transparency and consistency in states' initial licensing decisions. It can also raise awareness of the value of sharing relevant information among EU actors and with Europol/Interpol. A separate but potentially important issue is how to build humanitarian and other arms-restraint norms into EU research work; and funding decisions on new 'internal security', 'civil security', or multivalent technologies.

#### 4.4 Roles for non-state partners: business, NGOs, civil society

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The issue touched on above underlines the important roles played by non-state actors in the arms and export control business, where smugglers, criminals and terrorists are part of the problem. The EU has been among the institutions striving to get a grip on illicit 'brokering', drawing on the research expertise of academics, and the efforts of NGOs to campaign and raise awareness in order to strengthen the Union's work in this field. For some time the Council, the Commission and the European Parliament have drawn on expert advice and in July 2010 a long-term, EU-funded academic consortium was launched to explore the whole range of weaponry issues related to non-proliferation. Led by the International Institute for Strategic Studies (IISS) in London, the Peace Institute in Frankfurt (PRIF), *Fondation pour la recherche stratégique* in Paris, and the Stockholm International Peace Research Institute, this virtual network draws in further partners to workshops, seminars and publications to produce EU-relevant policy recommendations (7). The EEAS liaises with NGOs both to draw upon their analyses of problems and their ideas for solutions; to put the EU message across in fora (like the UN) where NGOs are also present; and to build up partnerships when carrying out remedial, assistance and best-practice-sharing work on the ground.

The main flaw in this picture so far has been that the European defence industry, a crucial non-state actor in so many ways, has its natural contacts with the Commission, the EDA and national export control authorities, rather than with anyone in the EEAS. It is worth considering how this gap could be overcome: for instance, by a consultative network with responsible business leaders, or by forging EEAS links with those in the EDA and the Commission who are aware of the need for restraint as one aspect of a responsible EU policy.

#### 4.5 Challenges ahead and open issues

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The challenges for the EEAS in this area are neither unique, nor surprising. As so often, the wide spectrum of EU activities and the broad range of available tools represent both a strength and a weakness. The creation of a single, stronger, expert unit within the EEAS at least provides the opportunity to build links in a professional, coherent and non-competitive manner with all relevant Brussels actors. The signs are that this will work best when approached 'bottom-up'. It should further make the best use of EU Delegations, both for mainstreaming relevant weaponry issues into all external relationships, and to be the 'eyes and ears' of a policy that is alert to new openings for European added value. A good short-term test of such creative coherence will be the way the EU plays its cards (and uses its influence with other actors) during the crucial UN Arms Trade Treaty (ATT) negotiations in 2012, and how it supports and monitors the implementation of any treaty agreed.

The main weakness of EU policies remains their follow-through and impact. The more high-minded the European policy, the greater the obstacles to getting key players (including friends as well as trouble-makers) to fall into line: and the greater the risk of double standards and image-denting lapses in Europe's own performance. As in other policy fields, economic sticks and carrots, including financial aid for the weak but well-meaning, have a place here. This demonstrates the importance of working with the Commission, which controls most of the purse-strings, as well testing Member States' seriousness about incurring real costs and risks for their stated weaponry-related aims.

The delicate task of reconciling the EU's arms restraint policies with its support for a European arms industry (as an export base), and its keenness to explore new security technologies, is far too big an issue for the EEAS alone to solve. However, when things go wrong in this respect, the EEAS will be among those suffering from conflicts of interest and loss of credibility, not least with individual partners to whom it must preach restraint. It might be in the EEAS's own interest to search (with its Delegations' help) for test-cases where European arms' sales seem to directly contradict European arms and export control messages, so that it can consider raising this with Member States. More straightforwardly, the Service will have the chance to raise issues of general and normative concern, like transparency and enforcement, during a review of relevant EU instruments due in 2012.

In the end, progress towards effective common policies will primarily depend upon outside events and stimuli. EU non-proliferation, arms control and export-control policies have themselves proliferated massively since 9/11, becoming more serious, more 'mainstream' and – within limits – more productive in the process. It is hard to say what factors might give it the next boost.

The latest major issues in the nuclear field are the backlash against civilian nuclear energy after Fukushima and the revived 'nuclear zero' movement, especially in the USA. While neither of these feeds directly into areas of CFSP/CSDP competence, they might have indirect effects in raising the profile of arms control and non-proliferation generally. An important EEAS task is to be ready for this, or any other new impetuses, when they arise.

## Fighting terrorism

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- 5.1 What are the issues?
  - 5.2 The EU's role and the development of EU strategy
  - 5.3 Post-Lisbon arrangements and the place of the EEAS
  - 5.4 Opportunities and constraints with the EEAS
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### 5.1 What are the issues?

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Terrorism is one of the most politicised, emotional and challenging policy fields for EU external action, and a phenomenon that engages every European citizen. The policies and tools used to counter it are complex, involve both internal and external affairs, touch upon many institutions – both within and beyond the EU system – and rely heavily on cooperation both with and between Member States. All this makes it a *prima facie* domain for the EEAS to add value. However, over the last ten years, it has also become something of a policy minefield, where any new actor is advised to proceed with caution.

Terrorism as a challenge for Europe has most often been a geographically-linked phenomenon with nationalist, political, ideological and/or ethnic drivers. The European tendency has been to frame it as an internal challenge for law and order, treating perpetrators as criminals and using political, social and economic incentives (where necessary) to detach terrorists from their popular support. Military means are available as a last resort, and several European states have experience of applying these in former colonial contexts and/or tough peace-making environments. This complexity of approach cannot simply be summed up as a 'counter-terrorism' policy – which for most people would imply more proactive use of force – nor can it be reduced to purely defensive 'anti-terrorist' precautions.

Precisely because European governments have long experience of weighing up just how tough to get, operating under the watchful eye of civil rights organisations and other 'checks and balances', terrorism and human rights are closely linked in European awareness. The dilemma facing the German government at the time of the Baader-Meinhoff movement is still relevant: if the lawful government and society go too far in repressing and curtailing rights, are they not betraying those very values that the terrorists seek to subvert? If they over-dramatise the terrorist 'threat', are they not playing the terrorists' own game of polluting ordinary life with fear and doubt? Given Europe's stake in building a law-based, values-conscious world order where force is minimised, European states and organisations need to think about striking the right balance in terms of the message they send and the influence they should exert on outside powers.

The massive attacks on the USA on 11 September 2001 suddenly drove terrorism – and specifically, the globalised extremist Islamic variety – to the top of the international security agenda. Europe came under great pressure to support a set of reactions ranging from military incursions into Afghanistan and Iraq to complex regulatory measures on transport security, terrorist finance and the control of WMD-related materials and technologies (note the overlap with the global non-proliferation agenda, as already discussed). In the following years, European countries like Spain and the UK were to suffer serious attacks and other planned attempts by groups linked to the new tendencies of extreme militant Islamic groups.

This has had a huge impact on the EU's own policy evolution throughout the 2000s, arguably as great as that of any other functional issue until the economic crash. It has also been decidedly mixed. EU Member States have broadly agreed with each other and the US on the regulatory spheres of action and on the need to strengthen preventive and protective security, as well as on tackling the 'roots of terrorism' where it can be traced to specific weaknesses and grievances. NATO and non-NATO members alike have contributed to the intervention in Afghanistan.

The invasion of Iraq in March 2003, however, deeply divided the EU's leading states and led to damaging, if never particularly accurate, talk of rifts between 'old' and 'new' Europe. The very seriousness of this crisis and its threat to undermine Europe as a 'power' had much to do with the policy rebound in 2003-4, when the Union adopted its first joint Security Strategy and took deliberate strides forward in its ESDP. Finally, there were some issues on which the EU as a whole distanced itself from US methods. These were mostly connected with the laws of war and treatment of terrorist detainees, although the strength of European values-based feelings was put to the test when some EU governments were later accused of connivance in renditions and secret CIA flights.

## **5.2 The EU's role and the development of EU strategy**

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The issue of terrorism, including specialised variants like hijacking, has been on the integrated European agenda at least since the 1970s. It has helped to drive the development of Justice and Home Affairs – now, Justice, Liberty and Security – as an area of cooperation that is increasingly anchored within the European Treaty structure. As in national policies, police and judicial work has been a central theme and has produced a joint police agency for information exchange, coordination and best practice: EUROPOL; a European Police College, and a parallel EUROJUST agency for judicial cooperation. For those countries taking part, the Schengen border/movement control system and the Prüm Treaty on enhanced police cooperation are also useful tools in the extra-national dimension of fighting terrorism, although their main goals are in managing international mobility (see Chapter VII below).

Even before 2001, awareness was growing that the creation of a Single Market and free movement zone – reinforced through Schengen – had created a massive single security zone in Europe, where both local and externally-based terrorists could move themselves and their goods freely, once they were inside. The lessons of 9/11 led the EU to take large steps forward in its handling of terrorism. Early decisions included the creation of a uniform judicial framework and Single Arrest Warrant, together with the appointment of a terrorism coordinator under High Representative of the Union for Foreign Affairs and Security Policy Javier Solana. At the same time, EU leaders stressed that being tough on terrorism must not slide into xenophobia, nor sharpen divisions in European society, particularly as there are 10 million lawfully-resident Muslims in Europe.

Developments in the external aspects of the fight against terrorism were equally important. The EU Security Strategy of December 2003 made terrorism a central theme and defined the possibility of terrorists acquiring WMD as perhaps the single greatest security nightmare. It also reflected the more nuanced and complex European tradition of interpreting and handling terrorism, recognising among other things that the roots of such violence lie inside, as well as outside, our own societies. In 2005 a detailed EU Counter-Terrorism Strategy brought together all the internal and external aspects of related work by the EU, its agencies and its Member States. The Strategy begins with the commitment to “combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice”.

