

The Foreign Policy Centre



EUROPE IN THE WORLD

CAN EU FOREIGN POLICY
MAKE AN IMPACT?

Edited by Adam Hug

Foreword by Rt Hon Douglas Alexander MP



Europe in the World: Can EU foreign policy make an impact?

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Foreword

Rt Hon Douglas Alexander MP¹

There are today important questions about Europe's role in the world and Britain's place within it that need to be explored. Europe is a continent facing a critical set of challenges from the Eurozone crisis to the rising influence of new centres of global power.

In an age of common threats that permeate national borders, I believe that membership of the European Union gives Britain the power of collective action and pooled resources that helps make us safer and more secure.

The EU's Operation Atalanta tackling piracy in the Horn of Africa but based here in the UK, and now the military training mission in Mali are just two examples of such collective action.

The EU can be an effective and vital vehicle for amplifying our power such as on Iran where the combined voice and action of 27 European States working together can achieve more than Britain could achieve alone. The EU has the capacity to be a vehicle for promoting our values, as well as our interests. Whether this is working in Europe's neighbourhood to encourage and support progress towards freer, more stable societies, or working regionally and globally to help coordinate the response to tackle cross-border challenges from climate change to terrorism.

Britain will always retain an active and independent foreign policy, but we can enhance our influence in the world by engaging with our European partners to forge common positions where we share a common approach.

This publication rightly seeks to address and discuss some of the opportunities and challenges the EEAS has faced and seeks to help chart a course for further progress going forward. While not endorsing all the views expressed within, this research provides a valuable contribution to the important debate about Europe's future role in the world and the contribution Britain can make to it.

¹ Rt Hon Douglas Alexander MP is Shadow Foreign Secretary. In government he served in a number of senior posts including as Secretary of State for International Development, Secretary of State for Scotland, Secretary of State for Transport and Minister for Europe.

What our authors say

Adam Hug examines the global environment and organisational challenges facing the European External Action Service (EEAS) as it was created. He looks at the role of nation states in European foreign policy and explores various proposals for further reform of EU external action.

Stefan Lehne says member states look at the EU's foreign policy as a set of instruments to be used for the purposes of their own national foreign policy, but also at times perceive themselves as constituent parts of the EU as an international actor in its own right. EU foreign policy benefits from the stronger identity building effect of the deeper integration in other fields.

Jozef Bátora believes that the EEAS is not a classical diplomatic service but rather an interstitial organisation spanning different policy fields and recombining external affairs resources in innovative ways. This presents some early organisational challenges but the EEAS could soon set the standard.

Anand Menon argues that European states are increasingly unable to respond to the security threats and EU Common Security and Defence Policy has failed to compensate. This 'defence deficit' represents a serious challenge to the effectiveness of European states and their ability to influence.

Simon Lightfoot and **Balazs Szent-Ivanyi** explore whether the Lisbon Treaty reforms have improved EU international development policy. They ask how does the balance of responsibilities between the EEAS and the Commission work out in the development area? And has the creation of the EEAS improved the implementation of the EU's development policy?

Jacqueline Hale examines the evolution of Eastern Partnership content and institutional decision-making, arguing that the current policy mix of regulatory approximation and socialisation remains the best strategy to achieve the EU's goals in the region. It should resist the temptation for an overhaul and have more confidence.

Neil Winn argues that the European Union response to the Arab Spring has been sluggish. This is partly due to competing national interests of the EU's member states in the Middle East and North Africa (MENA), partly due to cumbersome EU foreign and security policy machinery, and partly due to exogenous factors in MENA that are beyond the control of the EU.

John Peterson believes that transatlantic relations are entering a period of unprecedented uncertainty. Barack Obama is the most Pacific –not Atlantic– focused US President in history and that a trade or economic partnership agreement is currently where the 'action' is in transatlantic relations.

Thiago de Aragão argues that the EU needs to develop a more cohesive foreign policy towards Brazil, Russia, India, China and South Africa (BRICS). It needs to rebuild confidence in its political and economic model, with a clear approach to engaging BRICS and respond to their rising influence over global systems.

William Gumede argues the EU's economic partnership agreements (EPAs) threaten Africa's economic development. He believes the EU should propose more favourable EPA trade and aid terms or African countries may use new opportunities offered by the rise of the BRICS, to replace the EU.

Malcolm Rifkind argues that although never unconditional, British membership of the EU has helped the UK to project its influence further. The UK has significant political, diplomatic and military assets that can support EU efforts. Conservatives want a flexible, dynamic European foreign policy promoting cooperation not coercion in the identification and pursuit of common goals.

Richard Howitt argues that moving beyond its birth pangs, the EEAS has notched-up foreign policy successes, particularly in Europe's neighbourhood. Future challenges lie in extending the reach of European foreign policy, in integrating Europe's different activities, and by allowing greater license to the High Representative.

Edward Macmillan-Scott examines the role of the EEAS in the assembly of EU foreign policy actors, especially in human rights and democracy promotion. He scrutinises the gap between the new service's ambitions in this field and its performance, comparing it with the deep foreign policy experience of the European Parliament, calling for a continued relationship between the two.

Europe in the world: Can EU Foreign Policy Make an impact?

Adam Hug²

As the United Kingdom enters up to five years of introspection³ over the nature and future of its relationship with the European Union after the Prime Minister's Bloomberg speech⁴, it is worth looking outward for a moment at both Britain and Europe's place in the world. The *Europe in the World: Can EU Foreign Policy make an impact?* project seeks to explore the post-Lisbon treaty and post-crisis landscape and architecture for Europe on the world stage, while examining the role Britain has within it. The formation of the European External Action Service (EEAS) on January 1st 2011 through the merger of the Commission's foreign policy affairs apparatus with that of the Council of the European Union (Council)⁵ under the leadership of Baroness Ashton, the new High Representative for Foreign Affairs and Security policy and Vice-President of the European Commission (HR/VP), is a major milestone in the development of the EU's role in the world. The EEAS will be the main focus of this publication, but despite the newly unified delegations in-country and team in Brussels it is far from the only body of the EU that looks outward – whether it's the Commission with its continued role in trade, crisis response, enlargement, development, energy, climate change and many other areas, the European Parliament or the newly institutionalised European Council⁶ under the Presidency of Herman Van Rompuy. Contributors to this publication explore how Europe is perceived internationally, the relationship between EU and national policy, and the extent of progress towards the three stated objectives for the foundation of the EEAS: building an effective new diplomatic service, strengthening EU influence in the neighbourhood and developing relations with strategic partners⁷.

Inauspicious timing

Birth of the EEAS has not fallen at the easiest time for European diplomacy. The Eurozone crisis has dented European prestige and the EU's attractiveness as a model for international emulation, which had been (and continues to be) at the core of the union's international approach. Even though many of the EU's internal challenges, including the current debate over British membership, do not have a direct bearing on the foreign policy field, the perception of a house divided is unlikely to assist the union's negotiating position. Both the knock to its status and the short term economic priorities of member states pose challenges for the promotion of the 'European values' agenda.

The creation of the new service has coincided with questions being raised over the continued viability of many of traditional European foreign policy tools⁸. With the Doha round of WTO negotiations stuck since 2008⁹ and limited hope for their imminent revival, perhaps the EU's most potent tool - its power as a trading block - has been restricted to the development of bilateral agreements. The enlargement process has stalled and although Croatia will finally join this June there is little likelihood that the process will move much beyond the Western Balkans in the near future, with Turkish accession looking further away than ever¹⁰. The development budget is under

² Adam Hug is the Policy Director of the Foreign Policy Centre. He oversees the FPC's work on the EU, the former Soviet Union and the Middle East.

³ Perhaps this should be deeper introspection, as to some extent this speech gives a timeline that fleshes out a debate already being had, particularly amongst the Prime Minister's supporters.

⁴ No.10 Downing Street, David Cameron's EU Speech, January 2012, <http://www.number10.gov.uk/news/david-cameron-eu-speech/>

⁵ Combining the External Affairs Commissioner Role of Benita Ferrero-Waldner, the High Representative for Foreign and Security Policy role of Javier Solana and the position chairing the EU's foreign ministers (Foreign Affairs Council) previously held by foreign minister of rotating presidency country (General Affairs and External Relations Council). The EEAS existed in embryonic form prior to this date with Baroness Ashton taking on her new duties in December 2009.

⁶ The body of the EU's heads of government

⁷ EEAS, Ashton highlights foreign policy achievements and vision for the coming year, September 2012, http://eeas.europa.eu/top_stories/2012/050912_eeas_hod_en.htm (shows earlier goals)

⁸ As discussed with a leading EEAS

⁹ Having begun in 2001

¹⁰ For an example see the most recent EU progress report on Turkish accession, October 2012

http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/tr_rapport_2012_en.pdf and the Turkish political response <http://www.todayszaman.com/news-294929-turkey-greatly-disappointed-by-eu-report-minister-bagis-says.html>

increased scrutiny due to the demands of austerity, and momentum towards climate change reduction has been impacted by pressures for short-term rather than longer-term economic progress. So Baroness Ashton had a lot in her in-tray as she moved to establish the External Action Service, a logistical challenge of the highest order even in the best of times. Yet these challenges added impetus to attempts to improve the capacity and effectiveness of EU foreign policy machinery to help counteract some of these trends.

Practical challenges

Building a new diplomatic service out of an assorted mix of Commission and Council personnel and facilities, topped up by national diplomats, at a time of budget retrenchment, a shifting institutional and political environment post-Lisbon, and an expectation to hit the ground running presented no small challenge for Baroness Ashton. However if there is a common theme in much of the analysis of the birth of the EEAS is that the Commission played its hand very well in the early internal horse-trading and ended up with a far greater role in shaping the external policies of the Union than might have been first expected after Lisbon. Not only was this an internal debate about who and what went where, but a broader debate between the intergovernmental and communitarian aspects of the double-hatted HR/VP role and where accountability lay.

Success in this institutional turf war left the Commission with an impressive array of Commissioners with explicitly external roles. This not only included the newly separated two Commissioners for Development and International Cooperation, Humanitarian Aid and Crisis Response but also the transfer of responsibility for European Neighbourhood Policy from the soon to be merged External Relations Commissioner¹¹ to add to the role of the Commissioner for Enlargement, despite neighbourhood staff being based at the EEAS. Erkelens and Blockmans¹² draw attention to the transfer of former Directorate-General for the External Relations (DG Relex) staff responsible for climate change and energy matters to the new directorate general for climate change (CLIMA) and to the energy DG, reducing EEAS influence in these areas. Going in the other direction however were geographic desks from DG DEV¹³ moving to the EEAS.

Erkelens and Blockmans also note that while a group of externally-focused commissioners¹⁴ has been set up under Baroness Ashton's chairing, it is structured on the basis of the mandate from the President of the Commission where decision-making, including joint programming between relevant commissioners, is to be done in the College of Commissioners under the auspices of President Barosso. They question whether this infringes on the responsibilities given to the HR/VP under Lisbon in so explicitly making such decision-making subordinate to the Presidency of the Commission. While this may not make a huge difference on a day-to-day basis it does set the tone to limit the HR/VP's power regarding the external dimension of internal Commission policy. This is particularly relevant to the purse strings as the major funding instruments remain held within the Commission, although there is often a dual key approach to spending decisions between the

¹¹ That was being merged into the new HR/VP role. It's worth factoring in that this horse trading took place in a situation where Baroness Ashton took up the post of High Representative on 1st December 2009 and the previous Commission stayed in place till February 2010, hence Benita Ferrero Waldner in fact kept her responsibility for neighbourhood policy for two months (as she swapped roles with Baroness Aston becoming temporary Trade Commissioner) before this responsibility was handed to incoming Commissioner Fule.

¹² Leendert Erkelens and Steven Blockmans, Setting up the European External Action Service: An institutional act of balance, T.M.C Asser Institute- Centre for the law of EU external relations (CLEER), January 2012 http://www.asser.nl/default.aspx?site_id=26&level1=14467&level2=14468&level3=&textid=40197

¹³ The former *Directorate General for Development and Relations with ACP States* (DEV) which merged with *EuropeAid Cooperation Office* (AIDCO) Development and Cooperation - EuropeAid Directorate-General (DG DEVCO). In effect, trading geographic responsibility for Africa, Caribbean and Pacific Countries in return for thematic and instrumental control of global development policy.

¹⁴ External Relations Commissioners group of commissioners chaired by the HR/VP, comprising Olli Rehn (Economic and Monetary Affairs), Adris Piebalgs (Development), Karel De Gucht (trade), Kristalina Georgieva (international cooperation, humanitarian aid and crisis response) and Stefan Fule (enlargement and neighbourhood policy). See *The EU's Diplomatic Architecture: The Mid-term Challenge*, Simon Duke (European Institute of Public Administration), Karolina Pomorska (Maastricht University) and Sophie Vanhoonacker (Maastricht University), Feb 2012 http://www.academia.edu/1469803/Policy_Brief_The_EUs_Diplomatic_Architecture_The_Mid-Term_Challenge

relevant Commissioner and the High Representative. In matters of shared responsibility the EEAS staff are involved at strategic level but often not on the implementation side. This division is not purely about blunting the power of the new HR/VP or retaining power within the Commission for its own sake, as there are policy arguments to support some divisions of responsibility. For example, some more traditional development advocates welcomed the retention of dividing lines between the Development DG (DEVCO) and the EEAS in order to prevent aid spending being directed towards strategic goals or being driven by diplomats with limited development experience.

As John Peterson in this publication and others point out, Baroness Ashton is doing a job previously done by three people. She is also the First Vice-President of the Commission and has a somewhat nebulous role as the 'British Commissioner'. This means different responsibilities competing for her time and attention. For example, she faced criticism early in her term¹⁵ for not attending a meeting of defence ministers in Paris as she was at the inauguration of Ukraine's President Yanukovich. Whatever her strengths and weaknesses, Baroness Ashton is not a quantum High Representative; she is incapable of being in two places at the same time. However the February 2010 decision to be in Kiev for an important state occasion of the largest Eastern Partner over the Paris meeting did draw attention to the need for deputy arrangements, somewhat addressed by the creation of senior leadership posts within the EEAS.

At an operational level there have been significant cultural and practical challenges, melding together three distinct working cultures and skill sets¹⁶. There was significant initial resistance from some Commission staffers (including at higher levels) to the new institutional environment, moving away from an established career track to one where they might be competing with or answering to staff from the Council or those coming in from member states. Relocation to the same buildings and intensive efforts to promote internal communication and esprit de corps are beginning to improve staff morale and sense of mission. Harmonising the working practices of staff drawn from three¹⁷ differing administrative traditions has been bruising (such as dealing with lack of political reporting experience and intelligence handling) but is slowly improving with time.

Member states have been somewhat erratic in sending qualified and motivated staffers to both the EEAS in Brussels and the delegations in-country. In the early days a number of delegations were operating below capacity due to Commission staff exiting and member state diplomats exercising a six-week break clause to terminate postings due to poor morale in their new working environment; however significant progress has been made in recent months. Some observers¹⁸ also reported a few member states targeting postings in certain delegations for domestic, commercial and strategic preferences. After these initial problems progress has been made towards the target of a third of EEAS personnel (excluding support staff) coming from member state secondment by 2013, with 37.6% of delegation staff coming from member states as of June 2012, but only 20.3% of Headquarters staff, making an overall figure of 26.9%¹⁹. For example the UK, currently the second largest seconder, has made EEAS service the equivalent of a home posting in order to attract greater participation. As Batora discusses later in this publication encouraging member states to provide diplomatic passports for all their nationals working for at EEAS might also be helpful .

An important factor to note is that the largest proportion of staff in a delegation may not be from the EEAS but those of the various externally-facing Commission Directorates General (DGs), whose

¹⁵This took place 11 months before the EEAS formally came into being. Euractiv, French minister lashes out at Ashton Ukraine visit, February 2010, <http://www.euractiv.com/foreign-affairs/french-minister-lashes-ashton-ukraine-visit-news-289533>

¹⁶ Commission, Council and member state diplomats

¹⁷ Not to mention the variety of working practice between different national diplomatic services

¹⁸ In conversation with the author

¹⁹ Simon Duke, *The European External Action Service: Changing the Nature of Diplomacy or Old Wine in New Bottles?*, LSE/ Wyndham Place Charlemagne Trust Conference, November 2012 <http://www2.lse.ac.uk/internationalRelations/dinamfellow/conf2012/Simon-Duke-EEAS-LSE-Conference-Nov-2012.ppt>

staff have clear line management and reporting responsibilities directly back to Brussels. However it is important for both internal and external cohesion that the head of delegation is both aware of major developments in their portfolios and has had an input into the activities of those working in his or her building. While some²⁰ recommend giving heads of delegation the ability to write performance appraisals of all staff within the delegation, others have argued for a deepening of the informal 'Chair of the board' style leadership within the current framework. Member states are similarly looking to heads of delegation to play an increasing role in facilitating cooperation and dialogue between the embassies of member states in country. Their performance in this area is highly variable between the personalities involved in different delegations and their respective workload. One measure that could help free up heads of delegations' time to concentrate on such leadership and on strategic planning would be the European Parliament allowing some lower-level financial reporting tasks to be handled by other members of the senior team within the EEAS team in-country rather than requiring it to be dealt with by the head of delegation.

The national dimension

The EEAS and EU external action more broadly faces a fine balancing act between complementing and competing with the international aspirations of member states. Few countries feel this tension as strongly as the United Kingdom, particularly given the initial resistance of the current Conservative-majority within the coalition to formal EU collaboration on a number of areas of foreign and defence policy²¹. Since coming into government however there has been recognition of the EU's role in developing a coordinated response to Iranian nuclear ambitions, along with EU-led activity in the Horn of Africa and the Western Balkans. At time of writing the UK government has committed 330 troops to the EU led-training mission in Mali. As reinforced recently by US Assistant Secretary of State Philip Gordon²², the US has a strong preference for the UK to be strongly engaged in the EU and involved in its outward-facing activities, and there appears to be some recognition that the UK's role in shaping EU external policy is an important part of Britain's global influence. There are positive words in Brussels too for the UK's efforts to help the EU develop a comprehensive approach to peace building, bringing together development, trade and other strands alongside the role of the military. Despite this relative warming the UK is still seen as a bilateral and issues based contributor, where red lines around national control of defence assets (European Army) or anything that would undermine NATO firmly remain.