**Table 8: The EU’s Counter-Terrorism Strategy simplified**

Prevent	To prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally.
Protect	To protect citizens and infrastructure and reduce our vulnerability to attack, including through improved security of borders, transport and critical infrastructure.
Pursue	To pursue and investigate terrorists across our borders and globally; to impede planning, travel and communications; to disrupt support networks; to cut off funding and access to attack materials, and bring terrorists to justice.
Respond	To prepare ourselves, in the spirit of solidarity, to manage and minimise the consequences of a terrorist attack, by improving capabilities to deal with: the aftermath; the co-ordination of the response; and the victims’ needs.

The Madrid bombings of March 20 2004 sped up measures agreed earlier and led to the proclamation of a politically-binding ‘solidarity’ formula, by which an EU state suffering from major terrorist attack could expect fellow members to come to its aid with ‘all the means at their disposal’. A 2008 Report on the ‘Implementation of the European Security Strategy’ reaffirmed terrorism as a major security challenge, while introducing more balanced elements such as a new focus on economic, environmental and other ‘soft’ securities.

Despite all this elaboration of a joint doctrine and the escalation of a joint effort, the centre of gravity in European work on terrorism remains firmly anchored at national level. In relations between governments and their people, internal security or ‘home affairs’ activity seems to be close to the heart of state sovereignty. Those in-the-know estimate that 80-90% of the responsibility for fighting terrorism resides at Member State level, and only 10-20% of the responsibility with the European institutions. If there were to be a terrorist attack in Brussels, for example, the staff at the Belgian Ministry of the Interior and Law Enforcement would be primarily responsible and the first to respond, even if European information exchange and assistance were on the table from the start.

While events may breed a sense of common exposure and responsibility and strengthen the practical case for cooperation, many of the professional links and understandings are still built via state-to-state and agency-to-agency channels. Not only does this help governments to maintain a sense of control in a sensitive area, but it permits the development of ‘fuzzy’ and differentiated solutions for coping with often disparate structural and regulatory settings (and overall priorities) and shapes action to combat terrorism in different countries. It also reflects the very varied degrees to which different states are willing to share sensitive intelligence with one another. Past attempts by the Commission to systematise and centralise action have got nowhere.

At the other end of the spectrum, the universal and many-sided nature of the terrorism challenge limits a collective EU role. Within Europe, the Council of Europe, the OSCE and NATO all have their parts to play and there has been a steady trend to conduct more and more terror-related business in the UN and its agencies, in specialised bodies like world transport organisations, and in inter-governmental groups like the G8 (and potentially the G20).

This opens up an important area of work for EU staff in inter-institutional liaison as terrorism, particularly since 9/11, has found its way into the agendas of practically all specific EU external relationships (accession processes and neighbourhood policy, partnerships with large states and inter-regional dialogues). Even if the most sensitive judgements, for instance on responding to the US’s toughest demands post-9/11, belong firmly to national ‘high politics’, governments are well aware of safety in numbers when an external issue lends itself to institutional treatment.

**Table 9: The EU’s added value in combating terrorism**

Strengthening national capabilities
Facilitating European cooperation
Developing collective capabilities
Promoting international partnerships

**5.3 Post-Lisbon arrangements and the place of the EEAS**

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The Lisbon Treaty helped to clarify the EU’s overall goals on terrorism, providing a broad policy ‘umbrella’ for efforts formerly made under different ‘pillars’ of the Union. It calls for coherence and consistency in EU external action on terrorism by implementing CFSP Articles 21 and 26. “Closer cooperation between police forces” is mandated in Article 29 of the Treaty of the Functioning of the European Union (TEU) and “common action on judicial cooperation in criminal matters... relating to... terrorism” in Article 31. The Lisbon Treaty’s Article 222 is important, as it codifies the political commitment to mutual aid in the event of terrorist attacks, given after the March 2004 Madrid attacks. The text suggests that central EU staff can work proactively on prevention and resource planning. There is a practical overlap in this area with the Union’s growing work on civil protection, which has its own section in the Treaty.

The Lisbon Treaty has not altered the strength of national competences, but nor has it clearly charted the space for EU collective action abroad. It is illustrative that when suggestions were made during the Lisbon negotiations regarding the possibility of moving the post of EU Counter-Terrorism Coordinator from the Council structure into either the EEAS or the Commission’s Directorate-General for Home Affairs, governments chose to leave it where it was – clearly in the service of their own political will. However, the new Treaty framework does allow for further natural integration as mutual trust is deepened and collaboration proves to be effective. There is a cross-reference implying that intelligence is the only competence of national governments that will *not* be directly affected by EU integration in future.

The Union’s internal arrangements for handling terrorism remain complex even after the removal of the ‘pillars’. In keeping with terrorism’s history, the Commission’s Directorate-Generals for Home Affairs and Justice play a central role, but must coordinate with other parts of the Commission, which deal with specialised aspects such as money laundering, transport safety, measures to prevent arms and WMD from falling into terrorist hands, and so forth.

**Table 10: The ‘Solidarity Clause’: Article 222 of the Treaty on the Functioning of the European Union (TEU)**

<p>1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:</p> <ul style="list-style-type: none"><li>(a) - prevent the terrorist threat in the territory of the Member States;<ul style="list-style-type: none"><li>- protect democratic institutions and the civilian population from any terrorist attack;</li><li>- assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;</li></ul></li><li>(b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.</li></ul> <p>2. Should a Member State be the object of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.</p> <p>3. The arrangements for the implementation by the Union of the solidarity clause shall be defined by a decision adopted by the Council acting on a joint proposal by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy. The Council shall act in accordance with Article 31(1) of the Treaty on European Union where this decision has defence implications. The European Parliament shall be informed.</p> <p>For the purposes of this paragraph and without prejudice to Article 240, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article 71; the two committees shall, if necessary, submit joint opinions.</p> <p>4. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.</p>
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The natural focus for the EEAS is on the external dimension of work, such as the general outward formulation and promotion of EU positions, partnerships, coordination and assistance *vis-à-vis* third countries. It further includes liaison with international institutions; any terrorism angles related to military and civilian CDSP missions; and all relevant activities of EU Delegations overseas. Besides the High Representative’s ‘double hat’ within the Commission, the Counter-Terrorism Coordinator keeps bridges open between the institutions as necessary. Finally, any imminent warning or incidence of an actual major attack will activate various rapid-response mechanisms, the Joint Situation Centre (SitCen) and the EEAS’s own crisis response capacities.

EU coordination in response to the Yemen cargo incident in October 2010 is an example of the advantages of a ‘double-hatted’ approach to fighting terrorism. In this particular incident, two explosive packages were shipped from Yemen with an ultimate destination in the United States. The packages were transported on multiple planes, with one intercepted in Dubai and the other at East Midlands airport in the UK. The EU response involved inter-institutional coordination between two different Commissioners and the Counter-Terrorism Coordinator. The Foreign Policy Instruments Service in the EEAS, structured since the attack, will prove useful as an organisational apparatus for similar threats.

Within the EEAS, action against terrorist threats is based at the Conflict Prevention and Security Policy Division of the Global and Multilateral Issues Directorate, which is tasked with coordinating the response to external threats to the EU and its partner countries, including the external aspects of

internal security. The Security Policy Division is divided into teams by subject: counter-terrorism, cyber security and cyber crime, sanctions and restrictive measures, and organised crime and trafficking. The personnel include a growing number of seconded national experts, which is crucial for Member State involvement and added expertise.

Inter-institutional links are ensured by the fact that the Director of the Security Policy Division sits in the relevant working groups of the Council, the new Standing Committee on Operational Cooperation on Internal Security (COSI), and the Working Party on Terrorism (International Aspects) (COTER); while the Directorate-General for Home Affairs includes the Security Policy Director in its internal security groups.

#### **5.4 Opportunities and constraints with the EEAS**

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The post-Lisbon order should, in principle, make it easier to mobilise all competences against terrorism and take a more comprehensive and holistic EU approach. It provides an opportunity to rationalise priorities and the use of resources. When protective/defensive anti-terrorism investments are dovetailed with other civil protection work, this demands relatively few additional resources, yet yields high returns and potential gains for safety and peace. The post-Lisbon order should also make it possible to keep human rights, freedoms, and other balancing values in mind in general policy formation and in responding to incidents, *if* the necessary awareness and coherence can be cultivated both within the EU organs and among Member States.

In the EEAS itself, there are numerous actors involved in other aspects besides Security Policy. Terrorist threats and corrective efforts span the geographical desks, policy divisions, SitCen, EU Delegations, and EU Special Representatives in relevant regions and conflict locations. This diversity suggests that the EEAS is *not* expressly limited in its task to the CFSP or CSDP proper, but has expertise and competence to wield all the policy instruments that may be needed for external action. It also has a financial source that explicitly allows terrorism-related spending in the form of the Instrument for Stability (IfS). It was originally designed for conflict prevention, crisis management and peace-building and is now at the EEAS's disposal. The IfS can be used to strengthen the response of third countries to cross-border threats, and includes a budget for both short- and long-term implementation.

EEAS and EU dialogues with third countries now include a section dealing with terrorism, and encourage joint cooperation as a standard policy element. Fifteen dialogues have been established with non-EU countries and international organisations, and the counter-terrorism Solidarity Clause is now included in all policy agreements with third countries. However, this dialogue with like-minded countries can be overly repetitive and there is an opportunity for the EEAS to be more proactive in this area.