William Hague set out the principal of his approach and the position of the Conservative element of the coalition government at a Foreign Affairs select Committee in March 2012²³ when he stated:

*"There will be no substitute, now or in the future, for having our own strong diplomatic service [...] and intensifying our own bilateral relations. That can be **supported and buttressed** in various ways by the efforts of the European Union, but there will never be any substitute for us doing that ourselves [...]. I hope that we will always have a good relationship with the External Action Service, and of course there are many different ways of co-operating together. I hope we will not work in conflict in any way, but I stress that the creation of a European External Action Service is not and in my view will never be a substitute for our own strong diplomatic service."*

While other parties may differ in tone with for example Labour's Shadow Foreign Secretary Douglas Alexander²⁴, describing the EU as an 'effective and vital vehicle for amplifying power', the

²⁰ The former as recommended by a senior EEAS figure in a speech at an LSE/ Wyndham Place Charlemagne Trust Conference. The latter in conversation with a nation state diplomat.

²¹ The 2010 Conservative manifesto states 'We will release spending on unnecessary and bureaucratic EU defence initiatives and spend the money on our Armed Forces. As part of that process, we will re-evaluate our position with the European Defence Agency.'

²² BBC, UK risks 'turning inwards' over EU referendum - US official, January 2013, <http://www.bbc.co.uk/news/uk-politics-20961651>

²³ House of Commons Foreign Affairs Select Committee William Hague Evidence, March 2012 <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmffaff/uc1879-i/uc187901.htm>

²⁴ Douglas Alexander, Britain's Future in Europe, Chatham House Speech, January 2013 <http://www.chathamhouse.org/events/view/188423>

fundamental position that the EEAS is an addition to, rather than replacement for, national diplomacy is shared across the UK political spectrum. Where Hague perhaps has taken this position one stage further than both domestic opponents and other EU nations is through the development of bilateral initiatives with Canada around the co-location of some embassies and consulates²⁵, whereas other member states are beginning to look to the EEAS to help fill their capacity gaps.

Britain is not alone in wanting flexibility, with France and some other large member states able to forum-shop, seeing the EU as a 'toolbox' to be dipped into when needed as Stefan Lehne sets out here and elsewhere²⁶. Despite this independence it is primarily those larger member states that have the power to help shape the EU's Common Foreign and Security Policy (CFSP) agenda, while smaller member states²⁷ are likely to see the EEAS as a more integral than additional part of their foreign policy but generally restrict their focus to a smaller number of issues. While some may lament the lack of greater consolidated decision making power in Brussels²⁸, the ability for countries to represent themselves among the family of nations, and in particular the issue of national defence, remain at the core of what it means to be an independent state. Some member states (particularly the UK) would be willing to trade away some influence for continued independence of action.

Making an impact

Enabling the EU to punch with (at least) the full diplomatic weight of its 27 member states is the driving rationale behind the development of the External Action Service. There are three primary ways in which the EEAS and EU foreign policy can make an impact, by delivering on the two outward-facing EEAS goals of strengthening EU influence in the neighbourhood and developing relations with strategic partners, but also by becoming an effective tool for dealing with intractable trouble spots.

Building relationships with strategic partners is a balancing act for the EEAS. It needs to both be a tool to support the bilateral ambitions for national diplomacy of larger member states, while providing a primary point of contact for smaller states. The EU holds competence for trade, the most important driver of relationships with strategic partners, particularly the BRICS and MINTs²⁹. The challenge for the EU with key partners, both on trade and more broadly, is one of triage; trying to distil myriad competing national priorities into a concise list of strategic goals for the EU to focus on while remaining a platform to assist member states in other areas. Here there is scope for deepening the interactive relationship between national governments and EU delegations to enable member states to take forward advocacy on behalf of their local 'widget manufacturers' or interest groups that are not deemed a strategic priority, while enabling i's to be dotted and t's crossed by EU staff in areas of European competence. Such an approach of course leaves strategic partners with a wide range of European diplomats clamouring for their attention, but it is not realistic to expect member states to recuse themselves from representing their own interests just because the EEAS is active in country. However as set out earlier the EEAS' important coordinating role, both between member state embassies in-country and at the level of the council of foreign ministers, can help reduce duplication and maximise impact. With some strategic partners, most notably at present the Russians, EU coordination can help avoid attempts at divide and rule.

For both strategic partners and neighbours the EU's priority is to build on existing bureaucratic and technical strengths – its so called structural diplomacy³⁰ – with the EEAS' political dimension

²⁵ Lizzie Davies, UK to share embassy premises with 'first cousins' Canada, Guardian September 2012

<http://www.guardian.co.uk/global/2012/sep/24/diplomacy-embassy-buildings-uk-canada>

²⁶ Stefan Lehne, The Big Three in EU Foreign Policy, Carnegie Europe, July 2012 <http://carnegieeurope.eu/publications/?fa=48759>

²⁷ And to some extent Germany for historic reasons

²⁸ See for example Jan Techau here <http://carnegieeurope.eu/strategieurope/?fa=50802>

²⁹ Brazil, Russia, India, China and South Africa (BRICS) and Mexico, Indonesia, Nigeria and Turkey (MINTs). The US which has strong bilateral links with member states is also exploring a new US-EU.

³⁰ Stephan Keukeleire and Arnout Justaert, EU Foreign Policy and the Challenges of Structural Diplomacy, Feb 2012, http://dseu.lboro.ac.uk/Documents/Policy_Papers/DSEU_Policy_Paper12.pdf

providing coherence, coordination and building institutional credibility rather than simply duplicating traditional nation state diplomacy. As Stefan Lehne argues in his contribution to this publication, *'in areas of external relations where the Commission is in the lead such as trade, development, enlargement or in the external aspects of internal policies such as environment, justice or home affairs, EU policies carry more punch and have greater identity building effect than in classical foreign and security policy'*. Strengthening the coordinating role of the HR/VP over the external aspects of the Commission's work can be important here, for example by improving integration between DG Trade and EEAS staff to enhance diplomatic insight and political influence in EU trade negotiations as argued by Burke³¹.

In the relationships with strategic partners, for some larger member states at least, the desired role for the EU is a supportive one, however in the neighbourhood there are clearer opportunities for the EU to take the lead particularly in countries of limited bilateral interest. However the EEAS has come into being at a difficult time for neighbourhood policy with the events of the Arab Spring leading to a more fluid set of relationships in the MENA region. After a rocky start, with initial events in Tunisia predating the founding of the EEAS by a fortnight³², more positive noises have been made about efforts at institution and relationship building in North Africa. In the Eastern Partnership countries,³³ the travails of the enlargement process driven by member state political sentiment and Eurozone introspection places some limits on the attractiveness of the driving regulatory convergence approach if 'enlargement-lite' is the final EU offer rather than a stepping stone to joining the club. In reality enlargement is a distant dream, unlikely to be fulfilled in all but the longest term for some members of Eastern Partnership, while not at all for those in the southern neighbourhood. The Commission decision to transfer responsibility for neighbourhood policy to the Enlargement Commissioner may be seen as an attempt to reenergise the enlargement process but this does limit the HR/VP's role in one of the EEAS most important strategic areas, and one where its staff work to support Commissioner Füle.

Neighbourhood policy is supposed to be about more than agreeing on common interests; it is about building shared values with a view to a more integrated relationship with the European Union. The neighbourhood then is the primary arena for the promotion of 'European values', particularly where a membership perspective is desired. In order for agreements between the EU and neighbours to be credible they must be adhered to by both parties, and despite detailed human rights clauses the EU often fudges poor governance and proceeds with deepening ties³⁴. On the areas Hale discusses in her contribution, the corollary of the more for more incentive-led approach is less for less. While aiming to work for consensus is important, the HR/VP could perhaps be more willing to use key levers already within EU competence such as trade privileges (subject to the qualified majority voting [QMV] driven ordinary legislative procedures) and aid to help leverage compliance with the terms of EU Association or Partnership and Cooperation agreements, along the lines used for Belarus³⁵. Both inside and outside the neighbourhood the HR/VP can help coordinate efforts to deliver a broader range of sanctions³⁶ through her CFSP role.

The key area for the EEAS developing a 'classical foreign and security policy', as Lehne puts it, is regarding certain troubling situations that impact the security or interests of the union and where, for reasons of capacity or diplomacy, a common position is almost essential rather simply desirable. At time of writing it is an EU training mission which gives political and organisational cover for Britain

³¹ Edward Burke Europe's External Action Service: Ten steps towards a credible EU foreign policy, Centre for European Reform, July 2012 <http://www.cer.org.uk/publications/archive/policy-brief/2012/europes-external-action-service-ten-steps-towards-credible-eu>

³² The EEAS was not the only Western diplomatic organisation caught flat-footed by the Arab spring

³³ Particularly Georgia, Moldova and Ukraine

³⁴ See for example the Spotlight series on the South Caucasus by this author <http://fpc.org.uk/publications/>

³⁵ See here for the suspension of GSP+ trade privileges http://europa.eu/rapid/press-release_IP-07-844_en.htm

³⁶ As highlighted here EEAS, European Union Restrictive measures (sanctions) in force, December 2012 http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf

and other member states to provide troops and resources to support the French-led military mission in Mali, while in the Horn of Africa both the EU's Operation Atalanta and the comprehensive approach³⁷ to the region are delivering more effectively than could be achieved bilaterally. It is no secret that the unified response to the Iranian nuclear issue is one of the areas of EU foreign policy with which the current UK government is most enamoured, given the historical baggage that Britain brings to the Iranian context. EU involvement has provided more than diplomatic cover on Iran, given that the eventual agreement of an EU wide oil embargo has had the greatest impact of any international sanction so far. There remains scope for improving effectiveness through both strengthening EEAS capacity and coordination with the Commission, where for example there has been criticism of the lack of dialogue between the EEAS and DG Energy over issues from the impact of sanctions on Iran on Greece.

Moving forward

As set out here and elsewhere in this publication, expectations that the EEAS could hit the ground running at top speed on day one of operation were significantly overoptimistic and unfair. The scale of the practical and political challenges involved was immense. Baroness Ashton has exercised the role of HR/VP as predominantly a coordinating rather than leadership role, both in style and in her acceptance of Commission and Council encroachment on the HR/VP and EEAS' turf, which avoided an extended period of institutional infighting that could have stopped the project getting off the ground. This conciliatory approach may well have been critical in achieving the creation of the service, but there is now scope after two years of operation to assess what elements of the current structures and practices are the way they are as a result of the initial treaty design, which are the result of the institutional turf war and where there has been deliberate evolution.

The highest profile attempt to address some of these problems is the external affairs sections of the 11-country Final Report of the Future of Europe Group³⁸ led by German foreign Minister Guido Westerweller. The report is a mixed bag with some elements that are fundamentally inappropriate from a UK perspective, such as joint representation in international organisations in areas where the EU does not hold full competence³⁹. Given that even informal systems of dividing responsibilities until now have been problematic, such as at the recent squabble over the EBRD presidency⁴⁰, the idea that for example the two European permanent members of the UN Security Council would voluntarily give up the prestige and sovereignty of their individual seats for an EU place at the table seems fanciful⁴¹. Where national control over policy areas is retained, national representation is likely to remain, albeit with the EEAS working to enhance coordination between member states. Similarly proposals from some members of the group for a European Army, along with broader ideas of treaty change by majority voting⁴² are likely to receive short shrift, particularly in the UK. However in the report's sections on the External Action Service it sets out a clear goal of strengthening the position of the HR/VP and the EEAS⁴³. The foreign ministers argue that:

The High Representative/Vice-President (and the EEAS) should be responsible for central external action areas (e.g. Neighbourhood Policy); their role in the area of development cooperation should also be strengthened. For other areas its institutional capacity for coordinating the different EU

³⁷ EEAS A new and comprehensive EU approach to the Horn of Africa, November 2011

http://eeas.europa.eu/top_stories/2011/141111_en.htm

³⁸ Final Report of the Future of Europe Group of the foreign ministers of Austria, Belgium, Denmark, France, Italy, Germany, Luxembourg, the Netherlands, Poland, Portugal and Spain, September 2012,

<http://www.london.diplo.de/contentblob/3661290/Daten/2680901/FinalReportFutureofEurope.pdf>

³⁹ The single EU voice at the WTO is only logical because trade policy is an area of sole EU competence. Joint representation on the boards of international financial institutions may make sense for countries engaging in greater fiscal integration but as the Eurozone rather than as the EU.

⁴⁰ Franco-German squabbling undermined attempts to find a common EU presidential candidate allowing a surprise British candidate to take the reins for the first time. See <http://uk.reuters.com/article/2012/05/18/uk-ebrd-president-idUKBRE84H0S720120518>

⁴¹ The EU is now a limited actor in its own right at the UN general assembly

⁴² Others such as single a single market for armament projects are touched on by Anand Menon and others elsewhere

⁴³ And by extension the Council

actors has to be strengthened. This is necessary in particular to enable the High Representative to assume in full her role of coordinator within the Commission. There should also be clear rules on cooperation between the High Representative/Vice-President and other Commissioners in the sphere of external action (e.g. in the framework of a possible creation of “senior” and “junior commissioners”).

Strengthening the role of the HR/VP vis-à-vis the Commission has been a clear thread running through this author’s assessment of conversations with key actors, the literature and his own thinking. Such a framework would clearly strengthen the role of the HR/VP, enhance coordination between the EEAS and the Commission’s external functions and potentially speed up decision-making. However it might come at the cost of ruffled feathers and considerable friction with the Commission. The possibilities for formally shifting supervision from the Commission to direct decision making by the HR/VP would seem strongest in the case of the Enlargement and Neighbourhood Commissioner, but also potentially for the Development and Crisis Response briefs. However there may be scope to deliver some of these objectives through evolution rather than structural change⁴⁴. This could be achieved by deepening the existing position of the HR/VP as first among equals within the externally-facing commissioners⁴⁵, the increasing scope for decision-making either by the HR/VP or the external commissioners group without reference to the full college of commissioners, and enabling external commissioners to deputise formally for the HR/VP at certain events beyond their direct remit rather than using foreign ministers of the rotating council presidency. Also the external affairs group could be expanded to include the Commissioners for Energy and Climate Change and, on a case-by-case basis, other Commissioners. Although President Van Rompuy represents the EU internationally at head of state level, building the gravitas of the HR/VP may require giving it greater space at a top table that is already crowded by the Presidents of the European Council, Commission, Parliament and the rotating Council of the European Union role.

The issue of a deputy for the HR/VP can be seen from a number of different perspectives. As discussed above, bringing externally focused commissioners more closely under the supervision of the HR/VP would assist policy cohesion; however with the exception of their existing responsibilities this would do little to address the issue of the HR/VP needing to be in two (or more) places at once, unless one of them was formally designated as her deputy with EEAS powers beyond their briefs. Similarly a different political figure could be nominated as the HR/VP’s formal deputy with the ability to take decisions with delegated responsibility. Alternatively, without resorting to major structural changes further steps could be taken to bolstering the roles of senior EEAS staff such as the Executive Secretary General (Pierre Vimont) and Chief Operating Officer (David O’Sullivan) to act on behalf of the HR/VP. Within the college of Commissioners there is the more parochial point about the national perspective of the country holding the position of HR/VP not always being present when decisions are being made within the college of commissioners⁴⁶. Some of this might be addressed by members of the commissioner’s cabinet with overview for internal policy areas taking a greater role here or if an appointed political deputy was from the same nation as the HR/VP.

The foreign ministers proposal to *‘Introduce more majority decisions in the CFSP sphere or at least prevent one single state from being able to obstruct initiatives, and in this framework also further develop the concept of constructive abstention’* is an interesting but controversial one. Key external areas covered by the Commission are already subject to QMV and attempts to expand its use are a somewhat understandable attempt to limit the lowest common denominator approach to EU foreign policy decision-making, where specific member state interests may block collective action. However an expansion of majority voting into areas that would be binding on national foreign policy

⁴⁴ It could prove tricky to find a new agreement if the Council Decision of July 2010 (http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf) was reopened

⁴⁵ She is already the sole Vice-President among them

⁴⁶ Commissioners are in theory supposed to take off their national hats while serving.

would be fiercely resisted by those who wish to retain sovereign freedom of action such as the UK, which has a track record of vetoing common positions where it perceives competence creep. Given that the formal transfer of certain CFSP decisions to QMV does not seem to be on the cards, the question then is whether the existing ability of constructive abstention⁴⁷ could develop into a form of non-binding abstention. Such a non-binding option would allow both countries who disagreed with a particular decision but not strongly enough to warrant blocking the majority view and those who disagreed that this was an area suitable for CFSP could allow other member states, the EEAS and other EU institutions to proceed, without constraining the freedom of action of their national foreign policy to take a contrary position, as is currently the case under constructive abstention. Clearly such a position would not be ideal for cohesive action but it would prevent gridlock. As Sir Malcolm Rifkind argues in this publication the way through this impasse is not for more areas to be covered under a binding common foreign policy but to encourage the formation of a greater number of common positions, deepening the approach already underway by the HRVP, buttressed by swifter collective action in some areas of existing EU competence.

Conclusion

The EEAS sits as the bridge between the inter-governmental (Council of the European Union and European Council) and the supranational or communitarian dimension (the Commission and the Parliament) and it remains a space of political struggle between these two identities and responsibilities. Baroness Ashton has managed this tension through conciliation rather than confrontation, ceding ground to both the groups in order to get the new service up and running at the cost of her own prestige and power. Now that the EEAS has overcome some of its early problems, some of the structural questions can begin to be addressed. However, as research for this project and the contributions of other authors have shown, some of the ambiguities and fuzziness that surrounds existing processes are not just the result of political fudge between competing interests, but an intentional attempt to work through competing worthy aims and ideals through conciliation rather than clear chains of command. Progress is and can continue to be made by increasing the competence of the organisation rather than imbuing it with more competences, particularly those from member states. The EEAS can be a bridge between the national and international, an influence multiplier for member states when they choose to use it. By encouraging and supporting common action the EEAS can become a critical tool to help Europe remain a key player on the world stage.

⁴⁷ 'The general rule remains that CFSP decisions always require a unanimous vote in their favour. However, Member States can exercise "constructive abstention", i.e. an abstention which does not block the adoption of the decision. If they qualify their abstention by a formal declaration, they are not obliged to apply the decision; but they must accept, in a spirit of solidarity, that the decision commits the Union as a whole and must agree to abstain from any action that might conflict with the Union's action under that decision.'
http://europa.eu/legislation_summaries/institutional_affairs/treaties/amsterdam_treaty/a19000_en.htm

EU – Actor or Toolbox?
How Member States Perceive the EU’s Foreign Policy
Stefan Lehne⁴⁸

Nations can have an active or a passive foreign policy, they can be warlike or pacifist, but undoubtedly they are actors on the international scene, i.e. they influence international developments in accordance with their values and interests. The European Union’s foreign policy system is less straightforward. The member states have committed themselves to pursuing certain objectives together in the framework of the Common Foreign and Security Policy, but at the same time continue to run their own national foreign policies. As an international actor the EU complements but does not replace the 27 individual actors making up its membership. The EU’s status as an actor – its “actorness” - is therefore not a given but an open question and indeed the subject of a lively theoretical debate.

It is useful to differentiate between the outside dimension of “actorness” and the inside view. Foreign countries that negotiate trade agreements with the EU, receive aid or are the objects of sanctions obviously experience the EU as an actor. They might at times try to sideline the common EU institutions by dealing directly with capitals of member states, but the reality of the EU as a relevant factor in international relations is not in doubt. The internal dimension of the problem is more complex as it reflects the dialectic relationship between the national foreign policies of member states and the collective one of the EU.

The Hybrid Nature of EU Foreign Policy

Member states can look at the EU’s foreign policy as a set of instruments to be used for the purposes of their own national foreign policy, but they can also perceive themselves as constituent part of the EU as an international actor in its own right. Generally, their approach will comprehend a mix of both attitudes. Member states will look at the EU more in terms of a toolbox when priority issues of national foreign policy are concerned. Thus France, for many years – it is no longer so evident today – used the mechanisms of the EU’s foreign and development policies to assist and reinforce its own policies in West Africa; Portugal lobbied for action on its former colony, East Timor, and the Baltic states sensitized their partners to Russia’s bullying behaviour. In these cases the member states use the EU as a diplomatic force multiplier. By putting the weight of the EU behind their concerns and interests they improve their chances of getting their way. Even in the ideal case, when their national policy becomes an official EU position the national foreign policy perspective will always prevail.

In areas where specific national interests do not dominate, the internal dynamic of EU foreign policy making is quite different. Decades of close consultation within common institutions had a strong socialization effect on the foreign policy elites in the EU. Particularly in the medium sized and smaller member states a major part of the activities of the foreign ministries today concerns participation in EU working groups, preparing ministerial meetings and sending and receiving information through EU networks. All this has led to an instinctive “EU reflex”. When a new challenge arises, the first question will usually be: What do EU partners and EU institutions think about this? Thus, the process of formulating positions on new foreign policy challenges hardly ever takes place in isolation but normally within the context of the institutionalized coordination of the EU. As a result the borderlines between national and EU foreign policy have gradually become blurred and the latter is often perceived as the natural extension of the former.

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This effect is reinforced by the hybrid nature of EU foreign policy. While its foreign policy structures remain intergovernmental and rather similar to traditional international organizations such as the Council of Europe or the OSCE, EU foreign policy still benefits from the much stronger identity building effect of the deeper integration in other fields. Sharing in a common market, in the case of many countries also in monetary union and the Schengen space creates bonds of solidarity that underpin also the looser foreign policy cooperation. As the external dimension of a deeply integrated entity EU foreign policy goes well beyond traditional international organizations. But in view of its intergovernmental character it is also the “weakest link” in the chain of EU activities. For some this is a severe shortcoming, for others a cause to celebrate the greater freedom of action of member states.

A Broad Spectrum

In fact there are significant differences in the attitudes of member states. At one end of the spectrum would be a member state like the United Kingdom, which ascribes primacy to its national policy and tends to regard the EU as one of several international fora, which can be made use of in order to pursue national foreign policy objectives. On the other end would be a state like Luxembourg, which has limited national foreign policy ambitions of its own and identifies to a high degree with the EU’s policies, effectively considering itself as a constituent part of a larger foreign policy identity.

Foreign policy traditions, specific interests, and relations with outside powers play an important role in determining a given state’s position on this spectrum. Obviously, there is a strong correlation between a country’s overall attitude to European integration and its readiness to identify with European foreign policy. States with a federalist vision of Europe such as Belgium or Italy are more consistent supporters of the EU as a foreign policy actor than the sovereignty minded countries such as the UK and Denmark. A strong national interest in the success of EU foreign and security policy deriving from an exposed geographic position, - such as that of Finland or Poland, - can also be an important factor for an ambitious approach to EU foreign policy.

It would be a simplification to assume that the large member states, which retain considerable national foreign policy capacity, are all on the “toolbox” end of the spectrum whereas the smaller ones cluster on the “identification” end. For historical reasons Germany for instance identifies to a high degree with European efforts and is thus in principle ready to transfer further important competencies in this field to the European level. Cyprus, by contrast, is one of the smallest member states but has a very large foreign and security policy problem - the division of the island. Accordingly, it perceives its participation in EU foreign policy primarily in terms of this overwhelming national priority and utilizes its leverage relentlessly to pursue its national interests.

The Dangers of Pseudo Engagement

Governments also tend to present EU foreign policy to their electorates as a second larger foreign policy identity to which concerns can be delegated when direct national interests are not in play or national instruments are not usable. Consequently, EU deliberations frequently result in declarations rather than in genuine engagement. The “paper tiger” image that still bedevils EU foreign policy is partly due to the fact that taking an issue to the EU often represents the extent of a government’s readiness to actually do something about it.

The same dynamics also explain why the EU’s collective efforts often look more idealistic than national foreign policies. When member states lack the determination to engage in a serious manner, they often fill the gap with declarations on values. While they cannot or will not resolve a problem, they still feel better having said the right things. Moreover, raising concerns relating to human rights and democratic principles in the context of bilateral relations often involves a cost in terms of this relationship. Particularly with regard to powerful third states such as Russia and China,

member states sometimes prefer to leave the “virtuous” work of raising human rights concerns to the EU, while focusing themselves on business. However, when the states in question perceive that the EU policy line does not have the full backing of member states they are unlikely to take it very seriously.

The Risk of Renationalization

From its feeble beginnings in the early 1970s EU foreign and security policy has come a long way. Its institutions have grown, its scope has been expanded and the level of activities continues to increase. In parallel, member states’ readiness to identify with the EU as an actor has also increased. However, this development has not been linear and it is not irreversible.

Setbacks can be caused by divisions over substantive issues such as the one over the Iraq war in 2002 but also by serious problems in the integration process. The ongoing euro crisis has not only undermined the confidence in the future of the EU but has also given rise to tensions among member states and eroded their sense of solidarity. A creeping “renationalization” of foreign policy has set in. Member states are more likely today to take their own national positions and initiatives without coordinating with their partners. These tendencies can certainly be reversed, once the euro crisis has been overcome, but they show the fragility of EU foreign policy. Despite all the reform efforts of past decades member states remain in the driver’s seat. Without their political will and active engagement the project not only cannot move forward, there is always the risk of falling back to a nationally defined foreign policy.

The Remedy of Institutionalization

Despite the crucial importance of the attitude of member states further institutional development of EU foreign policy making can make a difference. In areas of external relations where the Commission is in the lead such as trade, development, enlargement or in the external aspects of internal policies such as environment, justice or home affairs, EU policies carry more punch and have greater identity building effect than in classical foreign and security policy.

The Lisbon reforms aimed at reducing the gap by double-hatting the High Representative also as Vice-president of the Commission and by creating the European External Action Service (EEAS) as a linking element. However, due to restrictive attitudes in the implementation of the Lisbon treaty, only modest progress towards a truly comprehensive approach has been achieved so far. The objective remains nonetheless important. If foreign and security policy and the powerful instruments controlled by the Commission could be brought together more effectively, an important qualitative jump forward could be achieved.

Responding to Globalization

The only factor that has the potential over time to profoundly change the relationship between national and EU foreign policy is the need to adjust to the challenges of globalization. It impacts on EU foreign policy making in two important ways. One effect is the convergence of foreign policy interests among EU member states. As a result of growing interdependence, developments in faraway places can have a greater effect on European interests than ever before. The EU foreign policy agenda that ten years ago still primarily concerned the European neighbourhood today encompasses developments across the globe. Moreover, on many of the items that now make up the agenda of Foreign Ministers it is difficult to identify differences in the specific national interests of member states. A military coup in Southern Africa, a humanitarian catastrophe in the Caribbean, tensions in the China Sea have usually similar implications for Lisbon, Dublin, Berlin or Helsinki. As the world is shrinking, so are the differences in the interests of EU member states.

The other consequence of globalisation is that individually member states can do rather little about most of the foreign policy challenges arising today. Only in exceptional cases will a European state

on its own be able to decisively influence the situation on the ground. As a rule, only collective action on a regional and sometimes on a global level can have a significant impact. As power and economic dynamism shifts to other continents, the ability of European countries – even of the bigger ones among them - to remain relevant players in their own right will further diminish. They will increasingly be faced with a choice: either to resign themselves to a more modest role on the international stage, accepting that the decisions regarding the future global order will be taken by others; or to combine efforts, pool resources and empower strong common institutions to act on their behalf. If this choice is made EU foreign policy could turn from the “weakest link” of EU activities into a powerful force of integration.

The EEAS: A Vanguard in Diplomatic Organizing?

Jozef Bátora⁴⁹

This paper argues that the European External Action Service (EEAS) is not a classical diplomatic service but rather an interstitial organization spanning different policy fields and recombining external affairs resources in innovative ways. While this presents quite a few organizational challenges in the early years of its operations, it may not take long before the EEAS paves the way for a new standard of organizing for efficient delivery of comprehensive solutions to address complex challenges of current global politics.

The EEAS as an interstitial organization⁵⁰

The EEAS is often referred to as the EU's diplomatic service or a *sui generis*⁵¹ organization. Yet both of these notions are of limited use for getting a proper analytical grip on the nature of the EEAS. The former activates established expectations about what diplomatic services usually do but, as I will argue below, the EEAS portfolio covers much more than that. The latter notion posits the alleged uniqueness of the EEAS, but actually tells us nothing specific about the nature of the organization. I argue that the EEAS could be conceptualized as an *interstitial organization*, i.e. an organization emerging in interstices between various organizational fields and recombining physical, informational, financial, legal and legitimacy resources stemming from organizations belonging to these different organizational fields⁵². This interstitial status creates a situation in which there are different and sometimes conflicting organizational principles and practices introduced within the organization of the EEAS, and different and sometimes conflicting sets of expectations in relation to the Service from actors within the organization as well as from outside.

Studying the organizational set up and functioning of the EEAS in its first two years of operation, the interstitial nature of the EEAS becomes apparent in at least three dimensions⁵³. First, it is its interstitial positioning in relation to EU institutions. This can be documented in various aspects of the new organization. As stipulated by the Lisbon Treaty, the EEAS consists of personnel from the Commission, the Council and the member states. These officials have brought in various kinds of organizational culture, and the current organizational culture is rather a conglomerate of organizational cultures stemming from the two key EU institutions and from 27 member states. Due to limited time available in the run up to the launch of the EEAS, most of the day-to-day administrative routines of the EEAS have been taken over from the Commission. This includes reporting routines, the systems for the electronic management of documents etc. As whole departments with personnel were transferred to the EEAS from the Commission, the organizational culture and working routines have been influenced accordingly, and have made the EEAS Headquarters into what some have referred to as "DG Relex Plus". This was changing gradually with the influx of personnel from member states and with the re-location of the EEAS units from seven buildings into two including the new headquarter premises in 2012.

Managing the co-existence of multiple organizational cultures and moulding them into a more or less cohesive organizational culture of the EEAS featuring a prospective esprit de corps was a key

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⁵⁰ This section draws upon Bátora, Jozef (2012): "The 'Mitrailleuse Effect': The EEAS as an Interstitial Organization and the Dynamics of Innovation in Diplomacy", conference paper 'The EEAS: Changing the Nature of Diplomacy or Old Wine in New Bottles', London, November 23-24, 2012.

⁵¹ Unique in its characteristics.

⁵² The notion of organizational field as used in this article draws upon DiMaggio, P. and Powell, W.W. (1991): "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields" in Powell, W.W. and DiMaggio, P. (eds.): *The New Institutionalism in Organizational Analysis* Chicago: The University of Chicago Press, pp. 63-82

⁵³ The observations presented here build on interviews with EEAS officials and study of official documents of the EEAS conducted between October 2011 and January 2013.

challenge two years after the launch of the Service. A new intra-net launched in January 2013 was a key tool in helping to foster such a process by providing a well-organized set of resources providing overviews of EEAS routines, procedures and not least features such as regular video-interviews introducing staff on various levels in the organization to fellow colleagues. The interstitial positioning of the EEAS in relation to EU institutions remained in place also in the sphere of public communication. Most official press releases of the Service were communicated via the servers of the Council. This was partly due to legal challenges with migrating thousands of personal e-mail addresses that individual subscribers have registered with the Council in order to receive updates on CFSP matters.

Second, the EEAS' has been in an interstitial position in relation to the member states. This is quite notable, for instance, in the area of diplomatic passports. Since the EU is not a state, the EEAS cannot issue standard diplomatic passports, but merely the so called *laissez passer*. This diplomatic travel document provides various privileges and immunities, but the range and applicability of these falls short of those provided by standard diplomatic passports issued by states⁵⁴. Hence, some EEAS staff have retained their national diplomatic passports, but there is no standardized solution to this throughout the Service as some member states do not issue their national diplomatic passports if they serve in the EEAS, while others only issue such passports to officials with previous professional links to the respective foreign ministry.

Third, the interstitial position of the EEAS has been notable also in relation to models of proper organization. The Lisbon Treaty remained vague as to the organizational set up and role of the EEAS. This had to be figured out in the process of setting up the EEAS and the current structure seems to span at least three organizational fields.

First, it is the field of foreign ministries which has clearly been an important source of inspiration and benchmarking for the EEAS. The organogram of the EEAS, its tasks, procedures and partly also its organizational culture resemble such features of foreign ministries. At the same time, the EEAS' operations are regulated by inter alia the provisions of the 1961 Vienna Convention on Diplomatic Relations which provide the legal basis for diplomatic intercourse. Second, the work of the EEAS is also embedded in organizational models from the field of defense ministries. This is related to the fact that the EEAS features quite sizable crisis management components within its organizational structure including the EU Military Staff, Situation Centre (SitCen), Crisis Management and Planning Directorate, EU Situation Room and others. These units are responsible for the management of EU-led crisis operations such as, for instance, Operation ATALANTA involving quite a sizeable military presence and activity off the coast of the Horn of Africa. Finally, one could also argue that the EEAS' set up has been inspired by organizational models stemming from private enterprises and global corporations. An example of this is, for instance, the open office landscape on the sixth floor in the headquarters housing the so called 'Corporate Board' and the office of the High Representative. Such solutions have been a challenge for some of the seasoned diplomats who joined the leading ranks of the EEAS and had been accustomed to different physical set-up of offices in national foreign ministries allowing for more discreetness.

Conclusion: Interstitiality of the EEAS as a source of diplomatic innovation

Expectations being currently placed on the EEAS by various actors in the EU and beyond most often emanate from established notions of what diplomatic services usually do. Yet established notions of what diplomatic services do and should do are themselves in flux and are giving way to whole-of-government approaches and comprehensive strategies seeking to combine the delivery of external

⁵⁴ See Wouters, Jan and Duquet, Sandriijn (2012): "The EU and International Diplomatic Law: New Horizons?" in *The Hague Journal of Diplomacy*, 7(1): 31-49

affairs services in the realms of diplomacy, defense and development⁵⁵. The EEAS with its interstitial position and integration of various external affairs elements under one roof may, in fact, be in the process of paving the way for a new breed of flexible and integrated delivery of external policy. Hence, while the organization struggles with quite a few organizational challenges in its early years, it may not take long before it becomes a source of inspiration for governments and international organizations world-wide seeking efficient delivery of comprehensive solutions to the complex challenges of global politics.

⁵⁵ See Hocking, Brian, Melissen, Jan, Riordan, Shaun and Sharp, Paul (2012): *Futures for Diplomacy. Integrative Diplomacy in the 21st Century*. Clingendael: Netherlands Institute of International Relations. October 2012.

Europe's 'Defence Deficit'

Anand Menon⁵⁶

Individual European states are increasingly incapable of addressing the security threats that confront them. The need for some kind of multiplier in military affairs is thus clear. To date, however, attempts to deploy European integration to this end have proven largely unsuccessful. The Common Security and Defence Policy (CSDP) has failed to deliver. EU military missions have been limited in scope, whilst member states have failed to enhance the capabilities at their disposal. This combination of increasing national incapacity and the failure of the European Union to compensate for it represents a growing 'defence deficit' threatening the ability of member states to defend their security interests.

Meeting at the French seaside resort of Saint Malo on 3-4 December 1998, French President Jacques Chirac and British Prime Minister Tony Blair signed a declaration proclaiming that the EU 'needs to be in a position to play its full role on the international stage'. Consequently, the 'Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises'.

The declaration made eminent sense. The conflict in the Balkans had illustrated the inability of European states to respond effectively to security crises even in their immediate neighbourhood – an impression only reinforced the following year as the United States dominated the fighting in Kosovo. Including defence policy within the remit of European integration was an obvious response. For the French and British governments, wrapping defence in an EU flag represented a possible way of achieving what NATO and various collaborative schemes had previously failed to accomplish – a renewed commitment to defence capabilities amongst their European allies.

Yet, for all the subsequent ambitious declarations and statements of intent, progress in developing CSDP has been limited at best. Whilst several military missions have been undertaken, these have been profoundly limited in scale, scope, and ambition. In many cases it is hard to avoid the impression that EU operations were designed more to illustrate that the EU could intervene than to tackle real security issues on the ground (repeated EU interventions in the Democratic Republic of Congo have hardly led to stability in that benighted land). In others, the Union took over operations once NATO or the UN had already done the heavy lifting.

Nor, moreover, has CSDP provided a catalyst for the development of European military capabilities. European missions have been systematically undermanned, and underequipped. For all the bravado that accompanied victory over the forces of Colonel Gaddafi, the fact is that, despite fighting 'one of the weakest militaries in the world'⁵⁷ the Europeans found themselves reliant on US Tomahawk missiles, drones and electronic warfare aircraft, without which the mission may well not have succeeded⁵⁸. And the situation is only getting worse. Austerity policies across Europe have had an enormous impact on defence spending, with some smaller member states initiating reductions of over 20% – Lithuania cut its defence budget by 36% in 2010. Medium-sized member states announced cuts of between 10 and 15%, whilst Germany and the UK approved reductions of around 8% to be implemented over a period of several years.

The explanation for the relative ineffectiveness of CSDP can be found in the reluctance of member

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⁵⁷ Steven Erlanger, "Libya's Dark Lesson for NATO," *New York Times*, 3 September 2011 2011, available at

<http://www.nytimes.com/2011/09/04/sunday-review/what-libyas-lessons-mean-for-nato.html?pagewanted=all>

⁵⁸ F. Stephen Larrabee Stuart E. Johnson, John Gordon IV, Peter A. Wilson, Caroline Baxter, Deborah Lai, and Calin Trenkov-Wermuth..., *NATO and the Challenges of Austerity* (Santa Monica: RAND, 2012). 98.

states to cede control over any aspect of national defence policies. CSDP decision-making works on the basis of consensus, which means that unanimous agreement is necessary prior to a mission being launched. States want to be able to decide on their own when to undertake military interventions and to retain at least the notional ability to mount their own defence of their territory, should this be necessary. As a consequence, the outcomes of lowest common denominator bargaining gravitate to the level of the most risk averse. Hardly any surprise, then, that only those missions where the potential costs in terms of blood and treasure are low are ultimately approved.