Relations with the USA, for example, remain of key importance and are a field where the EU must balance its need and will for practical cooperation with upholding Europe's preferential law-based, non-military approach, which is respectful of citizens' rights. Delicate issues have arisen in the past, for instance concerning US demands for data exchange where European standards of privacy might not be properly protected, and European states have a clear interest in maintaining a common stance on such matters. The EEAS can both advise and help to make the best use of the current phase, when the US is moving on from its 'global war on terror' and struggling to resolve tricky parts of George W. Bush's legacy, such as the Guantanamo Bay detention centre.

Other third countries can also be engaged in this legal aspect. Since many countries working to combat terrorism have weak judicial systems, the EEAS can help transmit EU expertise on strengthening police and judicial work against terrorism as an issue for criminal law. It can help third countries to fulfil new technical obligations under UN Resolutions and other international laws that may overstretch their capacities. Such work is valuable not just for combating terrorism, but for development and institution-building and reducing threats to human rights.

The EEAS's new role in formulating development policy and the opportunity to integrate this with other external policy considerations, including security, offer an excellent opening to apply the notion of tackling the 'roots of terrorism' abroad as well as at home. Improving economic and social development usually has the added benefit of improving security, reducing radicalisation and contributing to fighting terrorism. In a country like Pakistan – all the more crucial due to its nuclear weapons' potential – the EU can help to tackle basic problems of development, improve the rule of law and empower civil society actors, as a means of reducing radicalisation. Similar considerations apply in a wide range of countries that receive EU aid, notably in Africa and South-East Asia – not to mention the long-term conundrum of the Middle East.

The constraints and pitfalls facing the EEAS's counter-terrorism activities originate from the limits that EU Member States have imposed on collective EU action, and are heightened by the unique sensitivities of the terrorism issue. These are compounded by resource constraints, including the overloading of local Delegations. Added to this is the need to tread an institutional maze, where competing with other Brussels offices or imposing an extra layer of bureaucracy would be counter-productive.

The EEAS's added value will be clearest if it can simplify the transmission of general EU policy goals on terrorism into the whole range of external relationships and disseminate the information it gains from its dialogues and experience of hands-on cooperation with external partners, and from analysis carried out by local Delegations. It has a unique chance to learn analytical lessons about the dynamics of terrorism and practical lessons about policy implementation that can be transferred from one region of EU involvement to another. It will also need to show alertness and efficiency in how it responds to real-time emergencies.

There are several features of the post-Lisbon environment and for work against terrorism where fulfilling the Treaty's potential will depend on practical working relationships. These will include how the new COSI, and the mechanisms it supervises, will work with the PSC, how CSDP missions and the EU Delegations should liaise with EUROJUST and EUROPOL, how the various crisis response mechanisms in different institutions will share roles, and whether the CSDP's military staff and assets have a part in planning for Art. 222 contingencies, to name just some aspects.

The EEAS has the chance to promote good solutions to its new organisational challenges, while incorporating more straightforward or mainstream aspects into its own work. Its success will help determine how skilfully Europe steers its collective policies on terrorism in future between the poles of repression and freedom, between Member State competences and the added value of integration, between hard security and defence, and towards European values of openness and transparency.

## Energy

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- 6.1 The energy jigsaw
  - 6.2 Energy: policies and tools
  - 6.3 Opportunities with the EEAS
  - 6.4 Energy and foreign policy: putting together the pieces
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### 6.1 The energy jigsaw

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Energy is both one of the most local and one of the most global policy fields. Energy policy means heating in winter, for citizens and provisions from international suppliers at stable and affordable prices. It has always been one of the most cross-cutting policy areas, bridging traditional divides between internal and external policies and the public and private sectors, while impinging on key choices in other policy fields, from the environment to foreign affairs.

Energy became an area for further shared competence with the ratification of the Lisbon Treaty. It was pushed up the policy agenda by its increasing relevance in international politics and the commitments which the EU has made, as a whole, to combat climate change. Energy policy has become a matter for consultation between EU Member States at the highest level, often at the level of Heads of State or Government or of Foreign Ministers through the Foreign Affairs Council. However, effective coordination on the issue continues to remain an ambition.

Within Europe there are two main approaches to energy. The first sees it as a commodity, to be regulated through market integration and energy efficiency. Europe's internal interdependence on energy supplies and on joint infrastructure suggests a practice that can be interpreted as a 'solidarity principle'. This approach was demonstrated by the EU's common position in the context of gas wars between Russia and Ukraine, which repeatedly led to the interruption of supplies in Central Europe. As a result of the 2009 gas crisis, the EU concluded that it needed to diversify its sources and routes as well as operate on the principle of greater solidarity. There has also been a growing trend of ensuring that bilateralism does not negatively affect other Member States.

But at the same time, unilateral approaches and energy nationalism persist. When outside producers politicise and even 'weaponise' their control of supply, needy consumer countries start to treat energy as a matter of state where (almost) anything goes. Member States have taken unilateral decisions on energy projects, such as Germany's participation in the Nord Stream project (which led Poland, which had been excluded, to veto the EU-Russia Partnership and Cooperation Agreement). Some EU Member States support the South Stream project, and the EU is backing the Nabucco pipeline – one of a group of pipelines in the Southern Corridor – although, ironically, at present there is not enough gas to fill it.

**Table 11: The Nabucco pipeline: in brief**

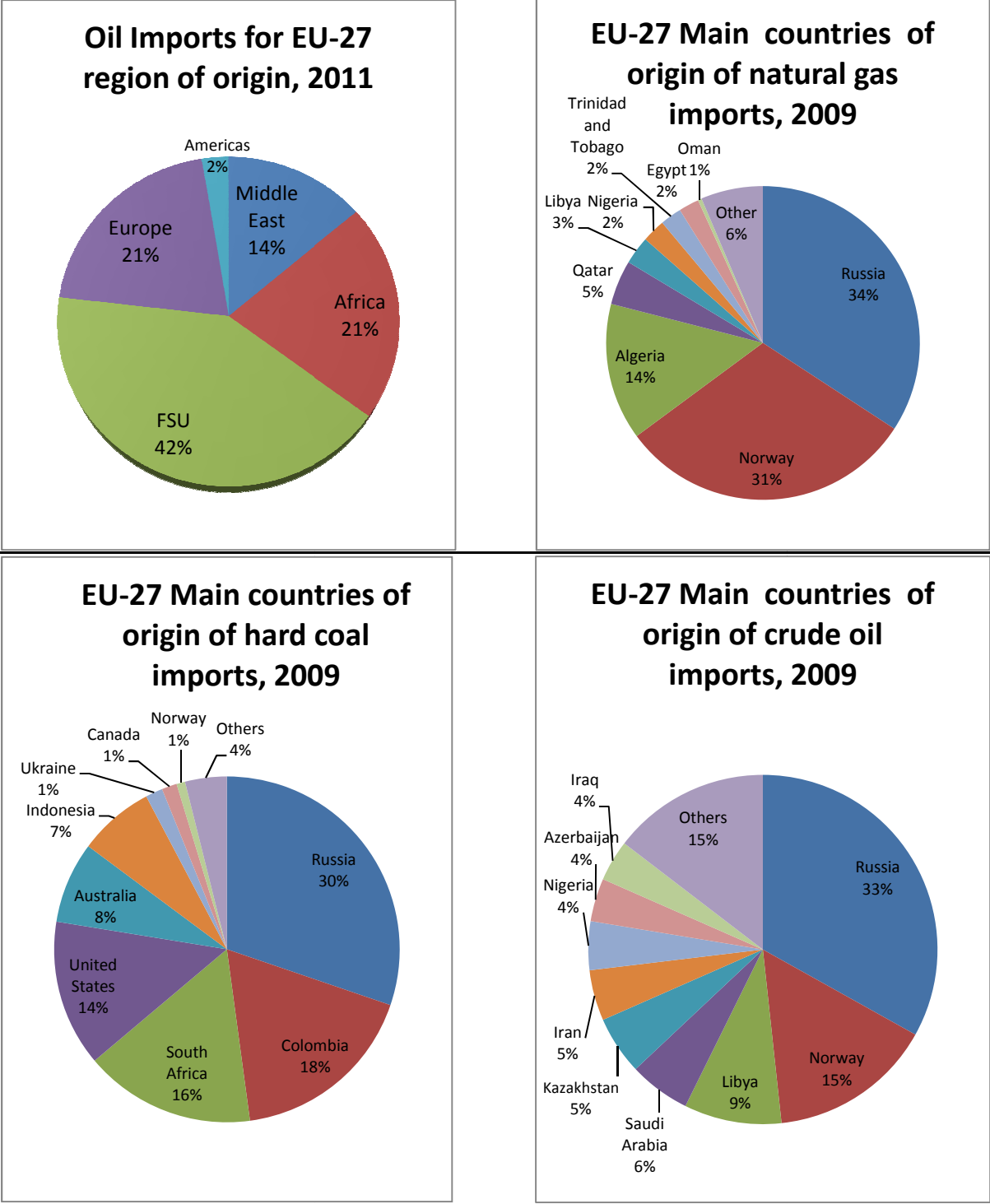
Location	From Erzurum, Turkey to Baumgarten an der March, Austria.
Timing	13 July 2009: Austria, Bulgaria, Hungary and Romania signed a joint agreement with Turkey.
Cost	Initial: €7.9 billion.
Expected yield	31 billion cubic meters of natural gas a year.
Current Status	Construction delayed until at least 2013. Future negotiations under EU Energy Commissioner Günther Oettinger if given requested mandate from Member States to negotiate energy deals.