In the realm of capabilities, the increasing ineffectiveness of European militaries stems from their disaggregation into national defence systems. Around 80% of all defence equipment in Europe is bought nationally⁵⁹. The upshot of fragmentation between separately equipped and commanded militaries is that Europe does not enjoy the economies of scale from which the US benefits - despite spending considerable sums on defence, Europeans do not generate sufficient 'bang for their buck'. Member states in 2009 were undertaking 89 different weapons programmes – in contrast to 27 in the United States⁶⁰. One estimate puts the potential savings from a single defence market at around 20% of current procurement spending or, at current levels, some €6 billion a year⁶¹.

Out of this sorry tale emerges the notion of the European 'defence deficit,' whereby European cooperation has not managed to compensate for declining capacity at the national level. European integration has failed to rescue individual member states from decline in defence in the way it has in other areas of public policy. Those same member states, whilst all too willing to talk a good game when it comes to defence cooperation, have proven far more reluctant to take practical action in this direction. Defence remains very much a national rather than a cooperative undertaking.

Ultimately, what will be required is greater integration and a willingness to submit national defence policies to European authority to a greater extent than ever before. Depriving all member states of a veto when it comes to deciding on military interventions would accelerate decision-making and enhance the effectiveness of EU military interventions. Solutions to industrial fragmentation include European level procurement to ensure interoperability and foster economies of scale and the creation of a common European Defence Equipment Market. Simply put, the most efficient solution would be the communitarianisation of armaments, with national agencies replaced by supranational institutions⁶².

None of this is likely to occur in the short term. The pressures of national politics militate against defence integration in many states. 'Sovereignty,' whatever its reality, remains a powerful rhetorical rallying cry. Moreover, times of austerity are not the ideal moment to ask governments to undertake the kind of painful restructuring that true rationalization of European defence industries would require.

Rather, European cooperation must start from modest beginnings, in the hope that political momentum will carry it forward. A useful point of departure would be for national defence ministries to coordinate more closely (that is to say, to coordinate at all) over the implications of budget cuts for military capabilities. Sharing information is a necessary first step not only to avoiding the disappearance of niche capabilities, but to building trust as a basis for further cooperation. Further down the line, the consequent identification of common needs might facilitate pooling and sharing, which is achievable only via such convergence of views and not by EU fiat.

⁵⁹ Tomas Valasek, "Surviving Austerity: The Case for a New Approach to EU Military Collaboration," (London: Centre for European Reform, 2011), 11.

⁶⁰ Clara O'Donnell, "The EU Finally Opens Up the European Defence Market," in *Policy Brief* (London: Centre for European Reform, 2009), 1.

⁶¹ Keith Hartley, "The Future of European Defence Policy: An Economic Perspective," *Defence and Peace Economics* 14, no. 2 (2003).

⁶² Burkard Schmitt, *The European Union and Armaments: Getting a Bigger Bang from the Euro*, Chaillot Paper (Paris: EU Institute for Security Studies, 2003). 12-14.

A special responsibility falls on France and Britain. The creators of CSDP are often seen as having turned their backs on the project, notably as a result of their 2010 defence treaty. Yet for all the military prowess of Paris and London, purely bilateral cooperation excludes more than half of Europe's military potential. And it is precisely amongst the other member states that there is the most need for the kind of stimulus that collaborative schemes could conceivably provide. Because they bear a disproportionate burden when it comes to security, Britain and France have most to gain from a process that generates increased military capabilities and an enhanced desire amongst their partners to deploy them.

In order that CSDP be given a chance to prove its worth, London and Paris must lead by example. This would involve reassuring their partners that the 2010 treaty was a supplement, rather than an alternative, to multilateral defence initiatives. It is not enough simply to cajole. France and Britain must show themselves to be fully engaged, consulting with partners, proposing remedies to defence market fragmentation, submitting to the authority of the European Defence Agency, and offering to pool and share assets even with smaller member states. Once these smaller states are convinced that the major players take CSDP seriously will they stop hiding behind the excuse of Franco-British reluctance, and be more inclined to step up to the plate. As it stands, British policy in particular pulls in precisely the opposite direction, with Conservative hostility to the EDA leading to threats of British withdrawal and British pressure for real terms budget cuts.

If Europeans, including the French and British, aspire to exert real influence over international security affairs, they must do so collectively, or not at all. CSDP has now reached the last chance saloon. After more than a decade of relative ineffectiveness, member states are starting to doubt its ability to provide real value added. As the largest military powers on the continent, France and the United Kingdom have a particular responsibility to ensure that it can.

European Heads of State and Government in December 2012 laid out a series of defence policy targets for the year ahead. They promised to review progress and set priorities and timelines at their meeting in December 2013. There are, of course, no guarantees of success. Several European states have shown such disinterest in security and such a willingness to free ride on the protection offered by others that it may be that even multilateral institutional inducements and pressures have little impact on their approaches to defence. Yet, ultimately, it is only through genuinely multilateral initiatives that Europe can hope to impact effectively on international security affairs. They have a year to show they are up to the challenge. Should they fail, expect a large number of member states to lose any desire to try again.

The Lisbon Treaty, the External Action Service and Development Policy: helping the EU make an impact?

Simon Lightfoot and Balazs Szent-Ivanyi⁶³

The EU is a significant donor of both development and humanitarian aid to the developing world. Yet the institutional structure that had evolved since the Maastricht Treaty to support these activities was complex. The links between development policy, foreign and security policy and trade policy are obvious, yet aspects of these policies were in different pillars of the EU structure, with different competences held in different areas and different Directorates General (DGs) responsible within the Commission. Despite reforms such as the European Consensus⁶⁴, the system was seen by partner countries in the developing world as complex and confusing. This helped foster a belief that in development policy, as in other aspects of external relations, the EU ‘punched below its weight’⁶⁵. Addressing this issue was a key element of the reforms brought in by the Lisbon Treaty, especially the creation of the European External Action Service (EEAS). Furness argues that ‘European development policy promises to be an arena in which the Lisbon Treaty will have real implications’⁶⁶. This chapter explores whether these reforms have improved the impact of EU actions in the field of development policy. In particular, it focuses on two specific questions asked in a recent call for evidence by a House of Lords committee⁶⁷: How does the balance of responsibilities between the EEAS and the Commission work out in the development area? Has the creation of the EEAS improved the implementation of the EU’s development policy?

How did EU development policy work before Lisbon?

Development Policy was historically a ‘mixed system’ with competences shared by the EU and member states. Development and cooperation policy in general was set out in Articles 177-181 of the EC Treaty⁶⁸. These articles set out the overarching driver for EU development policy, which is focused on poverty reduction. The articles also provide some key concepts about policies in other fields that must be coherent with the aims of development policy, where member states should aim to cooperate and co-ordinate their aid policies. The main changes introduced by Lisbon were to provide a specific legal basis for Humanitarian aid (TFEU 212-213), whilst development cooperation is included in articles TFEU 208-211⁶⁹. The Council can now act by qualified majority upon a proposal from the Commission. Such a policy is now seen as “shared parallel competences”, meaning that it is an EU autonomous policy, which neither prevents member states from exercising their competences nor makes the Union’s policy merely “complementary” to those of member states⁷⁰.

One of the main historic complications in development policy arose from different geographical areas being dealt with by different elements of the Commission. DG Development (as was) historically dealt with relations with the Africa, Caribbean and Pacific (ACP) Group of states, whilst other developing countries not in the ACP fell under the remit of DG External Relations. The creation of the High Representative of the Union for Foreign Affairs and Security Policy and the EEAS saw changes to this division as the High Representative took charge of the aid budget. The role aims to ensure ‘overall political coordination of the Union’s external action, ensuring the unity, consistency

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⁶⁴ The European Consensus aimed to provide a single strategic framework for the EU’s development efforts.

⁶⁵ Whitman, R.G. (2010) The EU: Standing aside from the changing global balance of power? *Politics*, 30 (1). pp. 24-32.

⁶⁶ Mark Furness, 2012 ‘The Lisbon Treaty, the European External Action Service and the Reshaping of EU Development Policy’ in S. Grimm, S. Ganze and D. Makham (eds) *The EU and Global Development*. Palgrave.

⁶⁷ House of Lords European Union Committee (Sub-Committee on External Affairs) <http://www.parliament.uk/documents/lords-committees/eu-sub-com-c/EEAS/EEAScallforevidenceonline.pdf>

⁶⁸ Consolidated text available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:EN:pdf>.

⁶⁹ Consolidated text available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:0200:EN:PDF>.

⁷⁰ See M. Holland and M. Doidge, 2012, *Development Policy of the European Union*, Palgrave

and effectiveness of the Union's external action⁷¹. Another perceived improvement, although not a direct result of Lisbon, is the merger between DG Development and EuropeAid, the DG responsible for implementation. However, Smith highlights that the new structures offer potential for incoherence as there are still different actors and DGs involved in development assistance⁷².

How does the balance of responsibilities between the EEAS and the Commission work out in the development area?

The jury is still out on this particular aspect of the creation of the EEAS. DG Development retained responsibility for implementation of development aid but the geographical desks moved into the EEAS. This could be seen as a positive move as it has the potential to 'reinforce the coherence of EU external relations with development cooperation'⁷³. This removal of geographical desks could have been seen to have weakened the position of the Development Commissioner. However as Carbone argues the provision that proposals regarding developing countries must be jointly prepared by the EEAS and DG Development 'strengthened the role of the Development Commissioner, who de facto had the final say on all development strategies, including for countries in Latin America and Asia'⁷⁴. This is similar to the 'joint key' role envisaged by Gavvas and Koeb⁷⁵. Importantly, this joint key role exists for money. Carbone also argues that although Development lost some of its staff to the EEAS, the fact that it became responsible for EuropeAid could be seen as a victory for Development. It has also led to DG Development being identified as a 'centre of excellence on development policy'⁷⁶. There is a sense amongst diplomats that this state of affairs is down to the personalities involved and therefore things might be different with, say a different Development Commissioner.

Despite the Lisbon Treaty clearly stating 'in its contribution to the Union's external cooperation programmes, the EEAS should seek to ensure that the programmes fulfil the objectives for external action [...] and that they respect the objectives of the Union's development policy' (i.e. 'poverty eradication'), some observers fear that given the relatively weak position of aid and development vis à vis diplomacy and security in the EEAS, aid money will be used to promote EU interests rather than focus on its core task. Linked to that is the perceived lack of development expertise in the EEAS, which is being staffed mainly by diplomats.

A crucial issue about money is what is in fact earmarked for development? Given the role of the EEAS there is a concern amongst some NGOs that the increasing EEAS role might lead to a weakening of focus on poverty reduction with diplomats in the EEAS guiding things towards other goals. The main source for financing development are budget instruments, like the Development Cooperation Instrument (DCI) or the European Neighbourhood Policy Instrument (ENPI), both of which are included in the budget heading 'The EU as a global actor'⁷⁷. Therefore, the member states do not contribute earmarked funds, but it comes out of the EU budget. This is different from the extra-budgetary European Development Fund, which is earmarked for the ACP countries, to which member states contribute directly. Therefore financing for the neighbourhood countries for example is not reliant on additional member state contributions, but it is the member states through the EU's

⁷¹ Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁷² Smith, ME. 'The European External Action Service and the Security-Development Nexus: Organising for Effectiveness or Incoherence?'. *Journal of European Public Policy*.

⁷³ James Mackie. 2010. *New Competition in Town* In Drieskens, E. and van Schaik, L. (Eds.), *The European External Action Service: Preparing for Success*, The Hague: Clingendael. pp. 27-32.

⁷⁴ Carbone, M. (2012) *Development policy in a changing Europe: more donors, new challenges*. In: Bindi, F.M. and Angelescu, I. (eds.) *The Frontiers of Europe: A Transatlantic Problem?* Series: Brookings-SSPA series on public administration. Brookings Institution Press, Washington, D.C., pp. 151-164. ISBN 9780815705451

⁷⁵ M. Gavvas and E. Koeb, "Setting up the European External Action Service: Building a Comprehensive Approach to EU External Action", Overseas Development Institute (ODI) and European Centre for Development Policy Management (ECDPM), 16 March 2010, p. 6.

⁷⁶ Jeske van Seters and Henrike Klavert, 2011, *EU development cooperation after the Lisbon Treaty: People, institutions and global trends*, www.ecdpm.org/dp123

⁷⁷ Accession countries are financed through a third instrument, the Instrument for Pre-Accession Assistance.

commitology⁷⁸ system and ultimately the Council who decide how the money is allocated and spent. The main numbers for the 2014-2020 budgetary cycle are currently under debate. The Commission usually argues that development and neighbourhood policy should be separated and that what it spends in the neighbourhood should not be thought of as development aid. This is despite the fact that it is considered official development assistance (ODA) according to the OECD's definition, and the goal of development aid has never been restricted to poverty reduction alone.

The politics of poverty-driven aid allocation versus other goals are interesting given the budget debate. The recent debates about providing aid to middle income countries reflects the concerns of some in the Commission. There is a tension between those that argue that poverty reduction should be the main goal of aid versus those who argue, for example, that improving the human rights situation in a middle-income country like Azerbaijan is an equally worthy goal, although for different reasons. Aid may even be more effective in a middle-income country with working institutions as opposed to very poor countries. The size of the EU's financial instruments will be more or less cast in stone for 7 years once the new budgetary perspective is agreed upon by the Council. Moving money from the DCI to the ENPI is therefore not easy, and depends on the member states and not the EEAS. What the EEAS can do afterwards is have a strong influence on how the DCI or the ENPI is spent among eligible countries. As the DCI covers a wide range of partners, ranging from rising powers like Brazil and India to least developed countries like Nepal or Bangladesh, there can be a clash of poverty reduction versus EU strategic interests within the allocation of the DCI. Only time will tell how this plays out, especially with a more than likely shrinking of the development budget.

Has the creation of the EEAS improved the implementation of the EU's development policy?

The 2011 report highlighted the 'critical importance of sustaining and developing the synergies between the cooperation programmes managed by DG Development and the political activities of the EEAS'. The report also 'highlighted the importance of generating synergies between the EU's public diplomacy activities and the visibility to be derived from our often very substantial aid programmes'. Whilst supporting the unification elements of the reforms, Holland and Doidge are concerned that separating the geographical expertise from the key development instruments and funding sources that work in those areas may cause problems⁷⁹. Mackie also highlights perhaps the biggest problem facing the implementation of development policy under the new structures – the issues raised by the fact that neither the EEAS or DG Development have control over trade related aspects of development⁸⁰. Initiatives such as Everything but Arms or the Economic Partnership Agreements are seen as central to lifting states out of poverty but their implementation will continue to rest with DG Trade and it is not clear yet how much real influence the EEAS will have over the decisions taken by DG Trade. The second issue is that development aid could become increasingly politicised under the new structures, with initiatives such as the Agenda for Change⁸¹ and the Commission Communication on the Future of Budget Support⁸² pointing to this increasing politicisation.

Conclusions

As most commentators agree the new institutional arrangements for development policy will take time to bed-in. There are concerns that development policy will become marginalised within the EEAS and that DG Development will lack the political weight to fight its corner. However, most commentators are optimistic that the joint key role will ensure that development concerns remain at

⁷⁸ 'Commitology' may be defined as a process for adopting measures to implement legislative acts. In this process measures are adopted by the Commission, assisted by a committee of experts from the Member States.

http://www.europarl.europa.eu/jgc1996/fiches/fiche21_en.htm

⁷⁹ See note 3, p. 129

⁸⁰ See note 4

⁸¹ The Agenda for Change, proposed by the Commission in 2011 and adopted by the Council in 2011, outlines necessary strategic reforms to EU Development Policy. See http://ec.europa.eu/europeaid/news/agenda_for_change_en.htm for more details.

⁸² See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0638:FIN:EN:PDF>.

the heart of the EEAS, as for the first time ever the Commissioner for Development will be responsible for all developing countries. There are challenges such as ensuring poverty reduction and policy coherence are both mainstreamed throughout the EEAS, although if staff with sufficient development expertise enter the EEAS this will be less of a challenge. The pressure is on for the EU to get this right. As Furness argues in relation to what might be termed proactive policies, 'the EU makes a greater global impact through development than in any other policy area'⁸³. A reformed administration may ensure that this impact receives higher political recognition than it has done in the past.

⁸³ See note 2.

EU and the Eastern Partnership: staying the course

Jacqueline Hale⁸⁴

Introduction

One of Catherine Ashton's objectives on taking the helm of the newly established European External Action Service (EEAS) in January 2010 was strengthening the EU influence in the neighbourhood. A key component of the European Neighbourhood Policy is the Eastern Partnership. Launched in 2009, it has a bearing on both the EU's ability to exercise a power of attraction in its Eastern gravity zone, as well as indirectly impacting the development of an, at times difficult strategic partnership with Russia. The policy is a mix of geopolitics, normative and technical approaches. On the one hand it creates a club of 'European neighbours' (with the partial exception of Belarus) having a vector to Brussels. On the other hand it attempts to extend the logic of regulatory approximation that underpinned the enlargement policy to Ukraine, Moldova, Georgia, Armenia, Azerbaijan and Belarus and makes demands on these countries regarding human rights and governance standards as well as converging regulations.

The policy is built around a multilateral dimension in addition to the bilateral dimension underpinned by the European Neighbourhood Policy (ENP). At the multilateral level there are regular meetings between officials in platforms on democracy, good governance and stability, economic integration and convergence, energy, and people-to-people contacts. The bilateral component of the policy translates a set of obligations taken by the countries in Action Plans under the ENP into obligations under more ambitious bilateral Association Agendas as well as a 'Roadmap', to be implemented by the partner countries prior to the autumn 2013 Eastern Partnership Summit. Under the 'more for more' approach, the EU offers enhanced incentives to partners who fulfil these requirements, including greater mobility for citizens through visa liberalisation; access to its markets to countries implementing Deep and Comprehensive Free Trade Agreements; institutional and educational exchanges and extra money worth €130 million for 2012-13 for the best reformers, in addition to the financial package worth €1.9 billion between 2010-13⁸⁵.

A constrained policy environment

By contrast with tumultuous developments in the EU's southern neighbourhood, the EU's relations with its Eastern partners have developed at a steady pace, enjoying few game-changing outcomes whilst building solid foundations for enhanced cooperation. Analysts assess its results so far as mixed, pointing to the increasing differentiation of the partners, some of whom (Georgia and Moldova) are enacting reforms and seeking closer relations, including a perspective for EU membership, whilst others are disappointingly stuck in transition (Armenia), regressing (Ukraine) or else resistant (Belarus and Azerbaijan)⁸⁶. In the meantime officials perceive competition from Russia in the shape of a Eurasian Economic Union as a threat to the Eastern Partnership. The European financial crisis also provides a difficult context for the policy. Member states resist further offers within Ashton's 3 Ms: 'Money, Markets and Mobility', citing the European public's lack of support for European integration – particularly as member states such as the UK question their own relationship with the EU. Finally, aside of upgraded delegations, Lisbon has not simplified the decision-making process on the neighbourhood, since the EEAS does not have a clear leadership role, which potentially obscures the setting of objectives and priorities.

Decision-making complexity

Institutional complexity characterises EU foreign policy towards the Eastern neighbours. The EEAS has a role in setting the agenda, coordinating and implementing the Eastern Partnership and is

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⁸⁵ European Commission: Eastern Partnership Roadmap http://ec.europa.eu/world/enp/docs/2012_enp_pack/e_pship_roadmap_en.pdf

⁸⁶ Eastern Partnership Index, <http://www.eap-index.eu/>

represented at all levels. High Representative Ashton attends a biannual Head of State Level Summit with the partner countries and the EEAS is involved in the Thematic Platforms (chairs the political platform on Democracy, Good Governance and Stability, at Director level). The EEAS coordinates with the Directorates-General of the Commission in initiating the Roadmap, which sets working programme priorities for cooperation and are consulted with the member states' Eastern Europe Working Party (COEST) and endorsed by them in Council Conclusions. Yet its power to lead the process is limited by a number of factors, not least the number of other players. The EEAS's role in a multilateral setting has been likened to a conductor of 33 musicians (27 Member states and 6 Eastern partner countries)⁸⁷.

The EEAS also has to contend with the ongoing lead of the Commission in providing funding, and negotiating agreements relating to thematic components of the Eastern Partnership's offer, notably on Justice, Liberty and Security (including Migration), Trade, Energy and Environment⁸⁸. EEAS officials take a supporting and coordinating role between the technical lead of Commission counterparts and the political endorsement of member states. In some cases the Commission's lead negotiating role has led to apparent policy incoherence undermining normative potential of the policy, notably Commissioner Barroso's and Oettinger's role in Caspian energy negotiations. The European Commissioner for Enlargement and the Neighbourhood seeks to mitigate this by playing a coordinating role, but does not formally command the services to do so: External Action Service has three divisions tasked with implementing the ENP and Eastern Partnership in particular, whose staff work with Commissioner for Enlargement and the Neighbourhood Stefan Füle. Yet their line management depends on a hierarchy headed by HR/VP Ashton. This duplication, created since the Lisbon Treaty, has led to rumoured conflicting approaches of Commissioner Füle and HR/VP Ashton on policy, most recently on the question of the Ukraine Association Agreement. Nevertheless the joint public presentation of the policy by Füle and Ashton has worked to smooth over the shared competence: A joint ENP Communication was agreed following the Arab Spring⁸⁹. In the East a division of labour has emerged, not least due to Ashton's rumoured lack of interest in the region which has left Füle to lead. Yet this architecture is unlikely to be sustainable in the longer term.

Clearer expectations and 'more for more'

The multifaceted approach of the EU foreign policy towards the Eastern neighbourhood has implications for clarity not only on who to call, but also on policy objectives. It is still unclear what EU external action is seeking to achieve in the short and long term in this region. Does the EU want neighbours to become more like it; or to assert itself geopolitically to gain leverage vis-à-vis Russia? If given the choice, EU stakeholders may answer the question differently depending on the institution they work for or member state they represent. The Eastern Partnership, combining both strategic approaches with its mix of traditional summitry and sphere-of-influence logic alongside normative benchmarking and 'enlargement-lite' offers the best solution in the current context⁹⁰. Yet, as in EU foreign policy elsewhere, it will be important for the EU to prove it has learnt the lessons of the Arab Spring by ensuring that the normative and geopolitical objectives of the Eastern Partnership are not treated as mutually exclusive. Association Agreements, Agendas, the Eastern Partnership Roadmap and human rights dialogues are useful tools at the EU's disposal that it can exploit to leverage change.

To date it is unclear that member states and parts of the Commission have bought in consistently to the normative agenda. Their unwillingness to use existing human rights tools at the political level has

⁸⁷ See Kostanyan, Hrant, Centre for European Policy Studies (2012) 'The EAS and the Eastern Partnership: let the blame game stop'.

⁸⁸ Given the increasing importance of these thematic issues for global governance, if the EEAS is not able to clearly set agendas and lead on implementation it risks becoming an empty shell.

⁸⁹ European Commission: A new response to a changing neighbourhood, http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf, June 2011

⁹⁰ This direction is embodied by the political decision to merge stewardship of Enlargement and Neighbourhood policy under one Commissioner portfolio, upgrading the neighbourhood and bringing it closer to relations enjoyed by accession partners.

at times threatened to undermine the policy's credibility. Examples abound of inconsistency and failure to uphold governance standards: confusion over the merits of signing an Association Agreement with Ukraine while Yulia Tymoshenko remains in prison; Commissioners sparring publicly about whether to speak out on human rights in Azerbaijan or failing to criticise disputed elections in Armenia; and the unconstructive role of transnational political groups in backing their member parties as winners in regional elections rather than prioritising democratic process, as in the recent case of Georgia. Yet to uphold the EU's vital soft power, the Union cannot be seen to backtrack on its values, namely human rights and democracy.

The underlying assumption among officials that the policy incentives are insufficient undermines the EU's negotiation stance and existing leverage, notably its single market. With the original policy objectives of the ENP unmet after 5 years, Brussels was prompted by this concern to reach further into its toolbox to offer more incentives to the 'European neighbours' to the East, whilst EEAS and Commission officials bemoaned having their hands tied by the member states in delivering them. Despite recent setbacks in Ukraine, governmental and non-governmental socialisation continues successfully, particularly through an active Civil Society Forum. The policy has a civil society constituency across the 6 partner countries, and at a high level in Georgia and Moldova. Other countries remain substantially engaged while hedging the EU's offer against Russia's. A better defined 'more for more' approach will bring results, and differentiation is taking shape: on visa liberalisation Moldova's performance led it to be moved to the second phase ahead of Ukraine even though Ukraine started the process earlier. The competition fostered by a differentiated bilateral approach (including delinking Armenia and Azerbaijan, whose governance performance is currently hostage to the conflict) could prevent the law of the lowest common denominator emerging in the club.

Staying the Course

The policy context in the shared neighbourhood is challenging. Yet the EU needs to resist the urge to overhaul the Eastern Partnership policy so soon after the 2011 ENP review in the quest for fast results. This would risk reducing EU foreign policy in this region into a toolbox of incentives to attract partners. Further rebranding will also sow confusion amongst the public in the partner countries. Instead, the EU can ensure that the existing policy is implemented according to the 'more for more' principle and should concentrate on upholding conditionality in the lead up to the 2013 Vilnius Summit, even if it means Agreements are not signed. The EU can also direct efforts at communicating the policy more effectively to citizens including issuing communiqués when governments fail to meet their obligations. Less for less should apply. As part of clarifying objectives, EU member states also need to commit to the end game – a membership perspective. The EU can put this on the table in return for consolidated reforms in the next three to five years for Moldova and Georgia, albeit with a long-term perspective.

A more active endorsement of the policy by the member states, including placing the EEAS more clearly as their representative at the helm – particularly on thematic issues such as trade – can enhance EU leverage and provide more policy options. At the same time, this should not mean that the EU departs from the normative approach to its policy in the region, which would be costly. The EU remains a global standard-setter and its foreign policy benefits greatly from its soft power, underpinned by its norms and values. For people in the Eastern neighbourhood, the EU represents a gold standard – as a destination for travel, study and work; embodying a better quality of life upheld by democracy and the rule of law. Perhaps the EU's greatest accolade is that it has inspired would-be competitors in the region to emulate it. Moscow has embarked on a Customs Union and projects a Eurasian Union, modelled on the EU, at a time when Europeans are questioning their own project. In a world set to be governed by regional blocs, the question of European integration will become increasingly important to Eastern neighbours as well as to Europeans themselves. The Eastern partnership is working. The EU should stay the course.

The European Union and the Arab Spring: External Governance and Internal Security Imperatives in EU Foreign and Security Policies Towards' North Africa and the Middle East

Neil Winn⁹¹

The Arab Spring: Drivers of Change and the EU Response

The Arab Spring has changed the political and societal map of North Africa and the Middle East (MENA). Drivers of change in the region include low per capita income, limited mass participation in the political process, endemic political grievances, demographic change, tribal factors, and history. Additionally, the Arab Spring was a collective rejection of authoritarianism by the mass populations of Egypt, Tunisia, Libya and Yemen amongst others. Other reasons for the popular uprisings include corruption, the lack of popular legitimacy in government, the omnipotence of state organs, under-employed youth, excessive taxation, and poor public services.

Mismanagement of the economies of the region led to unrest and unfulfilled economic promises particularly amongst the young. A lack of political and economic freedoms also created stresses in the host societies. A lack of economic reforms –including decades of economic mismanagement – left many states unprepared for the rigours of globalisation and encouraged domestic discontent. The biting nature of the credit crunch and global economic downturn had a particularly negative impact on North Africa and the Middle East and took away the ability of host regimes to bribe their populations. The regimes of the region could no longer bribe their people with economic and social incentives to make up for a lack of political freedoms and human rights. Finally, the Internet gave young people the opportunity to challenge the government version of events as the Arab Spring evolved and challenged the state's control of the flow of media.

More specifically, the revolution in Tunisia induced a domino effect in other Arab states and also created a new model of protest that was driven by the Internet and new technologies. Two issues will have a big impact on Tunisia in the next few years. First, the Tunisian economy is in a mess after decades of mismanagement and corruption. It will need approximately \$1 billion of investment over the coming years to affect any change⁹². Neither the member states of the EU or the EU itself are in any shape to advance monies to Tunis. More likely, resources will come from a combination of the EU the International Monetary Fund (IMF) if Tunisia proves itself a good investment risk. Not to invest in Tunisia could be risky. Second, the Tunisian elections of late 2011 installed moderate pro-Islamist parties to power.

Egypt sloughed off three decades of autocratic rule by the Mubarak regime, which was replaced by the military. There was a growing gap between the army supreme council and the Egyptian people as the pace of change was slow. The resultant presidential system also delivered slow reforms and much discontent domestically. Egypt is the most important state in the Arab world and continued domestic unrest causes security issues for the regime and the West alike, such as continued migration into Europe and Islamisation. Egypt has made overtures to the Palestinians by attempting to broker a deal between Fatah and Hamas. Additionally, there has been a warming of the icy relations between Cairo and Teheran in recent months. It might be that Egypt is attempting to lessen United States and European influence over its economy and geopolitical interests by forging new intra-regional alliances within the Arab world. This will in the longer-term arguably lessen the influence of Western states and international institutions in the region. Finally, there is no sign that Egypt is embracing democracy as the West would like, but then it is a non-Western patrimonial

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⁹² Radio Netherlands Worldwide: Africa, (2012) 'Tunisia asks donors for \$1 bln loan', 10 August, <http://www.rnw.nl/africa/bulletin/tunisia-asks-donors-1-blm-loan>

society. The fear in the West is that Egypt will turn into an Islamic republic with sharia law and that this will encourage anti-Western feelings on the periphery of Europe. This is unlikely though.

Libya's situation is somewhat different, as it has been intervened externally by NATO as a case of humanitarian intervention to support rebels against the omnipotent Gaddafi regime. Again, a mixture of variants of Islamism have vied for power with moderate Islamic movements taking hold of power and authority structures in the country. Yemen presents different problems for the West. President Saleh was seen as the best bet for protesting Western interests for reasons of stability. Al-Qaeda in the Arabian Peninsula (AQAP) group has become a significant threat to Europe and America. The US and EU came to believe that President Saleh had become a liability as the revolutions in the Middle East progressed in the course of 2011. The problem with this strategy is it has arguably served to entrench the influence of jihadist movements in the country, especially the AQAP.

More generally the EU has pursued policies of democracy promotion, human rights and the rule of law towards the states of North Africa and the Middle East since the end of the Cold War. In reality the EU pursued policies that were more determined in substance terms by European realpolitik than by highly principled policies predicated on democracy promotion, the rule of law and human rights⁹³. This is despite the fact that the Union has developed considerable expertise in these areas since the end of the Cold War in the Balkans and further afield via its Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP).

Indeed, the EU has developed itself into a niche-marketing actor in external security policy, which rests mainly on civilian power and acts as an adjunct to national foreign and security policies. Europe and the US were willing to deal with authoritarian regimes in North Africa and the Middle East as long as they were stable. The Union was concerned with managing international security threats to its territory including illegal immigration into Europe and Middle East-inspired terrorism. As a result, even despite the Union's emerging capabilities in external security policy, the EU's response to the Arab Spring in 2011 was sluggish in the face of revolutionary events in North Africa. This is partly due to the EU's own foreign and security architecture and partly due to contested member state national interests in the Middle East. The EU and the majority of its member states were wedded to national policies guided by neo-liberal economics and the protection of their own security to the - arguably resultant - exclusion of the welfare of North Africa and the Middle East. There's the rub: the EU is still governed by its member governments in foreign policy terms and this can lead to slow lowest common denominator decision-making at the Union level. However, the Union has developed soft security policies to complement its external policies developed in the context of the CFSP/CSDP including the European Neighbourhood Policy (ENP).

The ENP was largely indifferent to the process of democratisation in Egypt, Tunisia and elsewhere. The EU's relationship with these countries was predicated on European needs particularly in the areas of migration, security and economic relations. Different member states of the EU had different "Mediterranean" policies meaning that the Union lacked an appropriately broad approach towards North Africa. Additionally, the EU has failed to link North Africa with the Middle East thereby causing ambiguity. The EU could have linked its Maghreb strategy with its Gulf strategy to ensure consistency of national and European-level policies as this would enhance trust between the EU and its neighbours, and between North African and Gulf States respectively. This is also bad for the projection of European economic and normative power in those regions. The Arab Spring was also an expression of civil discontent and is an opportunity for the populations of the region to embrace their own version of political modernity. This will need a rethink of EU policies on security, migration, visas, trade, sovereignty and democracy in the Middle East and North Africa.

⁹³ Michelle Pace, (2009) 'Paradoxes and Contradictions in EU Democracy Promotion in the Mediterranean: The Limits of EU Normative Power', *Democratization*, Vol. 16, No.1, pp.39-58.

Key policy sectors and the Arab spring: EU responses

Security Sector Reform and the Arab Spring

EU policy on security sector reform (SSR) towards North Africa and the Middle East is linked to governance, development and security issues in the wider region. In the field of SSR European national and supranational policies use a wide range of instruments to effect policy including links to the armed forces of the regimes in the region, police co-operation, justice co-operation, and good governance. Historically, impediments to a coherent approach to SSR in North Africa and the Middle East have included inter- and intra-pillar co-ordination in the EU's pre-Lisbon Treaty machinery and political will amongst the EU's member states. Additionally, many of the states in North Africa and the Middle East are pre-modern and have traditionally been unwilling and/or unable to implement governance changes that meet Western needs⁹⁴. Finally, co-ordination between the EU and the US in SSR has been patchy because each side of the Atlantic has different security perceptions of threats⁹⁵. For instance, Italy's main concerns regarding North Africa are with migration and asylum seekers whereas US and UK concerns revolve around terrorism.

EU policies on SSR are predicated on the Union's leading role as a development aid actor. Aid, trade and development are tied to political and economic conditions set by Brussels to effect change in North Africa and the Middle East. However, evidence demonstrates that the states of North Africa and the Middle East continued to be governed by authoritarian and military regimes until the Arab Spring; indeed, many countries in the region are still governed in this way. EU policies have also emerged as an adjunct to the CFSP/CSDP when related to foreign policy questions. EU thinking was also influenced by its European Security Strategy (ESS) of 2003⁹⁶ and its overarching concept on SSR, which was launched in 2006⁹⁷. The Lisbon Treaty (2009) did not depart radically from the 2006 EU concept on SSR.

Illegal Immigration and the Arab Spring

Each month thousands of illegal immigrants from North Africa and the Middle East enter the EU via the Mediterranean. Since the Arab Spring many thousands of immigrants have entered Italy via the island of Lampedusa. Many of the immigrants have subsequently travelled through Italy to Paris and have settled within the North African and Middle Eastern communities, which live in the French capital city. This has caused problems between France and Italy and highlights the problems of managing the porous borders of modern Europe. Early in 2011 Italy despatched its Interior Minister Roberto Maroni to Tunisia for talks with the new state authorities on a range of topics including illegal immigration. This visit was quickly followed by a visit by Catherine Ashton, the EU's High Representative for Foreign Affairs. Operation Hermes was launched on 20 February 2011 under the rubric of the European Border Management Agency (Frontex) bringing together EU member states navies and air forces to interdict illegal immigrants⁹⁸. Under the European Border Fund the EU also gave financial assistance to help Italy stem migration from Libya and Tunisia in particular.

EU counter-migratory policies towards the Arab Spring have been complicated by legal requirements in Europe. EU member states have an obligation under European and international law to protect the human rights of migrants into Europe. Asylum seekers are therefore entitled to go through due process before they are returned to their country of origin. State rights and individual rights have to be balanced and done in accordance with the law which sometimes states do not abide by. Italy has sought help from the EU's European Refugee Fund to manage asylum seekers from Libya in

⁹⁴ Joseph Weiler, (2009) 'The European Union and Security Sector Reform in Africa: A Leader in Theory and a Laggard in Reality?', Bruges Regional Integration and Global Governance Papers, Number 1, p.4.

⁹⁵ Philipp Fluri and David Spence, (eds.) (2008) *The European Union and Security Sector Reform*, DCAF, Geneva.; Weiler, 1999, p.4.

⁹⁶ European Council, (2003) 'A Secure Europe in a Better World: European Security Strategy', Brussels, 12 December, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

⁹⁷ David M. Law, (ed.) (2007) *Intergovernmental Organisations and Security Sector Reform*, Berlin, Lit Verlag.

⁹⁸ Nina Perkowski, (2012) 'A Normative Assessment of the Aims and Practices of the European Border Management Agency Frontex', Oxford Refugee Studies Centre, Working Paper No.81, pp.27-30.

particular. Asylum seekers require accommodation, language translation, and healthcare which all cost a lot of money for the receiving country. The recently created European Asylum Support Office will also be called on to support EU member states where necessary.