Energy nationalism and protectionism tend to re-surface in the wake of energy crises, for example after the Fukushima tragedy in March 2011, which led some Member States to change their energy policies and saw Germany opt to phase out its nuclear reactors. Member States also have very different national traditions. France's energy sector is public, while Germany's model is based on the private sector. Finally, the power of the business sector, both public and private, has traditionally exercised considerable influence on government decisions, making the energy field subject to lobbying by various interest groups. Dealing with this variety of challenges thus requires international cooperation between producers, transit countries and consumers, together with increasing energy efficiency and the production of renewable and low-carbon energy worldwide.

Outside the EU, the panorama is even more complex. Much energy comes from geopolitical hotspots. With the exception of Norway, most of Europe's energy suppliers suffer from the 'oil curse'. Some suppliers view energy as a foreign-policy tool rather than as a commodity. Russia, in particular, is 'uniquely important'<sup>8</sup> to Europe as a main provider of natural gas, crude oil and hard coal, which comprises one third of the share of country of origin in almost all EU-27 imports (see Table 12). The ways in which the EU and its Member States frame their energy relations with Russia impact on EU foreign and security relations with its Eastern Neighbourhood. Moscow has often relied on its position *vis-à-vis* the EU's energy supplies to exercise pressure on EU Member States, some of which are heavily dependent on Russian gas. Uncertainties over the outcomes of the Arab Spring and instability in the Middle East shadow Europe's external energy policies with risk: energy security has increasingly become a matter of foreign policy.

There is a compelling case for an integrated EU energy policy. European dependence on external sources of energy is increasing, with imports expected to rise from current levels of 50% to 65% by 2030. In the future this position may change if there is diversification of energy supplies and routes, and a growing supply of alternative energy sources (see Table 12 on countries of origin of EU energy imports). Patterns of energy dependence vary between Member States, reinforcing their different perceptions of the risks and opportunities. Global competition for market domination is also growing, which in turn is causing tensions in the international system. Energy prices are rising and volatile. The current economic crisis makes price hikes more damaging, demanding extra effort to keep up the necessary long-term investment in extraction, diversification and efficiency. At the same time, the global evolution of energy supply and demand sits uncomfortably with the EU's climate change and environmental protection objectives.

Table 12a-d: EU-27 Energy imports: countries of origin



The European Commission is pushing for more dynamism in the sector and is positioning itself in the driving seat of a more vigorous energy policy, which includes an external dimension. By 2020 the Commission hopes to see in place an integrated European energy market that takes into account environmental commitments, technological change, energy security, infrastructure development and an external dimension.

Two interconnected dilemmas have become increasingly obvious in recent years. An EU foreign policy based on a set of Treaty-based values and principles is often at odds with Brussels' external energy policies and the ways in which it relates to energy providers. The dilemma between 'values' and 'interests' frequently manifests itself in the field of energy – usually at the expense of the latter.

Similarly, the EU does not act 'strategically' to use energy as a foreign policy tool, nor inversely, to pursue energy-related objectives through foreign policy. As the EU's internal energy policy is still in its early days and is based on the principles of a regulated internal market, it is unclear whether the EU could survive in the international energy market, which is like a 'sea of sharks'. In the current context of increasing competition for access to resources, the current players in this market operate on the basis of zero-sum games in order to maximise their profits and their leverage on Europe, one of the world's largest energy-consuming blocs. In other words, if Europe continues to pursue the ideal of an integrated European energy market based on a regulatory approach in external relations, it is likely to find itself out of step with many global energy actors, which do not share this normative approach.

The challenges for the EU centre upon ensuring that all EU actors in the energy field – the Member States, the Commission and the EEAS (where there is an external policy element) – coordinate their policies. They need to work together to build an internal market, stimulate international trade and pursue foreign policy aims. Perhaps most importantly, the real challenge lies in searching for a greater strategic awareness in managing the energy jigsaw.

## **6.2 Energy: policies and tools**

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The EU needs to build an integrated approach to energy based on an intertwining of national Member States and Commission competences that takes both internal and external priorities into account. But foreign policy challenges abound. International summits and declarations stress the importance of cooperation in boosting energy security, while the energy-security challenge continually surfaces in global fora, such as the G20 and ASEM. Bilateral projects between regions and countries are increasing. The role of energy in influencing responses to the Arab Spring gives an example of energy's salience. In the Libyan conflict cooperation between Member States and the EU institutions ensured that energy did not become an issue that limited crisis management efforts, with Member States agreeing to interrupt gas flows during the war. By contrast, the slower response to President al-Assad's repression in Syria showed the limits of cooperation between Member States and the influence of the private sector in finding political responses to the protest. Member States agreed to introduce an oil embargo against Syria in September, six months after the bloodshed started, but only to apply sanctions two months later, to allow some Member States to terminate oil contracts.<sup>9</sup>

In September 2011, the Commission tabled concrete proposals for an external energy policy,<sup>10</sup> based on a 'three tier' approach: developing dialogue with strategic partners; strengthening integration with neighbouring countries (with the exception of the large energy-producing ones, which the EU treats individually); and including energy objectives in policies towards the developing world.

The dialogues with strategic partners and energy providers include a variety of energy-related issues: security of supply is one, but dialogues also need to touch on governance, sustainability and energy efficiency. Russia remains the country with which the Commission hopes to develop the most ambitious energy relationship, moving beyond its current 'partnership' towards greater integration. But the Commission also prioritises other energy providers, which have different types of relations with the EU. These include Norway, with which integration is already deep, Algeria, post-Gaddafi

Libya and Saudi Arabia, with which relations are in their early stages, and emerging energy producers. From the viewpoint of energy diversification, Central Asia, the Arctic, the Caspian and the Gulf are also of interest.

The approach to the EU's 'neighbourhood' is rather different. Here the focus is on expanding the logic of the internal market through regulatory convergence which extends beyond the EU territory *per se* to embrace the EU's neighbours. This will include countries in the European Economic Area (EEA), candidate countries for EU accession, and the EU's Eastern and Southern neighbours. The EU is also considering widening membership of the Energy Community Treaty (which currently includes the Balkans, Moldova and Ukraine – and Turkey, which is negotiating to join) to include countries which want to sign a Free Trade Agreement with the EU. To the East, the focus is on energy corridors and infrastructure; to the South it is on renewable and solar energy and electricity grids. The EU has proposed an energy partnership with Middle East and North African (MENA) countries that places a strong emphasis on renewable sources.

The third 'tier' of EU energy policy is with developing countries, where the approach targets access, sustainability and security of energy supply through technical assistance and development cooperation.

However, the EU suffers both from haphazard internal coordination between its institutions and Member States and a lack of basic information about national energy policies and developments in the private sector. A recently approved information exchange mechanism gives the Commission the power to negotiate energy deals with foreign countries. After months during which the Commission, through Energy Commissioner Oettinger and Commission President José Manuel Barroso, had been courting the governments of Azerbaijan and Turkmenistan, the European Council gave the Commission a mandate to negotiate a framework agreement with those two countries for a Caspian pipeline. This has already provoked negative reactions from Moscow, but nevertheless negotiations have started and the EU has signed a number of energy agreements with Azerbaijan, which it sees as a key energy partner in the Southern Corridor, linking the EU to the Caspian.

These aims reflect the degree of EU engagement and of the Commission's ambition. But none of these areas are devoid of problems. For example, promoting the Energy Community Treaty entails being willing to stand by its members should a gas dispute occur, as in the case of Ukraine and Russia. The EU divides its so-called 'neighbourhood' into energy suppliers and transit countries, which it treats differently when it comes to cooperating on energy issues and in its political relations. Negotiating an agreement with Azerbaijan is full of political traps and conflicts of interest.

Russia has complained of being squeezed out by the Commission in terms of rules regarding ownership of infrastructure and supply. At the same time, antagonising Russia is increasingly viewed as a problem. Moscow's traditional allies in the EU, such as Germany, France and Italy, have expressed concern about relations with Russia, and Poland has joined forces with Germany in calling on HR/VP Ashton to tone down calls for democracy in Russia, and to delink energy relations with Moscow from foreign policy. This shows the need to develop new energy policies both towards traditional suppliers and emerging ones.

### **6.3 Opportunities with the EEAS**

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While the Commission's proposals clearly put it at the centre of a developing EU energy policy, the EEAS has a role to play in coordination and diplomacy, and in building a more strategic approach. That policy will require looking into the roles of the public and private sectors, shared competences,

relevance to internal and external policies, the potential conflict with the EU's principles and other policies, such as human rights or climate change. HR/VP Ashton is in an ideal position to foster cooperation in at least some areas and has been invited 'to take fully [*sic*] account of the energy security dimension in her work'.<sup>11</sup> At a minimal level, this ranges from becoming involved in potential energy-related crisis areas to mainstreaming energy into relations with all countries and regional groupings. But more can be done.

The EEAS could, and should, play an important role in stimulating a more integrated energy policy. It can play a key role in coordinating and consulting Member States through the Foreign Affairs Council, where many foreign policy discussions have energy implications. The mutual relationship between energy and foreign policy is clear: political decisions on Russia, Libya, Sudan and other countries will be influenced by the energy preferences of the Member States, but at the same time, energy projects have, or could have, important political implications. The Mediterranean Solar Plan, developed in the context of the Union for the Mediterranean, requires greater cooperation between the South Mediterranean partners, especially Morocco and Algeria, which could also impact on the frozen conflict in Western Sahara. The energy efficiency projects discussed in the Eastern Partnership could also provide positive win-win situations for all countries involved: energy providers, transit countries and energy consumers. At the level of the FAC, consultation should go beyond simply informing partners about the projects being developed; it should aim to discuss more broadly the relationship between energy and international politics, climate change and environmental considerations, and the EU's collective priorities.