In the first half of 2011 the EU received upwards of 10,000 asylum seekers from North Africa alone. The Union set aside 258 million Euros for 2011-13 to support humanitarian programmes related to migration from North Africa and the Middle East. This has also been combined with allowing a number of visas to be issued for suitably qualified professional candidates from North Africa to enter the EU legally⁹⁹. The EU therefore complements national level arrangements by providing a legal and administrative framework to gradually integrate national intergovernmental policies. Migration policy in the EU is subject to a number of challenges, which arguably hamper co-ordination in the field: First, the inability of the EU to co-ordinate 27 national migration policies; Second, tensions between the national and supranational levels of governance in EU policy-making; Third, the diverging interests of sending regions, and Fourth, the EU, its member states and sending countries lack capabilities in implementing sanctions policies¹⁰⁰.

Counter-Terrorism and the Arab Spring

European counter-terrorism policy towards North Africa and the Middle East comprises a mixture of international law and international politics. The policies towards the region are predicated on European and transatlantic security needs. The Western response to al-Qaeda terrorism in the post-9/11 period has produced a febrile atmosphere and much Western counter-terrorism activity has been aimed at North Africa and the Middle East. The EU has adopted a number of counter-terrorism measures including the European Arrest Warrant, regular meetings of Chiefs of Police Officers, directives' to freeze terrorist assets, and so forth. Much EU counter-terrorism policy-making rests on national foundations in that member states are unwilling to hand over further sovereignty to the Union in what is a highly sensitive area of national security. This has been heightened by the terrorist bombings in Madrid and London and continuing global terrorist attacks since 9/11. Much EU activity has been to enhance activity that is already taking place at the national level. EU counter-terrorism policy is driven by civilian power tools, including law enforcement co-operation, intelligence collaboration and judicial co-operation.

In terms of intelligence co-operation the EU has been developing its nascent capabilities since 9/11¹⁰¹. These capabilities rest on national foundations and they are embryonic in nature. EU intelligence capabilities serve the needs of the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) externally and internal security needs which revolve around justice and home affairs issues. Terrorism in Europe can be conceived of in internal and external security terms with the majority of resources being devoted to the protection of the European homeland. Internal security issues within the EU are dealt with by soft power instruments in that the Union is not a military actor in its own right. Externally, the EU deploys a mixture of soft and hard power instruments with the vast majority of efforts devoted to the former. EU counter-terrorism instruments towards intelligence collaboration mainly relate to internal security and the protection of the homeland and rest on increasing enhanced national co-operation between EU member states civilian and military intelligence and security agencies.

In response to the Arab Spring the EU's member governments used intra-European liaison arrangements between EU member governments' internal security services and their intelligence arms to stem security threats such as terrorism. The EU and its member governments have also

⁹⁹ Yves Pascouau and Sheena McLoughlin, (2011), 'Migratory Flows from North Africa: Challenges for the EU', Brussels, European Policy Centre, 7 March.

¹⁰⁰ Agnieszka Weinar, (2011) 'Improving EU and US Immigration Systems Capacity for Responding to Global Challenges: Learning from Experiences', European University Institute, Research Report, Number 2/11.

¹⁰¹ Richard J. Aldrich, (2004) 'Transatlantic Intelligence and Security Cooperation', *International Affairs*, Vol.80, No.4, pp.731-753.

developed intensive intelligence relationships with the states of North Africa and the Middle East¹⁰². Prior to the Arab Spring these relationships helped Europe to manage security issues in North Africa and the Middle East but also to paradoxically prop up corrupt and authoritarian regimes in the region. Since the Arab Spring, new relationships have been forged between European intelligence services and their equivalents in North Africa and the Middle Eastern but the security issues related to terrorism, migration and security sector reform in that region still remain the same.

Democracy Promotion and the Arab Spring

The EU's democracy promotion policies towards North Africa are predicted on a mixture of country-specific plans and larger framework partnership programs¹⁰³. The key policy instrument used in the conduct of EU democracy promotion policies is the ENP. The Union's relations with North Africa are also governed by the Euro-Med program. Both the ENP and the Euro-Med program do not open up the prospect of EU membership to the participating countries which lessens EU influence in the MENA region. Nevertheless, the ENP in particular is based on a logic that builds upon the enlargement process in that it includes targets for improving democracy, good governance and human rights in the participating states both in the Mediterranean basin and in the former Soviet Union. In fact, the ENP is currently designed to encourage security and stability in the regions where it operates and therefore protect vital EU interests. However, the EU also seeks to propagate its core values in democracy, good governance and human rights beyond its borders. There is evidence to suggest that exogenous factors external to North Africa and endogenous factors in North Africa militate against the prospects for European democracy promotion policies. Indeed:

'It is widely assumed that powerful external actors', including the EU, are the dominant partners in unequal relationships...To a considerable extent this is the case, as the EU enjoys a predominant position in the Mediterranean by virtue of its economic power, but the relationships with individual MENA [Middle East and North Africa] countries and political actors are not unidirectional...MENA régimes have a number of strategic advantages, such as natural resources, as well as the growing populations and the spectre of Islamism. Collectively, these factors can be put to use to try to manipulate how external actors conceive of their role in the region, and can thus be influential in shaping European attitudes'¹⁰⁴.

EU democracy promotion policies are therefore subject to a number of heterogeneous influences. Some of those influences are within the target-states concerned whereas other influences are inherent in the Union's external relations and democracy promotion policies. The EU has a history of backing anti-democratic régimes in North Africa and the Middle East, especially if they favour Western interests in the region such as good relations with Israel, trade, and regional stability. In the case of Egypt, for example, EU policies are intergovernmentally-driven with regards to the rule of law which potentially undermines the impact of European policies. EU policies are also subject to indigenous cultural forces in Egypt which create constraints for Union democracy promotion¹⁰⁵. Additionally, the EU might think of diversifying the actors it deals with in Egypt and North Africa more generally to have more of an impact with its democracy promotion policies¹⁰⁶.

¹⁰² Neil Winn, (2011) 'Transformations in the Arab World: What Next? Complementarity', EU Institute for Security Studies, <http://www.iss.europa.eu/fr/publications/detail-page/article/q-transformations-in-the-arab-world-what-next-8/>

¹⁰³ Richard Gillespie and Richard Youngs, (2002) *The European Union and Democracy Promotion: The Case of North Africa*, London, Routledge.

¹⁰⁴ Michelle Pace, et al, (2009) 'The EU's Democratization Agenda in the Mediterranean: A Critical Inside-Out Approach', *Democratization*, Vol. 16, No.1, pp.3-19.

¹⁰⁵ Sarah Wolff, (2009) 'Constraints on the Promotion of the Rules of Law in Egypt: Insights from the 2005 Judges Revolt', *Democratization*, Vol. 16, No.1, pp.100-118.

¹⁰⁶ Thomas Demmelhuber, (2009) 'Egypt's Moment of Reform and Its Reform Actors: The Variety-Capability Gap', *Democratization*, Vol. 16, No.1, p. 132.

Europe and America: What next?

John Peterson¹⁰⁷

The backdrop

During the Cold War, despite numerous splits – starting with Suez and ending with Europe’s ‘enlargement’ – the transatlantic alliance essentially held firm. When the Soviet Union and empire collapsed, the Clinton administration made a concerted effort to engage with Europe, mostly to encourage it to reach out politically to fledgling capitalist democracies to its (then) East. It largely succeeded: the enlargement of both (first) NATO and (then) the European Union can be considered one of the most important achievements of European integration.

But the 2000s have been a rough patch for transatlantic relations. The Bush administration’s rejection of the Kyoto Protocol and International Criminal Court, embrace of a ‘War on Terrorism’ after 9.11, and (especially) the 2003 Iraq War all provoked intense divisions at the highest political levels. Internal European rifts over Iraq and the crisis in the Eurozone have been only slightly less severe.

Yet, the 2nd Bush administration featured considerable fence-mending between the US and Europe. The ‘Brussels channel’ continued to gain in importance in the overall relationship relative to alternatives, such as NATO, the G8 and bilateral links between Washington and European national capitals. An important reason why was the New Transatlantic Agenda (NTA), agreed in 1995, which committed both sides to annual summits, regular exchanges between officials, and an ‘Action Plan’ of policy cooperation¹⁰⁸.

The NTA has its limits (summits are no longer automatically annual) and Barack Obama failed even to turn up to a US-EU summit planned for 2010. However, the NTA has facilitated solid policy cooperation, much of it low-profile and underappreciated, including on many foreign policy issues encompassed by the EU’s Common Foreign and Security Policy (CFSP)¹⁰⁹. Notably, the 2011 Washington summit facilitated productive exchanges between the two sides on the Eurozone crisis, Iran and Afghanistan.

Obama has been described as the most hands-on foreign policy President since Nixon¹¹⁰. The claim is probably true insofar as it concerns ‘Afpak’ (Afghanistan, Pakistan and Osama bin Laden), Iraq, Iran, China, and the financial crisis. Obama was the 1st President since Johnson to inherit a hot war, and has been a very reluctant war President.

Obama is a Socratic, reflective thinker, but has no dominant ideology. He is uninterested in theological arguments about European integration, and is very Pacific-focused. In his first administration, both he and Hillary Clinton usually told lower level officials to ‘keep this away from me’ when any European issue rose on the agenda, at least until the depths of the Eurozone crisis. It was frequently observed by insiders that the administration’s top official on Europe, Undersecretary of State Phil Gordon, was effectively Secretary of State for Europe. There is no question that the relationship between Europe and America is now in uncharted waters.

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¹⁰⁸ EU Commission Delegation to the United States of America, New Transatlantic agenda, December 1995
<http://www.eurunion.org/partner/agenda.htm>.

¹⁰⁹ See John Peterson, Richard Doherty, Michaël Van Cutem, Helen Wallace, Rachel Epstein, Fran Burwell, Joseph P. Quinlan and Alasdair Young (2005) *Review of the Framework for Relations Between the European Union and the United States: an Independent Study* (DG External Relations: European Commission),

http://www.consilium.europa.eu/uedocs/cmsUpload/MD020b05RevFramforEU_USRelations.pdf.

¹¹⁰ *The Economist*, ‘American diplomacy: what Hillary did next’, 24 May 2012; <http://www.economist.com/node/21551105>.

Against this backdrop, A few basics:

- US foreign policy is now focused overwhelmingly on Asia – hence its ‘Asian pivot’ – Afpak and the greater Middle East. One effect is to downgrade the prominence of Europe in US foreign policy thinking;
- The US and EU economies are inter-penetrated (not integrated), mostly through Foreign Direct Investment (that is: investment by investors based in one market in the market of the other). There are still lots of public policy measures yet undone that would facilitate more actual integration. Many might be enacted through a US-EU free trade agreement (FTA);
- The ambition to agree a US-EU FTA is a more ‘live’ possibility than it has ever been. In the past, it was seen as deterrent to broader multilateral trade deals. Now, with the Doha Round stalled, if not doomed, it is viewed as a way to kick-start global free trade agreements.

The domestic political equations

Europe is now on the American political radar map much less prominently than ever before since 1945, and only then mostly because of negatives. The Eurozone crisis has had almost as much impact on the US as the United Kingdom economy which is to say: in both cases, slowing recovery from the recession.

Still, the US essentially wants to partner with a united Europe. A 2012 article in the *Washington Post* caused considerable anxiety in the independent Scotland camp, because it portrayed Scottish independence as a sign of European disunity¹¹¹. US foreign policy is pragmatic, and will (for example) pick off EU member states from common positions to suit Washington’s own interests, as it did on Iraq (even though there was no ‘common EU position’). But the US generally prefers to deal with a single, united EU.

In a dramatic intervention, Phil Gordon briefed journalists in London on 9 January 2013 to warn that the US disapproved of David Cameron’s commitments to negotiate a new settlement with the EU and hold a referendum. He signalled Washington’s strong preference for an ‘outward-looking EU with Britain in it’ and noted that past EU referendums ‘have often turned countries inwards. The more the EU reflects on its internal debate the less it is able to be unified’¹¹².

Of course, this message comes from a Democratic administration with a relatively benign view of international cooperation. More generally, political division in Washington is more severe than at any time since the years after the Civil War. A little-noted feature of the 2012 US election is that ‘red’ US states (that vote Republican) became more red, while ‘blue’ states (supporting Democrats) became more blue. The splits extend to views on Europe. The discourse of today’s Republican party finds a convenient epithet for Obama’s economic policies by describing them as ‘European’. Consider Mitt Romney’s contentions that Obama sought to turn America into a ‘European-style welfare state and entitlement society’, or Newt Gingrich’s that the President’s goal was a ‘European socialist state’¹¹³.

The European ‘domestic’ political equation will be dominated by two issues over the next years: negotiations on tighter fiscal integration and a banking union in the Eurozone, and the British question. A treaty that deepens economic union in the Eurozone is probably several years away. The UK’s ‘renegotiate and referendum’ strategy will simmer and irritate its EU partners in the interim. It is notable that the American intervention on the British question appears to have emboldened a host of others in Europe – Commission President José Manuel Barroso, the Irish Taoiseach, and

¹¹¹ Washington Post, Scottish Independence vote is part of a worrying trend, October 2012, http://articles.washingtonpost.com/2012-10-30/opinions/35501357_1_scottish-independence-scottish-national-party-scottish-separatism.

¹¹² Quoted in *Financial Times*, 10 January 2013, p.1.

¹¹³ Quoted in Parker and Gabriel 2012; Mardell 2012. See also the profile of Romney’s choice as Republican Vice-Presidential candidate: Lizza 2012.

voices within the ruling parties of Germany, the Netherlands and Finland – to seek to shape in advance of Cameron’s landmark speech on the EU. The remark by the chair of the Germany Bundestag’s European Affairs Committee, said to be close to Angela Merkel, was particularly strong: ‘You cannot create a political future if you are blackmailing other states’¹¹⁴.

The policy agenda

The transatlantic policy agenda is focused mostly on economic issues. On traditional security questions, a key factor in the Obama administration’s intervention on the British question is the evolution of thinking in Washington about the EU’s Common Security and Defence Policy (CSDP). It is no longer viewed as a threat to NATO and instead is seen as the only route to a Europe that retains its military standing in a climate of severe austerity. The Libyan NATO action was an eye-opener: Europe’s lack of military firepower was only compensated by heroic levels of contribution of US military firepower, in an exercise which Washington was ‘leading from behind’.

On traditional foreign policy issues, extensive, low-profile transatlantic cooperation continues on (especially) Iran, Afghanistan, and the Balkans. There is no single view amongst American diplomats about the effectiveness of the European External Action Service (EEAS). Certainly, there is support on the American side for EU missions in major national capitals such as Beijing, Delhi, Moscow and even Washington that evolve into real ‘embassies’, with expertise, clout and resources. Hillary Clinton invested much of herself in Catherine Ashton as the first post-Lisbon Treaty High Representative for the CFSP. But the EEAS has had severe teething problems. Commitment to it in European national capitals varies wildly. In Brussels, Ashton herself is seen as something between an unfortunate choice and a disaster in her job. In fairness, she is now doing what were at least 3.5 jobs before Lisbon: 1) High Representative (replacing Javier Solana); 2) EU Commissioner for External Affairs; 3) the rotating Council Presidency (of Foreign Ministers), while also setting up the EEAS and being British Commissioner. Frankly, Ashton faces severe disadvantages in being British and a woman in EU diplomatic circles (which remain far more male-dominated than in their counterparts in the US).

Meanwhile, any attempt by Brussels and Washington to focus on deepening or altering multilateral cooperation faces severe political obstacles. To illustrate, even if the Obama administration and the EU could agree on an urgently needed rebalancing of major multilateral institutions – such as the UN Security Council (Obama has publicly called for India to be given a permanent seat) – US Republicans would accuse the administration of selling out US interests. Yet, many Congressional Republicans would support a US-EU economic policy cooperation agreement, while many of their Democratic counterparts would struggle to do so. A US-EU trade deal could spur quite a lot of economic growth on both sides. The US business lobby is strongly supportive and the Obama administration views it as a backdoor way to make the US economy less over-regulated (the World Economic Forum ranked it 76th in the world on the ‘burden of government regulations’ in 2012).

On the European side, unproductive debates about austerity versus spending as a way out of the economic crisis can be put aside in the dialogue with the US about a ‘Jobs and Growth’ agreement¹¹⁵. Some EU governments view such an agreement as a way to help spur major structural reforms that can make European industries more globally competitive and attract investments that promise future growth.

Conclusion

In transatlantic relations, the economic sphere is now where the action is. There is strong evidence to suggest that both the US and EU economies could rebound from the recent economic crisis

¹¹⁴ Gunther Krichbaum quoted in *Financial Times*, 11 January 2013.

¹¹⁵ See EU-US High Level Working Group on Jobs and Growth, *Interim Report to Leaders from the Co-Chairs*, 12 June 2012, http://trade.ec.europa.eu/doclib/docs/2012/june/tradoc_149557.pdf.

stronger, fundamentally restructured, and better able to withstand the challenges of emerging market economies (although it is likely to take longer for Europe than America). Both the US and EU need to advance on the 'value chain', seizing on the advantages of their highly skilled workforces, superior infrastructure (even though large, new investments are needed, particularly on the US side), and leading edge science and technology.

An economic partnership agreement – especially one with significant regulatory harmonisation – could lead to considerably more cross-investment, which tends to create skilled jobs and promote technological innovation. The political conditions are ripe for an agreement before 2014 (when a new European Commission and Parliament are due and before the US mid-term elections). Ironically, a US-EU economic agreement is one (of three) priorities for the Loch Erne G8 summit hosted by David Cameron in June 2013. Whether the benefits of deeper economic cooperation can trump domestic political squabbles and geopolitical distractions and yield a new, truly modernised transatlantic alliance remains an open question.

EU: Needing a foreign policy to deal with the BRICS

Thiago de Aragão ¹¹⁶

The European Union (EU) besides being the primary model of unification between countries can also be understood as the largest commercial agreement in recent history. This success story has inspired several other economic blocs around the world, including the Southern Common Market (MERCOSUR). European unification aimed to promote peace and economic development across a continent once divided by war. In spite of the geographical proximity of what would eventually be known as member states, there were vast distinctions in cultures and sovereign state boundaries. Without the EU such differences could have continued to be the cause of conflict in Europe.

After the advances made by the development of the EU, few expected the project to be undermined by an unprecedented global economic slow down which ushered in a contagious Eurozone crisis. The economic crisis experienced by member states is far beyond what was envisioned by international economic analysts and has caused worldwide concern about the nature of the regional unification project as well as speculation about its real effectiveness. Due to the fact that the health and wellbeing of the European economy influences wider global stability, economic models are being urgently revised and the European Union is beginning to realize that it needs to reinvent itself in order to produce adequate solutions to problems that have emerged. It needs to create new expectations of production and development for: its members, its neighbourhood and beyond.