The level of coordination is also important: it starts at the level of Heads of State and Government and Foreign Ministers, which means that both the European Council and the FAC are involved. Better links to the Commission and better coordination between the officials involved is required. Whereas the Commission previously had an external energy 'cell' in the Directorate-General for External Relations, no such unit, working group or format based on regular meetings and exchanges exists in the EEAS.

The division of labour with the Commission regarding the external dimension of the EU's energy policy is crucial. The general understanding that the EEAS's lead should be limited to energy-related conflict does not sufficiently address the complexity of the challenge. All the areas that the Commission has identified as needing an external dimension require the type of knowledge, information, political analysis, and diplomatic skills that are more strongly present in the EEAS. Here the Delegations could play an important role in analysing developments on the ground, so energy experts could be included in Delegations.

There are also external energy policy issues that need to be squared with foreign policy. The Commission rightly points to the EU's 'neighbourhood' as the priority area for integration into an expanding energy market. Yet this is the area in which tensions are most acute. Member States have differentiated political and energy relations with individual countries, and the 'neighbours' themselves are very diverse from an energy point of view. There is huge potential for the EU's external energy policy to clash with foreign policy priorities carried out in the Neighbourhood Policy, not to mention Member States' own policies.

However, there are some areas that require coordination which should *not* be dealt with by the EEAS. The Commission needs to ensure that it is internally coherent, especially with regard to climate change objectives, which have the potential to clash with energy priorities and trade. The Member States and the Commission also need to ensure that the private sector does not influence public policy decisions.

While the Commission needs to play a central role in the search for a holistic approach to energy issues, this does not mean that the EEAS should be relegated to a secondary role, limited to managing conflict situations with implications for energy. The EEAS's role is to ensure that energy is a central component of relations with all countries, and that the EU's energy policy is compatible and coherent with its foreign policy.

#### **6.4 Energy and foreign policy: putting together the pieces**

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The energy jigsaw shows that the range of tough issues for the EU is not just based on the potential dichotomy between values and interests. Member States have varied interests, conditioned by geography, historical relations and energy needs, and this will persist until there is an integrated internal energy market.

The EU's neighbourhood is the area in which this clash of aims is most acute. Countries that are not suppliers are offered a regulatory/integrationist model, while countries that are energy suppliers are offered a model based on bilateral politics. This dual approach does not give energy suppliers any incentive to engage in the regulatory/integrationist approaches, and runs parallel to some problems encountered with these countries in political and economic fields.

The urgency of energy-related questions has prompted many to call for energy diplomacy, but it is arguable whether this is politically sustainable internally, given the infancy of integration of the sector. Energy diplomacy requires a common European interest and method of representation, both of which are far from current realities in the EU.

It is also questionable whether an 'energy-first' foreign policy really reflects the mix of priorities, interests and values that the EU cultivates in the world. The frequency with which the 'values' the EU is supposed to promote internationally are overrun by priorities tied to energy highlights the 'values vs. security' dilemma. It raises moral questions, as it could be as moral to ensure that one's citizens have heating in the winter as it is to prevent a conflict over resources becoming violent. The key is to ensure that short-term energy security interests are compatible with longer-term approaches that reflect the EU's mix of values, interests and priorities. A comprehensive approach would imply not cherry-picking but instead addressing the need to cooperate with producing countries, which at the same time should be nudged and encouraged to improve governance and subscribe to universal values. Developing greater strategic awareness, a commonality of interests and a foreign policy in which energy issues are integrated would thus be more advisable than energy diplomacy.

## International mobility and foreign policy

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- 7.1 International mobility and international politics
  - 7.2 The kaleidoscope of EU migration policy and the challenges of coordination
  - 7.3 Opportunities with the EEAS
  - 7.4 Aims and values of an EU policy on international mobility
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### 7.1 International mobility and international politics

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Global mobility has been a fact of life since time began. The link between development policy and migration management has been clear at least since the onset of decolonisation. Immigrant and diaspora communities have influenced foreign policy choices, and foreign security policy and internal security policy have been becoming increasingly connected since the end of the Cold War. However, these synergies between international mobility and politics have not necessarily been reflected in EU Member States' institutional or organisational structures, in the EU institutions or in attempts to develop holistic policies.

While EU competences have grown rapidly over the past fifteen years, policy integration remains limited. The 2009 Stockholm Programme laid the foundations for a more integrated approach to the internal and external aspects of migration, particularly in development policy. By 2011, mainly as a consequence of the Arab Spring, the need for greater synergies became obvious and the Commission issued a series of communications, culminating in proposals for a 'Global approach to migration and mobility' (GAMM) in November 2011.<sup>12</sup>

Conversely, with the exception of consular matters, dealing with – and managing – international mobility has not been the remit of foreign policy institutions. At best, migration has been linked to under-development and tied to the development policies of the EU and its Member States. In most cases, however, it has been treated as an internal policy matter, with mobility seen as an issue related to immigration.

Yet, even taking a conservative approach, managing migration flows implies developing a dialogue and relations with countries of origin and transit. Many of the factors 'pushing' emigration towards Europe, such as socio-economic pressure caused by underdevelopment or conflict, have been dealt with through development cooperation and foreign policy.

In Africa, where the greatest population movements take place, the EU's development policies have addressed migration patterns. Dictatorships, authoritarian governments and war are usually the main causes of refugee crises and flows of asylum seekers, highlighting the link between conflict

prevention, promoting human rights, and humanitarian aid and asylum policy. This impinges on EU foreign policy and its promotion of international law through global institutions. The ‘pull’ factors, of course, relate to the success of Europe’s economic development.

By adopting a wider focus, it becomes clear that the links between mobility, immigration to the EU and foreign policy are even stronger. EU countries are frequently accused in the media of double standards in the treatment of non-EU citizens, be they refugees, asylum seekers or immigrants, and this has directly affected bilateral relations between the EU and countries of origin. The EEAS is in charge of developing these bilateral relations, which increasingly focus on managing migration issues, and involve the Commission (through its Directorate-General on Home Affairs) and the Member States.

In the future, the EU will have a pressing need for immigration because of its ageing population so the EEAS will need to mobilise its Delegations to get the message across that Europe is an attractive destination. At the same time, part of the EEAS’s role is to protect EU citizens abroad, which it does through its network of Delegations. In times of national conflict or emergencies, these Delegations may have to help evacuate EU citizens.

The EU has increasingly used migration-related tools as part of its foreign policy. EU external action in the field of migration has primarily been based on the signature of readmission agreements, which third countries must sign if they want mobility partnerships with the EU. These agreements have also been very important in concluding deals with the African, Caribbean and Pacific Group of States (ACP) countries and in offering China the opportunity to join the Galileo Project.

Visa liberalisation is another measure that has been increasingly adopted for third countries and is a very tangible incentive for governments and citizens. It has been achieved for all the Balkan states except Kosovo and offered to the six Eastern European countries which participate in the EU’s Eastern Partnership. On the other hand, visa bans are increasingly used to sanction authoritarian regimes. Cooperating on issues covering Justice and Home Affairs is a growing aspect of relations with third countries and is based on dialogues on border management and security, which goes beyond the EU’s immediate neighbourhood.

**Table 13: EU external and migration policy tools**

Single Permit
Blue Card
Student exchanges
Researcher, cultural operator, scientist exchanges
Readmission agreements
Visa dialogue, facilitation, liberalisation
Mobility Partnerships

**7.2 The kaleidoscope of EU migration policy and the challenges of coordination**

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Locating migration policy in the EU is a complex matter. From a legal and institutional viewpoint, the power to manage irregular migration, including readmission and visa facilitation agreements, lie with the Commission, and in particular the Directorate-General for Home Affairs. While the common Schengen visa is often the first face of the EU that foreign nationals meet, external competence over legal and labour migration rests with the Member States. Overall, the prospects for further EU integration in asylum and refugee policy remain uncertain.

In policy terms it is difficult to see where the internal dimension of migration policy ends and where its external dimension begins. Institutionally, competences are fragmented and coordination is complicated, so the institutional and organisational set-up does not reflect the multi-dimensional nature of the field. Firstly, competences are divided between the Member States – which act individually, and where migration has increasingly become a domestic matter that is manipulated for electoral platforms – and the EU, which is responsible for a collective view. As a result of this shared responsibility, the EU has acquired extensive competence in short-term visa policy, border management and irregular migration. On the other hand, Member States have been keen to maintain a high degree of control over admission policies.

Secondly, coordination within and among the EU institutions is increasingly complicated. Internal and external competences are spread within the Commission between the Directorate-Generals for Home Affairs, Development, Enlargement and Neighbourhood, Humanitarian Aid, and Justice, Fundamental Rights and Citizenship. At Council level, the EU's rotating Presidency chairs the two groups in which external action related to migration is discussed: the High Level Working Group and the Committee on the External Relations of Justice, Liberty and Security (JAI-EX). The EEAS should participate in these meetings.

The Arab Spring challenged the EU's political unity in responding to the overthrow of authoritarian regimes in Tunisia and Egypt, and tested the solidarity of the Schengen system in managing the flow of people from Tunisia to the Italian coast. This illustrated the lack of synergy between foreign policy and domestic priorities in relation to migration. After this dubious start, the EU began to work on a more coordinated response. The Commission, through the Directorate-General for Enlargement and Neighbourhood, produced a joint Communication with HR/VP Ashton, which offered 'mobility partnerships' for some North African and the Middle Eastern countries.<sup>13</sup>

This represented a breakthrough compared to past policies, which had been based on controlling and contrasting flows from the EU's South. It remains a controversial issue for Member States. Two months later, the Commission's 'Communication on Migration'<sup>14</sup> emphasised the importance of cooperation and dialogue with countries of origin and transit, as well as the need to build cooperation on security and to distinguish between irregular migration and good governance of legal migration.