Most of the expectations for an alternative model are being generated by the countries that make up an emerging bloc referred to as the BRICS (Brazil, Russia, India, China and South Africa). This group is made up of predominantly high growth economies that have emerged to become new centres of power in the international economy. The term 'BRIC' was developed by Jim O'Neill of Goldman Sachs. He was keen to show that this group of emerging countries had the potential to redefine the global economy through their growing economic influence. At the time, South Africa was not seen as a member and in the early stages the group lacked the political dimension that has been gradually developing between its members.

Today, the group presents itself as developing an alternative centre of political and economic influence. However, there are a number of limitations with this nascent group. Firstly, there are huge cultural differences between the five members. Secondly there is little in the way of institutional framework or architecture to enable the BRICS to function as a viable economic bloc. In light of this, the BRICS can still only be considered as an embryonic, or pseudo-economic bloc, as there has yet to be substantive efforts to develop this institutional and collective capacity.

Arguably, the element that unites Brazil, Russia, China, India and South Africa is perhaps the perception of solidarity. In addition, it represents an 'alternative' trading option to the turbulent markets of Europe and the United States. It is worth noting however that more often than not the BRICS compete with each other rather than complement and support each other as partners. This is perhaps because they are each at varying stages of economic and political development, while recording high growth rates, and yet still face political issues and development challenges.

Cultural links between these countries are virtually non-existent and they still need to go through a process in which bridges are built in attempts to develop shared cultural outlooks. Likewise, their economic models have distinct differences. If they are competitors, then mitigating the differences in order to launch a real process of building an economic, commercial and perhaps political bloc becomes an urgent priority. The same is true in relation to their political systems, which are so

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diverse to the point of being difficult to imagine a shared agenda based on the protection of similar political values.

However, in a rapidly changing world, with the development of these new centres of power, the BRICS have perhaps unwittingly positioned themselves as an opposing force to the traditional markets of the U.S. and Europe. For this reason, it is not surprising that among the BRICS members, perhaps with the exception of South Africa, you can see varying degrees of anti-Americanism.

Curiously, it is important to emphasize that the anti-Americanism should be primarily taken as a geo-economic phenomenon, but with hints of a geopolitical features (particularly relevant for Russia and China). The current economic strength of the BRICS enables the bloc to present itself as an alternative destination for investors and investment projects which would otherwise have gone to the US or Europe. Therefore, from this perspective, it is in the EU's self interest to deepen its understanding of and engagement with this bloc of countries. Arguably, an effective way of achieving this is by having a common EU foreign policy position on its engagement with its BRICS partners. Yet, current engagement is characterised by a numerous bilateral actors pursuing a vast array conflicting interests.

The lack of a foreign policy, or at least a coordinated one, is further complicated when navigating the challenging economic and political contexts within each BRICS members:

- Brazil: A relentless, complex, redundant and slow bureaucracy. Corruption incorporated into society (even if declining), a lack of skilled manpower, poor infrastructure and a very low education level when compared to the standards of excellence demanded by major Western economies.
- Russia: High levels of corruption in the bureaucracy and important sectors of society. Powerful Oligarchies protected and focused on exploitation of natural resources. Historical difficulties in presenting itself as a solid partner and long-term friend of the EU, despite presenting themselves as Europeans on many occasions.
- India: High rate of corruption in the public sphere; lack of national unity; excessively low level of education, despite the exceptional centres of excellence; solid, internal cultural differences which are difficult to resolve, and a large cultural difference in relation to the outside; very high levels of poverty and a lack of infrastructure.
- China: Constant government interference in economic affairs, due to the presence of the state in all activities; internal cultural crisis due to a variety of nations which constitute the Chinese population.
- South Africa: Historical social wounds still fresh; workforce with low skills, low levels of education and a lack of basic social services.

Because of this reality, the need for a common strategy for the European Union sounds with an even greater resonance today. Europeans can see properly the difficulties existing in the countries of BRICS and trace routes for opportunities and also, when necessary, exit routes from these countries, when necessary. For example, in dealings with Russia, the need to draw on a common strategy takes shape when there is a threat to natural gas supplies across Europe as has been the case in the recent past. In a growing age of energy scarcity this adds even more complexity to the urgent need for a common approach in foreign policy towards certain countries, despite historical difficulties.

A second example demonstrating the need to champion a shared EU foreign policy can be seen in the case of Brazil. The approach towards European countries varies greatly. In general, the Brazilians have a very positive perception of the UK. Brazilians associate the country with cultural symbols adopted in the Brazilian culture (music, clothing etc). This appreciation is also due to the fact that Portugal and the UK had an alliance that lasted centuries and this has been inherited by Brazil. In addition, Brazilians recognise the support given by the UK during the war Brazil fought against

Paraguay in the nineteenth century and sympathised with Britain during World War II. In the case of Spain, however, the relationship with Brazil is much more tense and recently the restriction of some Brazilian travellers, despite meeting visa requirements for entry generated a public outcry in Brazil. There are also strong economic examples that stress this lack of coordination and that the distinctions between EU countries are more prevalent than a unified position. The most notable current case in Brazil is the competition to sell jet fighters to the Brazilian Air Force. The project known as FX-2 has generated an intense dispute between France and Sweden. In another less public example, the UK and Italy's battle for contracts to sell frigates to the Brazilian Navy.

These examples illustrate the necessity to seek a united EU posture towards countries of strategic importance, though it is understood why such position is extremely hard to be accomplished. The national self-interest of EU member-states continues to surpass any attempts to develop a cohesive foreign policy. Perhaps it could be, that in the eyes of the BRICS or any other set of nations in the globe, this lack of cohesion is at the root of European problems. It is worth however, remembering how the importance of a united Europe, has inspired in the world, and how much more powerful the region could be if adjustments could be made to find common ground in the foreign policy arena.

EU foreign policy towards Africa and its impact?

William Gumede¹¹⁷

Since independence from colonialism after the Second World War, individual African countries have, suffered from a global inequality of power. Relative to former colonial powers and industrialised nations, this disparity includes power imbalances in: governance rules, representation in the global institutional architecture, and a lack of cultural significance and the limited impact of African ideas – This has been manifest in global policy-making arena where African countries generally have had limited voice. The ability of Africans to make their own independent policies and decisions were also equally circumscribed as former colonial powers, donor agencies and big powers force-fed African governments to pursue country policies which were in most cases inappropriate, and which, not surprisingly mostly misfired.

African countries have lacked the freedom to come up with economic policies appropriate to their own circumstances - a handicap not restricting richer nations. Only if African countries have the space to decide what policies to pursue can they, “turn their economic gains into real productive capacity” as stated by Supachai Panitchpakdi, UN’s Conference on Trade and Development (UNCTAD) Secretary-General¹¹⁸, African governments, civil groups and activists have been calling for the democratization of global governance and for the right of African governments to make autonomous economic and political decisions.

EU’s development policy to Africa undermines the continent’s development

For most of Africa’s post-independence period, development aid to the continent from developed nations has come with punishing strings. The EU’s development aid to Africa has diverted little from this general trajectory. In many cases, EU development aid has been perceived to enrich the EU at the expense of African recipient countries. Furthermore, development aid from the EU to Africa has in many cases been used as a way to essentially subsidize the export of the region’s products and services to recipient African economies.

European donors often either tie development aid to commercial interests, or use creative accounting mechanisms to inflate aid figures. Examples include when compiling national statistics for development spending, designating funds for military support, grants to foreign students and helping refugees as aid. Furthermore, very little new development aid promised by the EU and other developed countries, including the G8, has materialized. Most of the promises have fallen far short of their original commitments¹¹⁹. It is safe to say EU development aid to Africa will diminish in the future as the aftermath of the global financial and Eurozone crisis is likely to reduce the development aid capacity of European Union members and developed countries. It is more likely that funds that would have been destined as development aid to Africa will now be rechanneled to struggling regions of Eurozone and industrialised countries. However, even if it comes “African governments (will) have little voice in shaping these programs, or in auditing their effectiveness and results”¹²⁰.

The EU’s EPAs threaten Africa’s development

A major plank of the EU and individual EU countries’ foreign policy towards Africa is trade agreements with former colonies. African free trade agreements (with former colonial powers and

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¹¹⁸ Supachai Panitchpakdi (2011) Statement to the United Nations General Assembly, 66th Session - Agenda item 17: Macroeconomic policy questions. New York, October 27

¹¹⁹ African Development Bank, *Africa in 50 Years’ Time – The Road Towards Inclusive Growth* (Tunis: AfDB, 2011), p. 24

¹²⁰ See Africa Progress Panel, *Jobs, Justice and Equity: Seizing opportunities in times of global change* (Geneva: Africa Progress Panel Publications, 2012), p. 45

industrialised countries) including the Economic Partnership Agreements with the European Union have in many cases been at the disadvantage of the Africans¹²¹. African countries have little recourse for trade, economic and political disputes with developed countries, often being marginalized in the WTO's Dispute Settlement Mechanism¹²².

The EU's Economic Partnership Agreements (EPAs) with former African, Caribbean and Pacific colonies is to replace preferential trade arrangements between the ACP states which operated for three decades prior¹²³. Le Monde's Ignacio Ramonet calls EPAs the "latest manifestation of the colonial pact"¹²⁴.

EPAs threaten African economies on four key levels. Firstly, it threatens African farmers and infant industries, as EPAs promote EU products and services entering African markets without any quotas or duties. EPAs undermine African attempts to build local manufacturing capacities – as often heavily subsidized European products flood African economies. Secondly, the EPAs undermine individual African countries' ability to develop their own independent policies. Thirdly, the EPAs also undermine Africa's attempts to pool their individual country markets, trading more with each other and to create a continent-wide free trade area from Cape to Cairo. This approach is integral to Africa's future prosperity. Fourthly, EPAs undermine Africa's capacity to piggy-back off the rise of new emerging powers such as Brazil, India, China and Turkey who have rapidly become new investors and new markets for African products.

The EU's EPAs demand products from the EU to Africa get the same level of government support in recipient countries as local products. EPAs expect African countries to abolish the requirement for local content in locally manufactured and processed goods. Yet it is crucial for Africa to build up local industries. Import tariffs for raw materials such as oil are typically low in industrialised countries but increase dramatically with each stage of processing.

In implementing EPAs, the EU has divided Africa into its own regions, undermining African efforts at integration. For example, in the case of Southern Africa, the EU's EPA proposals to Southern African Development Community (SADC), is that if an individual countries default on any part of the EPA in this region, the EU has the power to act against all SADC countries. Yet SADC is expected to reach a consensus if there is a trade dispute with the EU. EPAs demand that African countries declare the EU as 'most favoured nation' whose products should not be subjected to higher levies than those of developing countries. In addition, EPAs demand that African countries extend all the benefits of any future trade agreements that an African country may enter into with other countries. This is seen by Africans as a way to prevent their countries from striking more competitive deals with new emerging economies.

Those African countries which refused to sign up to EPAs terms and conditions were threatened to have their access to EU markets totally withdrawn. For example, Namibia initially refused to sign-up, but was forced to back down as the EU threatened to bar market access to Namibian beef, grapes and fresh fish annually worth €30 million. Swaziland was forced to sign up because the EU threatened to close its markets to the mountain kingdom's sugar and citrus – the country had nowhere else to go. African countries have little recourse for trade, economic and political disputes with the EU, specifically regarding disputes over EPAs. In any case, African countries are marginalized

¹²¹ William Gumede, FPC Briefing: African political unity must be more selective: a blueprint for change. May 2011, <http://fpc.org.uk/articles/518>

¹²² Africa Progress Panel, *ibid*

¹²³ In 2000 ACP countries and the EU signed the Cotonou Convention which brought the 1975 Lomé Accords to an end.

¹²⁴ Ignacio Ramonet (2008) *Le Monde*, January 8

in the WTO's Dispute Settlement Mechanism¹²⁵. The EU's trade policies have severely undermined its efforts to promote, peace, security and democracy in Africa.

EU Democracy, Peace and Security Policy hurt by support for “war on terror”

Promoting inclusive democracy and development is certainly the most effective antidote to religious or tribal fundamentalism in Africa. The EU has consistently supported the US's “war on terror” in Africa, particularly in the Horn of Africa. On occasion the EU has supported African regimes, for example in Ethiopia and Uganda – who supposedly under the ambit of being part of the “war on terror” actually terrorised domestic civil groups, critics and democracy activists. The EU's participation in the US's “war on terror” in Africa risked it undermining its credibility and its laudable humanitarian and peace-mediation efforts.

The EU's democracy building efforts in Africa have often emphasised elections. Many African autocrats insist that if only elections had taken place, their countries are democratic. The EU's penchant to emphasize elections as a measurement of African democracy has reinforced the power of undemocratic African leaders who stage-manage elections to secure the continuation of EU financial or other support. Coalitions of civil groups, whether consisting of trade unions, women's and student groups, churches, media, non-governmental organizations, rallying together, held together by common determination to remove an autocratic government, have on many occasions, through 'peoples' power' in Africa spectacularly removed tyrannically regimes. Supporting such movements is crucial for the sustainability of African democracy efforts – yet the EU appears to have in recent years moved away from backing African civil society groups, and have focused much more supporting ruling governments.

EU's broader foreign policy towards Africa is not unified

The EU's Lisbon Treaty signed by 27 EU countries and which came into effect on 1 December 2009, makes the case for a unified EU foreign policy. Apart from the EU's EPAs policy in Africa, broader foreign policy towards the continent is often disperse, with individual countries, particular former colonial powers often pursuing bilateral foreign policies with individual African countries which are often steeped in the old colonial relations, and often at cross-purposes to official EU policies towards Africa. A lack of coherence of EU foreign policy towards Africa has been confusing for many African countries. For another, in some cases where there is a unified view, the EU's often one-size-fit all approach to all African countries, rather than an individualized or regionalized focus, depending on the specific conditions and contexts, have undermined the effectiveness of EU Africa policy¹²⁶. Research from African institutions and the EU itself have shown that the EU's foreign policy engagement – whether dealing with pirates in the horn of Africa or mediation in Sudan – with Africa is most successful if it is in partnership with African regional institutions, African-driven local initiatives, rather than duplicate existing African efforts or going it alone¹²⁷.

Conclusion

Africans require the “policy space” to make their own independent policies and decisions. EU partnerships with individual African countries should provide African countries the freedom needed to independently develop their own national development policies. EU development aid to Africa needs to withdraw onerous conditions which ties development aid to African countries pursuing developmental policies prescribed by the EU. The EU could also support African countries to secure a bigger say in global political, economic and institutional decision making. In the interest of justice

¹²⁵ See Africa Progress Panel, *Jobs, Justice and Equity: Seizing opportunities in times of global change* (Geneva: Africa Progress Panel Publications, 2012), p. 45

¹²⁶ See Melanie Cathelin, *EU's African Foreign Policy after Lisbon: Conference Report*, Brussels: Observatoire de l'Afrique, Chatham House, Istituto Affari Internazionali, Open Society Foundations

¹²⁷ European Union Parliament, *Implementing the EU Concept on Mediation and Dialogue Capacities follow the adoption of the Lisbon Treaty: Learning from the Cases of Sudan and the Great Lakes* (Brussels: European Parliament's Committee on Foreign Affairs, Directorate-General for External Policies of the Union, 2011)

and greater equity, the EU could support African countries secure policy space from global financial institutions such as the World Bank, International Monetary Fund and World Trade Organisation. This could go some way to recognizing the rights of sovereign states to develop their own national and evidence based development policies, appropriate to their own specific circumstances.

The European lessons from the US Marshall Plan to rebuild war torn Europe after the Second World War, remains one of the world's most effective examples of how development aid can be used to develop poor and war-stricken countries. The US essentially used the same principles of the Marshall Plan to pump aid into the East Asia in countries such as Japan, Taiwan and South Korea during the 1950s. The European Union's current successful regional development strategy is based on the lessons of the region's post-Second War development aid experience. Most of the development aid to Europe and East Asia immediately after the war was used to rebuild and develop infrastructure: roads, public transport, energy provision, sanitation, and telecommunications. East Asian countries such as Japan, South Korea and Taiwan, and post-war Europe, benefited from what would now be regarded as unimaginably much better terms of trade, and then African countries ever did. The EU's development aid to Africa should review important lessons based on evidence from this post war development aid experience in order to ensure its aid spending has greater impact and better development outcomes. According to the UNCTAD, industrialised nation's development spending on infrastructure, productive sectors and agriculture in Africa has plummeted to an all time low. It now stands at less than 30% of the total annual aid African countries receive¹²⁸.

Development data collated by international independent agencies suggests that Africa needs a higher quality of growth and more equitable growth rates. African economies must diversify into manufacturing, services and value-add products¹²⁹. In light of this evidence the EU needs to explore how best to support Africa produce value-add products and open-up EU markets to such value-added African products. Value-added products create more jobs for Africans, and result in more equitable and sustainable growth rates to transform African economies. If, for example, an African country wants to export a tree to an EU country, the trade barriers are relatively low. However, if it turns the wood into a form that can be used to make furniture – which will create more jobs and increase economic growth for the African country, tariff barriers of up to 40 per cent come into force in the EU.

An important structural change necessary for African countries to prosper is to pool their markets. One of the most significant continental reforms currently pursued by African countries is an attempt to create an African-wide free trade area in the coming years, EPAs undermine this pursuit. If EPAs are to build African regional integration, they need to be negotiated along the lines of Africa's planned continental free trade area. In the interest of justice the EU must give African countries fair mechanisms to resolve EPA disputes with the EU. It is imperative that the EU improves trade and aid terms of EPAs, with African countries – or African countries may take advantage of new opportunities offered by the rise of new emerging powers and high growth economies, at the expense of the EU.

¹²⁸ UNCTAD (2011) Africa Economic Development Report. Fostering Industrial Development in Africa in the New Global Environment. UNCTAD, Geneva

¹²⁹ UNCTAD (2011) *ibid*

A Moderate Eurosceptic perspective on EU Foreign Policy

Rt. Hon. Sir Malcolm Rifkind KCMG QC, MP¹³⁰

The eminent British diplomat Robert Cooper wrote recently that 'at times it has seemed as if there were more people writing about European foreign policy than were making it'. But the EU's foreign policy, or lack thereof, is just one facet of a much wider debate about the future of the EU and Britain's role in a post-crisis EU more generally. What I believe Conservatives are looking for from European foreign policy is, in microcosm, what they are looking for from the European Union as a whole: a positive vision of a flexible, dynamic Europe that promotes co-operation rather than coercion in the identification and pursuit of common goals.

The discussion of almost any facet of the EU provokes much wailing and gnashing of teeth as pitched battles are waged from extreme positions on either side. One man's utopian 'United States of Europe' is another man's dystopian 'EUSSR'. At the level of foreign policy, it is argued that the EU must become a power in its own right or '*Europe puissance*', otherwise it will have no global influence whatsoever. In reality - even in our present circumstances - we do not face a choice between the abolition of the nation-state and the collapse of the EU. Nor do we face a choice between building a European power and global irrelevance.