However, for the first time the Communication introduced the principle of conditionality for mobility issues, to encourage the EU's partners to make commitments to prevent irregular migration flows, and cooperate on readmission agreements. While EU Member States had been 'outsourcing' migration control to neighbouring countries in exchange for development aid (even when migrants' rights were violated), this was the first time that the EU as a whole had made such conditionality explicit. It also made it harder to deliver the innovations introduced as part of the EU's revision of its relations with the South Mediterranean after the Arab Spring, and its Neighbourhood Policy in general.

If the 'mobility partnerships' on offer for MENA countries do little more than facilitate visas for specific and circumscribed categories of people (such as students, businessmen or cultural representatives), the EU risks losing its credibility over the most important incentive to the South Mediterranean. A November Communication on the matter then clarified that mobility partnerships would be tied to readmission agreements.

Beyond the EU's 'neighbourhood', dialogues on mobility are becoming increasingly important in the bloc's relations with the rest of the world. Strategies for the Horn of Africa and the Sahel put together by the High Representative both have a strong focus on the movement of people. So far, mobility partnerships have not made many inroads in relations with parts of Africa. However, as

some of those countries are increasingly dealing with immigration rather than emigration, they are interested in exchanging views with the EU.

### **7.3 Opportunities with the EEAS**

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Mobility partnerships, however important, do not offer much assistance in managing movement of people, especially when it is the result of political or social instability, war, climate change or socio-economic degradation.

Mobility issues should be integrated into the EU's foreign policy, and the European and national policy communities involved in managing migration need a greater understanding of the international dimension of mobility and the role foreign policy can play. There needs to be a convergence of views between the segments of the institutional machinery, but it is not just a question of improving institutional coordination. All those involved (officials and diplomats dealing with mobility through regional policies, in development cooperation, humanitarian aid, human rights' promotion, international law and multilateral institutions, internal and external security, and migration) must be able to share their experiences, knowledge, working cultures and ethics. Beyond the fragmented community, links need to be made with other contiguous policy fields that affect on mobility, such as climate change, resource scarcity or human rights.

The Commission's Directorate-General in Home Affairs has taken the lead in thinking about integrating mobility into foreign policy, and its 'Global Approach to Migration and Mobility', proposed in November 2011, focuses on a number of thematic areas where policies need to be better integrated: legal migration and mobility, irregular migration and trafficking in human beings, international protection and asylum policy, and the impact of mobility and migration on development.

The scope for EEAS involvement is clear, even if the mechanisms through which it may occur are not. The Commission has proposed an overarching approach and method, to be applied differently with its partners, based on the EU's global priorities and interests. The EEAS's job is to shape these priorities in cooperation with Member States and the Commission, rather than simply reflecting the pattern of migration flows. There is a degree of overlap between the 'maps' of mobility, foreign policy commitments, and the level of existing cooperation. As far as regional policies are concerned, the EU's 'neighbourhood' is the geographical priority in all three maps, as well as in Sub-Saharan Africa. In bilateral relations, priority areas and those in which dialogues on mobility are more advanced and tied to the vicinity particularly in the Balkans, Turkey and Russia.

Foreign policy communities could also help to change the EU perspective. Asylum policy is normally treated as an internal security matter, and occasionally as an area of discussion about Europe's welfare provision (to the extent that public backlashes against welfare payments for refugees can influence policymaking in this field). But asylum and emigration trends, which are determined by conditions in third countries, should be dealt through foreign policy, development cooperation, humanitarian aid and refugee protection, instead of being treated as a matter of internal security.

The recent GAMM defines international protection of refugees and asylum seekers as a 'fourth pillar' of the EU's evolving migration and mobility policy, to be carried out primarily by supporting third countries in developing international protection systems and capacity building through so-called regional protection programmes. The EEAS could be far more closely associated with this, with its network of Delegations playing a fundamental role.

There is plenty of scope for the EEAS to play a coordinating role in global diplomacy, working with Member States to push for an international agenda which would impact upon mobility patterns and help to tackle migration issues. Strengthening refugee protection, dealing with the consequences of climate change, conflict, state failure, and the promotion of human rights in international law are all matters for the EU's multilateral action at international meetings. These should be dealt with through the EU's diplomatic relations with third countries and its dialogues on migration-related issues.

While EU Delegations play an important role in information gathering, Member States need to be more involved on migration issues. While HR/VP Ashton can try to make Foreign Ministers aware of the need for intra-EU cooperation, the primary responsibility for gathering information lies in the Member States, largely with the Ministry of the Interior. This is coordinated by the EU's rotating Presidency, leaving only a limited role for the EEAS. However, with EU Delegations charged with the task of coordinating with the embassies of Member States in third countries on the ground, there is scope for the Delegations to encourage information gathering and exchange at the local level.

The Delegations could play a central role 'on the ground'. They could provide political analysis of factors that may lead to refugee flows (such as drought, conflict, etc.), could carry out so-called 'migration profiling', and identify the types of flow that might come to Europe (e.g.: highly-skilled or seasonal workers). Furthermore, the Delegations could replace the Member States' Liaison Officers, whose role is to maintain contact with local authorities to prevent irregular migration, to help manage regular migration, and to report back to national capitals rather than to Brussels.

#### **7.4 Aims and values of an EU policy on international mobility**

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Migration is a field where the relationship between domestic and global politics is complex, and the increasing salience of the migration/integration issue in national politics seems to have a disproportionate influence on the foreign policy agenda. Current short-term electoral and political anxieties do not match Europe's long-term need to open up its borders to make up for the changing demographics of Europe's population. There is a strong economic argument in favour of managing migration differently, with opportunities to create far more integrated policies. But policy communities are still loath to share knowledge and understanding, as well as to create more integrated policies. One possible policy direction is to create an incentive for enhanced freedom of movement with the Mediterranean countries (even if this would appear very difficult), involving policy communities that deal with economic development, demography, education, security, defence and anti-terrorism.

Realistically, the EEAS's ability to connect all the dots seems limited. It should take the lead in integrating external migration issues into foreign policy and also needs to contribute more vigorously to debate on the internal dimensions of migration, even though it has limited competences in this field.

The EEAS should also lead the way in suggesting that mobility is a rights-based issue, as well as in dealing with the treatment of foreign nationals within the EU and their integration into European societies. It needs to offer an alternative approach to diversity within Europe, while also addressing human rights in the rest of the world. European states need to demonstrate that they abide by the principles of human rights and tolerance in dealing with refugees and asylum seekers, in anti-terrorism activities, and in their own integration policies, which they are supposedly promoting globally.

## Looking ahead: priorities for 2012 and beyond

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High expectations have not been commensurate with the political and budgetary limitations in which the EEAS has been working. The EEAS was conceived during the Convention on the Future of Europe which led to the Constitutional Treaty (rejected by referenda in 2005) and later elaborated in a context of political and economic crisis. Among the challenges it has faced so far are inter-institutional strife and resistance from some influential Member States. This makes it difficult for the EEAS to operate properly and to implement some of the Lisbon Treaty's foreign policy provisions.

The EEAS is working against a backdrop of increasingly pressing demands to redefine the EU's global positioning and priorities in a context of dwindling resources and Europe's declining global influence. Calls to renew the European Security Strategy (ESS) have been met with a lack of political will and enthusiasm on the part of both the EU institutions and the Member States, but the new Service must still retain its general strategic objective of improving coordination with the Commission and giving Member States a greater level of ownership. Given the difficult circumstances under which it has been working, it is hard to distinguish between 'the chicken and the egg': i.e. coordination between the EEAS, the EU institutions and the Member States is a process and the newest actor should not automatically face the blame.

Even if the political and structural conditions to make a success of the EEAS are unfavourable, the Service still needs to devise a long-term plan for the role it wants to play in the EU and the mission it wants to accomplish, accompanied by a step-by-step approach to achieving these ambitions. Ultimately, the EEAS should aim to become a policy entrepreneur, capable of providing compelling analysis and proposals for a more integrated and holistic foreign policy around which the EU Member States, its institutions and its citizens can coalesce. Making the EEAS's added value more visible would also give the service greater legitimacy and support.

Ambitious aims and long-term visions also require pragmatic approaches. It is worth exploring mid- and lower-level avenues to improve the EU's foreign policy performance, as this paper has done by analysing several key policy fields. All the cases addressed here identify a set of common priorities which can contribute, step-by-step, to retaining the key focus of the Lisbon Treaty: improving EU foreign policy.

### ***Foster an 'EEAS identity' through staff training***

It is no secret that the EEAS has been beset by problems of low morale among its staff, who have had to change functions and move between institutions. Yet speculation about their new working conditions have obscured the fact that by bringing together officials from the Commission, the Council and the Member States' diplomatic corps, the EEAS is blessed with considerable human capital of talent and knowledge, which will be further expanded after 2013 when it opens to officials from the other EU institutions.

The process of achieving an equal distribution of officials from these three sources is still underway, and in time the balance will improve. Being under the same roof in the Brussels headquarters will also help socialisation. Nonetheless, pushing forward a comprehensive training programme would contribute to generating a shared understanding of the different approaches required since the adoption of the EEAS, as well as strengthening the *esprit de corps* and sense of purpose.

### ***A Strategy for the Delegations***

Strengthened EU Delegations offer huge opportunities to improve foreign policy, not least thanks to their new legal role as representatives of the EU and coordinators of EU Member States' embassies. The new Delegations are being transformed from being essentially donors and fund managers – whose objectives were related to trade or development promotion, requiring a technical understanding of intervention strategies – into fully-fledged political actors. This means that their capacities need to change and increase in diversity and specialisation. As the EU's first interface with third countries, they will become important reference points and the EU's global role will be strengthened. By expanding the range of issues for which Delegations are responsible – from trade and aid to dealing with political issues, security, energy, migration, counter-terrorism and general diplomacy – their improved status in third countries will have a direct positive impact on the EU's role.

Through appropriate and enhanced staffing of officials and diplomats, Delegations can play a crucial role on the ground in improving knowledge of political dynamics, increasing understanding of and contact with local actors (all the more important given the recent drive to step up civil-society support), improving political analysis and reporting, and providing the risk analysis and 'early warning' necessary to prevent and manage conflict.

In view of this expansion of the Delegations' remit, experts should be recruited from a diversity of fields including the energy, security, military and migration sectors. The Delegations could also include, for example, Member States' Liaison Officers working in the migration field, or more ambitiously, such roles could be taken over by the Delegations themselves.

In addition, given the budgetary constraints facing national diplomatic corps, the Delegations provide an excellent opportunity to reduce duplication and transfer functions to the EEAS, starting with the least contentious issues for national governments but aiming to develop common political reporting on general analysis.

### ***Coordination at all levels***

Coordination and coherence remain two of the most frequently-used terms when discussing EU foreign policy. It has been, and will remain, a challenge. The Lisbon Treaty aims to improve both, especially by giving the High Representative the additional role of Vice President of the Commission.

This can boost continuity, leadership and visibility, particularly in the context of crisis management, and in moving from crisis management to laying the foundations for longer-term policies.

Such coordination also needs to be improved at all levels of the hierarchy. This can be done by creating formal procedures or formats, such as special committees meeting on a regular basis, or by stimulating more informal exchanges, such as regular meetings on particular fields of action. The meetings should aim to strategise, avoid duplication and optimise decisions and resources. They could also help to 'socialise' officials from different units and stimulate more holistic approaches to policy, without overburdening formal structures.

In the field of crisis management in particular, it is very important to establish a broad committee under a single leadership bringing together the various EU and national institutions, units, working groups, committees and people, particularly when time is a factor. This committee needs to be structured as a table around which representatives of all the relevant actors dealing with crisis management sit. Peace-building also requires coordination between crisis management structures, the Foreign Policy Instruments Unit, the Regional Directorates, and the European Commission. The EU Crisis Platform created during the Libya crisis sets a useful precedent and could become a standing arrangement with provisions for flexible participation of certain sections of the EEAS, depending on the location and nature of the crisis (hence MD Regional directors would only participate if relevant).

It will not always be necessary to create additional structures to ensure coordination and information exchange. Regular meetings may suffice. Within the EEAS, the areas in which there need to have the most regular contact are between the five Geographical Directorates and the Directorate for Global and Multilateral Units. This would help to ensure consistency between policies and positions adopted in relations with third countries and at multilateral level, and contribute to incorporating thematic issues into geographical policies. Such coordination must include the Commission, representatives of the Cabinets of Commissioners, the Council and the rotating EU Presidency, according to the policy field. This is all the more important in the most cross-cutting areas, such as energy, migration and terrorism, where the need for coordination between the internal and external dimensions is most imperative. This would help the EEAS to fulfil its role as a Service to all institutions.

Vertical coordination and information exchange between the Delegations and the Brussels headquarters also needs to be streamlined, in view of the precious input that officials on the ground can give to shaping policy, as discussed above. The EEAS could also make better use of all the personnel it deploys on the ground by ensuring that their expertise is retained in EU or Member State services once their deployment has come to an end. Better coordination between the Service and national foreign ministries can also lead to rationalisation of resources spent on external relations and avoids duplication of interventions.

### ***Creative policy entrepreneurship...***

By pushing for greater coordination, the EEAS could pioneer the creation of policy communities around clusters of issues, as we have suggested in this paper. Bringing together policymakers from different institutional cultures and with different expertise stimulates different understandings of the nature of a challenge. This is particularly important given that, as this paper has shown, the distinctions between internal and external policies are increasingly blurred, while the bureaucratic organisation of the structures that deal with them remains anchored in traditional conceptions of the policy field.

In order to do this, the EEAS needs to recognise that it can play different roles in different policy areas, and can also contribute constructively to the external dimension of all policies. In some areas (energy, terrorism, migration) it needs to integrate international issues into its thinking about the policy field. In others (crisis management, peace-building, human rights, non-proliferation) it needs to drive the process and involve other actors, by expanding the consultations carried out with civil society representatives.

### **... *strategic thinking***

All of the policy areas examined here require more integrated approaches, capable not just of connecting the dots to implement decisions and actions, but also of addressing the challenges in a holistic fashion, rather than as a reflection of the (necessary) bureaucratic reorganisation of policy management. The primary role of the EEAS is to think ahead about the main challenges facing the EU in the next 10-20 years and to develop the strategies to address them. The EEAS's added value lies in providing these long-term perspectives and answers.

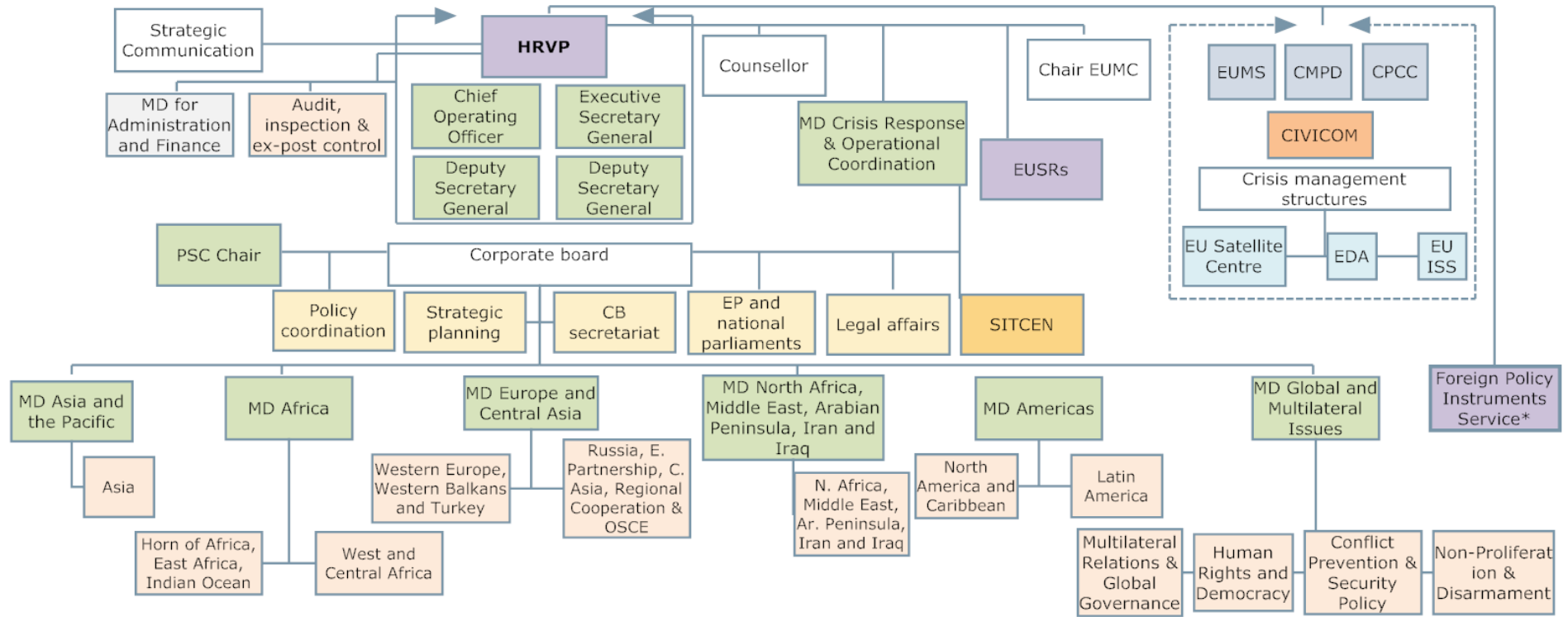
Many multi-dimensional challenges have been highlighted in all the policy fields addressed by this paper. Avoiding compartmentalisation is one way of developing more holistic approaches which, in turn, can lead to more strategic thinking and more coherent and consistent implementation. This can also help to square the circle around the 'values and interests' dilemma. Issues related to the fight against terrorism, energy policy or migration management need far greater integration within the EU's rights-based approach, which is often insufficiently integrated into other policy spheres. Such integration needs to take place at the beginning of the policy cycle rather than at the end, if at all.

The need for long-term strategic thinking on foreign policy is not yet sufficiently reflected in the organisational structure of the EEAS. The lack of a comprehensive and coherent *vue d'ensemble* of the prospects, risks and possibilities for European action is a serious handicap to the deliberations of the EU's decision-making institutions. The EEAS needs to devote adequate resources to developing its capacity for strategic planning, with the aim of contributing crucial added value in this field.

With talented staff, formal institutions, informal networks and more creative thinking, the EEAS can become a laboratory and entrepreneur for foreign policy, and a new model to present to the rest of the world.

# Annex I

A simplified version of the Organigramme of the European External Action Service (December 2011).



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## Annex II

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### Number of staff in selected EU Delegations

*EEAS staff, as defined by its human resources department, include: EU officials, EU contractual agents and local staff (from the EEAS and the Commission). Staff numbers do not include other categories, such as: Seconded National Experts, Young Experts in Delegation, members of missions from other EU institutions, trainees and temporary workers.*

<b>Country</b>	<b>Number of staff</b>
Brazil	47
Russia	98
India	83
China	101
South Africa	66
Turkey	134
Ukraine	94
USA (Washington)	79

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## Annex III

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### EPC publications on the European External Action Service

*The European External Action Service and the United Nations: a missed opportunity for self-promotion*

by Megan Kenna, May 2011 (Commentary)

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

by Cornelius Adebahr, January 2011 (Policy Brief)

*The EU's External Action Service: new actor on the scene*

by Graham Avery, January 2011 (Commentary)

*Upgrading the EU's Role as a Global Actor*

by Michael Emerson, Rosa Balfour, Tim Corthaut, Jan Wouters, Piotr Maciej Kaczynski, and Thomas Renard, January 2011 Joint publication by CEPS, EPC, Egmont Institute and Leuven Centre for Global Governance

*Europe's foreign service: from design to delivery*

by Graham Avery, November 2009 (Policy Brief)

*External action in the new Commission: overcoming the complexity challenge*

by Richard Whitman, June 2009 (Challenge Europe, EPC Special Publication)

*The new architecture for EU foreign policy*

by Graham Avery, December 2007 (Challenge Europe, EPC Special Publication)

*The EU Foreign Service: how to build a more effective common policy*

by Graham Avery & others, November 2007 (EPC Working Paper No. 28)

### EPC Publications on Europe in the World

#### 2012

*An Arab Springboard for EU Foreign Policy?*

by Sven Biscop, Rosa Balfour and Michael Emerson (eds), Egmont Paper 54, a joint study by CEPS, EPC and Egmont Institute (January)

#### 2011

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

by Cornelius Adebahr, January 2011 (Policy Brief)

*The Turkey-EU deadlock*

by Amanda Paul, January 2011 (Commentary)

*Why does the EU fear change in its neighbourhood?*

by Rosa Balfour, January 2011 (Commentary)

*The EU's External Action Service: new actor on the scene*

by Graham Avery, January 2011 (Commentary)

*Upgrading the EU's Role as Global Actor. Institutions, Law and the Restructuring of European Diplomacy,*

by Michael Emerson, Rosa Balfour, Tim Corthaut, Jan Wouters, Piotr Maciej Kaczynski, and Thomas Renard, January 2011 (Book published by CEPS)

*Addressing the security challenges in the South Caucasus: The case for a comprehensive, multilateral and inclusive approach*

by Dennis Sammut and Amanda Paul, March 2011 (Policy Brief)

*The European External Action Service and the United Nations: a missed opportunity for self-promotion*  
by Megan Kenna, May 2011 (Commentary)

*A regional approach to justice? Rethinking EU justice policies in conflict and transition*  
by Iavor Rangelov, May 2011 (Policy Brief)

*Turkey after the elections: time for consensus and pragmatism*  
by Amanda Paul, June 2011 (Commentary)

*Croatia: pathfinder for EU enlargement*  
by Graham Avery and Corina Stratulat, June 2011 (Commentary)

*Opportunities lost, opportunities seized: the Libya crisis as Europe's perfect storm*  
by Erik Brattberg, June 2011 (Policy Brief)

*The Arab Spring, the changing Mediterranean, and the EU: tools as a substitute for strategy?*  
by Rosa Balfour, June 2011 (Policy Brief)

*Towards a stronger role for civil society in the Eastern Partnership*  
by Agnieszka Lada, July 2011 (Policy Brief)

*China and Europe as strategic partners - Perceptions and perspectives*  
by His Excellency Song Zhe, July 2011 (Speech)

*Social media: following EU public diplomacy and friending MENA*  
by Megan Kenna, July 2011 (Policy Brief)

*The EU and Ukraine – Where to next?*  
by Amanda Paul and Vasyl Belmega, September 2011 (Policy Brief)

*Where have all the flowers gone? Europe's strategic puzzle in the Mediterranean*  
by Josef Janning, September 2011 (Commentary)

*Azerbaijan – The key to EU energy security*  
by Amanda Paul and Gulmira Rzayeva, October 2011 (Commentary)

*Last exit for peace: the struggle for a Palestinian State has entered a new stage*  
by Eberhard Rhein, October 2011 (Commentary)

*The democratic transformation of the Balkans*  
by Rosa Balfour and Corina Stratulat, November 2011 (EPC Issue Paper No. 66)

*Enlargement to the Balkans: one step forward, two steps back*  
by Rosa Balfour and Corina Stratulat, December 2011 (Commentary)

## **2010**

*Ukraine under Yanukovich: plus ça change?*  
By Amanda Paul, February 2010 (Commentary)

*Europe's contribution to anti-corruption efforts in Sub-Saharan Africa*  
by John T Kaninda and Stefan Schepers, March 2010 (Policy Brief)

*Constitutional Reform in Bosnia and Herzegovina: preparing EU Accession*  
by Florian Bieber, April 2010 (Policy Brief)

*Cyprus – the beginning of a new era*  
By Amanda Paul, April 2010 (Commentary)

*To stabilise Afghanistan, give a stronger voice to civil society*  
by Shada Islam and Aleksandra Styś, April 2010 (Commentary)

*Euro-Mediterranean blues*  
by Rosa Balfour, June 2010 (Commentary)

*ASEM: Europe and rising Asia must re-engage in a new partnership*  
by Shada Islam, July 2010 (Commentary)

*Nagorno-Karabakh – A ticking time bomb*  
by Amanda Paul, September 2010 (Commentary)

*EU Strategic Partnerships: are they worth the name?*  
by Rosa Balfour, September 2010 (Commentary)

*The EU as a counter-terrorism actor abroad: finding opportunities, overcoming constraints*  
by Peter Wennerholm, Erik Brattberg and Mark Rhinard, September 2010 (EPC Issue Paper No. 60)

*ASEM: from words to action?*  
by Shada Islam, Ger-bart Egberts and Cher Suet-yi Lai, September 2010 (Policy Brief)

*Entering the end game: the race for Caspian gas*  
by Amanda Paul and Borut Grgic, October 2010 (Commentary)

*A bridge over troubled borders: Europeanising the Balkans*  
by Rosa Balfour and Dijana Basic, November 2010 (Policy Brief)

*Europe and Indonesia: time for stronger engagement*  
by Shada Islam, November 2010 (Commentary)

*Parliamentary elections in the Republic of Moldova: a three-way test*  
by Corina Stratulat, December 2010 (Commentary)

*Political trends and priorities 2011-2012*  
By Rosa Balfour, Janis A. Emmanouilidis and Fabian Zuleeg, December 2010 (EPC Study, Special Publication)

## Endnotes

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- <sup>1</sup> The documents establishing the EEAS are ambiguous regarding the relationship between the new service and the Commission in terms of resource management: '[...] the EEAS shall contribute to the programming and management cycle of all geographic financial instruments. [...] throughout the whole cycle of planning and implementation of these instruments, which remain under the authority of the Commission, the High Representative and the EEAS shall work in consultation with the relevant members and services of the Commission. The EEAS shall in particular have responsibility for preparing the Commission decisions on the strategic, multi-annual steps within the programming cycle. Given their portfolio responsibilities in the Commission, the proposals and programming documents pertaining to the European Development Fund, the Development Cooperation Instrument and the European Neighbourhood and Partnership Instrument, shall be prepared by the relevant services in the EEAS and the Commission under the direct supervision and guidance of the Commissioners for Development and Neighbourhood respectively, and then jointly submitted with the High Representative for decision by the Commission'. Council of the European Union (2010), 'Draft Council decision establishing the organization and functioning of the European External Action Service', 8029/10 POLGEN 43, INST 93, Brussels: 25 Mar 2010.
- <sup>2</sup> European External Action Service (2011), Report by the High Representative to the European Parliament, the Council and the Commission, Brussels: 22 Dec 2011.
- <sup>3</sup> European Commission (2001), 'The European Union's Role in promoting human rights and democratisation in third countries', COM(2001) 252 final, Brussels: 8 May 2001.
- <sup>4</sup> European Commission and the High Representative of the Union for Foreign Affairs and Security Policy (2011), 'A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean', COM(2011) 200 final, Brussels: 8 May 2011.
- <sup>5</sup> European Commission and High Representative of the European Union for Foreign Affairs and Security Policy (2011), 'A new response to a changing Neighbourhood. A Review of the European Neighbourhood Policy', COM(2011) 303, Brussels: 25 May 2011.
- <sup>6</sup> One first step was made by the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy COM (2011), Joint Communication of the European Parliament and the Council, 'Human Rights and Democracy at the Heat of EU External Action – Towards a More Effective Approach', COM(2011) 886 final, Brussels: 12 Dec 2011.
- <sup>7</sup> See [www.nonproliferation.eu/](http://www.nonproliferation.eu/) for further details of activities.
- <sup>8</sup> European Commission (2011), Communication on Security of energy supply and international cooperation – 'The EU Energy Policy: Engaging with Partners beyond Our Borders', COM(2011) 539 final, Brussels: 7 Sept 2011.
- <sup>9</sup> Council of the European Union (2011), 'Council bans investment in Syrian oil industry', 14546/11, Presse 325, Brussels: 23 Sept 2011.
- <sup>10</sup> The Commission's DG Energy was in leading the preparation of this Communication, but EEAS was involved in the drafting, together with other departments of the Commission, such as DG Trade, DG Enlargement, and DG Development.
- <sup>11</sup> European Council Conclusions, EUCO 2/1/11, Rev. 1, Brussels 4 February 2011 Energy Section No. 11.
- <sup>12</sup> Add Ref European Commission (2011), Global Approach to Migration and Mobility.
- <sup>13</sup> European Commission (2011), 'Partnership for democracy', 8 Mar 2011.
- <sup>14</sup> European Commission (2011), 'Communication on migration' COM(2011) 248 final, Brussels: 4 May 2011.