I cannot speak on behalf of all of my Conservative colleagues. We are all eurosceptic now, but some are more eurosceptic than others. I would like to begin by setting out the principles of what I choose to call 'moderate euroscepticism', the prism through which I consider these matters.

The most ardent eurosceptics desire immediate withdrawal from the European Union. I accept that although Britain is better off in, our continuing membership should not be unconditional. In future it is possible that demands are made of the UK that are both intolerable and non-negotiable, and in such an instance we would be forced to leave. Indeed it would be absurd to argue otherwise, which is why the significance attributed by press reports to the Prime Minister's innocuous assertion that departure was 'imaginable' was disproportionate to say the least.

Although plausible, this scenario is by no means the most likely. Any clear-headed analysis (and the holding of a referendum may help a serious debate to occur) will show that it is in the UK's interests to stay and that it is in the interests of the EU's other members to find a way of making this possible. A mutually beneficial accommodation is achievable, and therefore to leave before even trying to reach one would be grossly irresponsible.

Most of the upcoming debate will be conducted at the economic level. A 'Brexit' would mean losing not only our access to the benefits of the existing single market, but the prize of access to a much deeper single market would be lost altogether. We would end up with less access to - and less influence over - a less attractive single market. The Norwegian 'alternative' is no real alternative. Norway is not just bound by EU regulations whilst having no influence over their formulation. In exchange for this privilege, it is obliged to pay into the EU three quarters of the amount, in per capita terms, as that paid by the UK. The Swiss arrangement has functioned so far because its market is much smaller and therefore much less potentially distorting to the single market's 'harmony' than the UK's, with high social charges that reassure more protectionist members against the prospect of undercutting EU members through deregulation. No such deal would be afforded to the UK. The prospect of spending ten years renegotiating a series of bilateral trade deals both with

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the EU and countries around the world, without the guarantee of being better off than we started, is not an attractive one.

The UK also benefits from close EU co-operation in its relations with the outside world. The rise of Brazil, India, China, and other new regional powers across the developing world, as rocky and uncertain as it is, will necessitate close European co-operation in order to be able to negotiate as equals in various international fora. Certain issues, and not just trade, require much greater international co-operation. Environmental policy is one of them. The Chernobyl disaster brought home to many the stark reality of how the poor standards of management and regulation leading to the meltdown of a nuclear reactor in Ukraine could so dramatically affect the livelihoods of farmers in Wales by poisoning their livestock. Only international treaties can deal with these problems, and the EU has much greater clout in such negotiations than any single European state. It is worth recalling that Russia's divide-and-rule energy diplomacy, so effective in the early part of the last decade, was stymied by closer co-ordination in the EU's energy policies.

Britain has the means to make a leading contribution to European foreign policy co-operation. It has the world's 4th largest military, and 7th largest economy. It has a seat on the United Nations Security Council, and has an operationally independent nuclear deterrent. It is a longstanding and respected member of numerous multilateral military, political and economic institutions, including NATO and the G8. It is a leader in the Commonwealth, which undoubtedly magnifies Britain's global influence. It has considerable global 'soft power', which was given a timely boost in 2012 by the Jubilee celebrations and of course the unmitigated triumph that was the London Olympics. The UK has one of the world's most economically and culturally open societies, making it well-positioned to benefit from the future progress of globalisation.

Last but by no means least, we have our relationship with the United States. The US has close relationships with a number of countries, including with Japan and Israel. The UK relationship is 'special' not just because of its intensity, but also because it is different in specific areas to the relationships the United States has with any other country. As Chairman of the Intelligence and Security Committee, I can vouch for the intensity and productivity of the Anglo-American intelligence relationship. But the key benefit from an American point of view is political: Britain is perhaps the only country in the world that combines global military reach, many shared political judgements, and being considered by the American public to be a democratic ally. These points are consistently underestimated.

As we have seen, the US would like a strong British voice in Europe, and British leverage in Washington would be bound to diminish were the UK to leave the EU. It is a pipedream of some eurosceptics that the United States would welcome the UK leaving the EU and harnessing its destiny to that of the US. However there is naivety on the American side as well. The United States likes a single European foreign policy only if the common European position agrees with that of the US! In the cases of Iraq and Afghanistan for instance, Europe has been deeply divided. The lack of a single EU foreign policy has enabled the US to have the support of the UK even when it could not win the support of Germany and France.

To say that the UK's importance to the United States depends on its voice being heard in Brussels is therefore a serious exaggeration. The same goes for Britain's diplomatic assets more generally. But EU membership helps the UK to project its influence further than it would otherwise be able to do. Without Britain as a member, the EU would find it a great deal more difficult to call on the UK's political, diplomatic, or military clout in pursuit of our common objectives

The United Kingdom has never taken as absolutist a line on the sharing of sovereignty as is popularly imagined. Margaret Thatcher shared more sovereignty than any Prime Minister since Edward Heath

when she signed the Single European Act in 1986 to establish the single market. Going further back, the United Kingdom was much more comfortable than, for example, France in pooling its sovereignty with NATO over the most fundamental dimension of the national interest, the defence of the realm. It was only under President Sarkozy that France reintegrated itself into NATO's command structures after President de Gaulle marched out decades ago. The United Kingdom has also been more pragmatic over buying nuclear missile delivery systems from the United States, whereas France has always developed its own systems, at huge financial cost.

Nor has Britain been as obstreperous an ally on European foreign policy co-operation as some like to think. It was present at the birth of European Political Co-operation in 1973, took the lead in the 1980 Venice Declaration in support of the Palestinians' right to self-determination, led the EU's stabilising mission in Bosnia & Herzegovina, made the St Malo Declaration with France in 1998 in order to facilitate the deployment of EU forces abroad, provides the headquarters for the EU counterpiracy operation off the Horn of Africa, and co-operates closely with France and Germany as an 'E3' in pressing for sanctions on Iran.

However European foreign policy faces many of the same challenges that bedevil the EU more generally: as well as common goals, it has many divergent interests. It has 27, going on 28, members, growing to 30+ in the coming years. Countries in the South have little interest in the Eastern Partnership. Countries in the East have little interest in the Mediterranean Partnership. Britain and France are big countries with relatively activist foreign policies. However Germany effectively sided with the cynical 'status quo' powers of Russia and China over intervention in Libya when it might have supported its close EU allies diplomatically whilst arguing for a more conservative interpretation of the UN mandate.

Big countries, including France and Germany as well as the UK, tend not to share smaller countries' enthusiasm about conducting foreign policy at the supranational level, which proponents of powerful supranational EU foreign policy institutions find very demoralising. But demonstrating a strong commitment to supranational institutions is not necessarily the same as being committed to positive co-operation.

Take the European External Action Service (EEAS) as an example. This is a reasonable addition to the EU's foreign policy infrastructure, even if it is not as effective as its supporters might have hoped. The enthusiasm for the EEAS is of course much stronger amongst smaller states that would not otherwise have the means to attain global reach. The competition amongst these countries for diplomatic secondments in the EAS is consequently very fierce. The same rationale simply does not apply to the UK or France, who already have diplomatic reach through their own diplomatic networks. The EEAS has about 1,500 officials, 3,000 if you include those employed as local administrative staff. The national foreign ministries of the EU collectively have 94,000 officials – is it the EEAS or national diplomatic networks that are making the biggest contribution?

A similar principle applies to EU defence co-operation. Because Britain is reluctant to establish a European defence headquarters, it is sometimes accused of being an obstacle to the fulfilment of the EU's defence potential. But Britain accounts for 22.4% of defence expenditure, 11.8% of armed forces, and provides 20.8% of troop deployments, including for combat operations. Britain and France make up roughly half of all EU defence spending. It is the reluctance of the majority of countries that make up the other half of EU defence spending to make a bigger contribution to our shared responsibilities that is much more significant. This reluctance has serious consequences not just for the EU, but more importantly for NATO and transatlantic relations more generally.

Having to decide between focusing on bilateral relationships or on multilateral relationships is therefore a false choice: if you neglect one, you neglect the other. Strong Anglo-French bilateral co-

operation is immensely important, given the mutual interests we share with such close neighbours. Some of my colleagues who might be considered more inveterately eurosceptic than myself often feel much more comfortable working with France on a bilateral basis than through EU institutions. But a strong Anglo-French axis can give the UK greater leverage elsewhere: it should be used to get a more robust commitment to defence spending from other EU countries; which will in turn please a United States exasperated by EU countries not pulling their weight; which will in turn strengthen both NATO and the UK's bilateral ties with the United States as a result.

An appreciation of the importance of multilateral relationships to the United Kingdom's national interest is crucial, as the vast proportion of UK foreign policy today is conducted on a multilateral basis. Britain's future use of military force will be overwhelmingly as part of varying constellations of coalitions and alliances. British involvement in the EU must therefore be understood not just in the European context, but as part of its involvement in all kinds of global issues through numerous other international groupings.

A single EU foreign policy is another matter. It is unattractive not just to Britain but also to many other countries, including France and Germany. Nor is it deliverable for the foreseeable future. However establishing common positions in numerous areas is not only sensible, but happens already and has been a useful way of promoting British influence. In March 1996, as Foreign Secretary, I published *A Partnership of Nations*, a White Paper outlining the British approach to the EU intergovernmental conference of that year. It stated that 'the European Union is not the only framework within which we pursue our political and commercial interests, but it is central to our success.' That remains the case today.

In the words of David Cameron in 2011, Conservatives seek an EU "with the flexibility of a network, not the rigidity of a bloc – whose institutions help by connecting and strengthening its members to thrive in a vibrant world, rather than holding them back." The European project, which is on the whole a successful one, could not have got off the ground without the post-war idealism of the continent. Britain's focus on practical achievements rather than nation-building has helped shape that project for the better.

Can EU foreign policy make a difference?

Richard Howitt MEP¹³¹

The principal innovation of the Lisbon Treaty was the creation of the single-hatted EU High Representative on foreign policy. So I find it ironic that some of those who campaigned most vociferously for the Treaty, have also been the quickest to voice criticism that the new European External Action Service "has an impossible job."

As Europe finds its place in the world, it is the critics who should start to live in the real world. Yes, as I joked to Cathy Ashton after she'd been forced to set up a new EU delegation in Mogadishu in a tin hut because there wasn't the budget to do more, her post requires the agility of a "cat on the hot tin roof" - of her very own building¹³². And I suspect future historians will probably credit her most as the architect and builder of the new service. Her legendary skills of conciliation have certainly been as much needed in tackling the turf wars which marked the birth of the EEAS, as much as in the more conventional wars that European diplomacy seeks to prevent or to end.

Notching up successes

But time has seen the new service begin to notch-up its own foreign policy successes. Operation Atalanta combating piracy off the Somali coast, directed from the UK army's Northwood Headquarters, has been widely credited¹³³. It has also been a good incubator for the comprehensive approach, drawing on humanitarian and development support, to tackle problems on land as well as on sea. The Pristina-Belgrade dialogue represents a genuine diplomatic breakthrough in the Balkans, and common support for the EUFOR police and security mission in Kosovo has been achieved, despite some Member States denying formal recognition for Kosovo.

Despite being held back by history, some of it recent, the EU has played an activist role helping transition in Arab Spring countries, although arguably more effectively when a transition process is already under way. The Taskforce for Tunisia and the country's successful elections which followed, are notable examples.

Although understandably some EU member states have had more political will to launch interventions, as in Libya and currently in Mali, I do not see it as a failing where EU members can continue to 'lead' for Europe in specific cases. The EU's success in humanitarian evacuation in Libya and in moving quickly to establish new diplomatic posts, contributed as seamlessly as possible to the follow-up phase, and will be needed to do so again as attention intensifies on the whole of the Sahel.

Europe too has shown an ability to "talk tough" to Iran, when negotiations have been led by a single High Representative instead of a troika of Foreign Ministers. And European diplomacy has helped melt Russian and Chinese positions in the Security Council on Iran, Syria as well as on Libya, even if huge obstacles remain. The winning of speaking rights on the UN General Assembly despite understandable suspicion from other regional blocs was also a big achievement.

Blockages

I am sad that blockage from Britain's Conservative-led Government has led in practice to fewer appearances by the EU in the United Nations since the creation of the service than before it existed.

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¹³²European Parliament, Annual report from the Council to the European Parliament on the common foreign and security policy (debate), September 2012, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20120911+ITEM-016+DOC+XML+V0//EN&language=EN>

¹³³House of Lords European Union Committee, 2012, Turning the Tide on Piracy, Building Somalia's future: Follow-up report on the EU's Operation Atalanta and beyond

Even when the member states are all in agreement, the UK implacably prevents this useful channel, wasting political capital and goodwill for no discernible benefit¹³⁴.

British oppositionalism has also prevented the EU from acceding to the European Convention on Human Rights, despite the commitment to do so in the Lisbon Treaty. But what has struck me on-the-ground is the generally successful acceptance of the new EU role amongst British and other Member State Ambassadors in third countries I've visited or met, which represents a welcome pragmatism where it really matters.

What holds back operations in Delegations, according to my personal observation, is that still a big majority of personnel remain as Commission not EEAS staff. This was never my expectation of what single-hatting meant. However fears that new diplomatic appointments from member states would introduce split loyalties inside the EEAS, have thankfully never seriously emerged.

Future Challenges

We are at a time when the EEAS has not just been born, but it is still only a toddler learning to take its first steps, and occasionally falling over.

Looking ahead, if Europe wants to be a global player, it must support efforts to make more visible its global reach. The time and resources devoted to the Eastern and Southern Neighbourhoods are again understandable, and how we deal with "our own backyard" is indeed a test of credibility for EU foreign policy. But we have to be careful this does not descend in to introspection, with priorities over-determined by bilateral issues on our external borders, including migration which risks losing strategic focus. The new initiative for a "Global European Strategy" from Sweden, Italy, Poland and Spain is much-needed¹³⁵.

My second challenge is for an understanding that the potential for integrated foreign policy is also only at the beginning. Antagonistic positions taken by third countries in multilateral institutions are still too rarely challenged in the EU's bilateral political dialogue with them. Although Cathy Ashton's commitment to human rights being the 'silver thread' of foreign policy¹³⁶ is a central part of the strategic review successfully completed, I still come across EU development officials who eschew human rights concerns in case they impede cooperation from governments needed for the 'efficient' completion of their projects. Meanwhile, I was part of what I thought was the very impressive European representation at the UN Summit for Sustainable Development; yet the EU's acknowledged leadership in this area has never been fully translated in to an environmental diplomacy function within the EEAS itself. Integration in Europe's External Action Service remains an objective but not yet an outcome.

A third challenge concerns risk-taking. Diplomatic services are risk-averse the world over, not simply in the British Foreign Office. But the requirement that the High Representative speaks on behalf of each and every one of the Foreign Ministers and her proper caution in doing so puts a severe brake on Europe's ability to take the initiative. I do not propose further institutional change. But the governments who argue for an ambitious EU foreign policy could start by making explicit that the High Representative has their license to float new ideas or proposals in public without engendering criticism in private. It will perhaps take time, but it will happen.

¹³⁴ Julian Borger, **EU anger over British stance on UN statements**, *Guardian*, October 2011, <http://www.guardian.co.uk/world/2011/oct/20/uk-eu-un-statements-wording?newsfeed=true>

¹³⁵ EGS, Towards a European Global Strategy 2013, <http://www.euglobalstrategy.eu/about>

¹³⁶ Catherine Ashton, 2011, Speech to the European Parliament, http://eeas.europa.eu/top_stories/2012/060112_hr_silverthread_en.htm

Simple Arithmetic

As Britain suffers its own fateful introspection about the EU, Labour's Douglas Alexander was right to say in a recent speech at Chatham House, that the case for the UK's future in Europe is 'a matter of simple arithmetic'¹³⁷. The arithmetic of how much stronger we are as part of a bigger group, of the potential savings to be made by pooling and sharing military and indeed other resources and for other EU states to meet a full share of obligations, which too often have fallen disproportionately on Britain in the past.

The requirement for unanimity may sometimes frustrate the speed of EU agreement, but it proves the lie that independent British foreign policy has in any way been threatened. The foreign policy argument and preserving not endangering British influence, must be a strong part of winning the case for Europe in British domestic politics.

The value of Europe

However the EU offers much more than just strength in numbers. Europe also serves as a model for international cooperation based on the rule of law, cooperation and shared values. I have had the personal privilege to serve as the EU's Chief Election Observer in Sierra Leone, as rapporteur helping to forge the new UN principles on business and human rights, and responsible in the European Parliament for helping the former Yugoslav Republic of Macedonia towards EU membership.

In each of these cases, in spite of the Eurozone crisis and the sense that Europe is helping visit economic woe on the rest of the world, it is clear that Europe's history, values and standing continue to enjoy huge respect and support amongst our international partners.

Everyone knows that power is shifting eastwards and towards rising powers such as China, India, Indonesia, Brazil, Russia, Turkey and Mexico which all have bigger populations than the largest European nation or - in the case of China and India - more than the entire EU combined.

For all the projections of economic decline in the face of the rise of the BRICS and now the MINTs¹³⁸, it is my belief that every prospect remains - if we continue to show agility - for Europe to play a leading role globally now and into the future. I'm not sure any one knows if Henry Kissinger's eponymous quotation about Europe was actually ever said. But I do know Europe now has someone not just ready to receive the phone calls, but busy making them too.

¹³⁷ Speech by the Rt Hon Douglas Alexander MP, 2013, Reform in Europe not exit from Europe...the Right Road for Britain, *Chatham House*

¹³⁸ Mexico, Indonesia, Nigeria and Turkey

Effectiveness of EU Foreign Policy

Edward McMillan-Scott MEP¹³⁹

Two years after the formation of the European External Action Service (EEAS) it is now timely to assess its role in the assembly of EU foreign policy actors, especially in human rights and democracy promotion.

At the outset, it is worth recalling that the longest experience and the deepest foreign policy corporate memory in Brussels is not in any bureaucracy, but in the European Parliament. I spent the early years after my election in 1984 travelling behind the Iron Curtain, meeting dissidents and encouraging reform. This experience led me to found the European Initiative for Democracy and Human Rights¹⁴⁰, which remains the largest worldwide programme with a current budget of some €160 million. Rightly, it is the only EU external programme which can operate without host country consent.

The veteran chair of our Foreign Affairs Committee, Elmar Brok (EPP, Germany) first came to notice with a sustained attack on the barbarian father of Bashir Assad. Like his colleague Hans-Gert Pöttering, currently chair of our Middle East Working Group, he was elected in 1979. No-one in Europe has better Washington contacts or experience than James Elles MEP, who set up the Transatlantic Policy Network soon after his first election in 1984.

Now, our benches are enhanced by ex-Soviet Bloc activists like the heroic Pastor Tokes of Romania or Jerzy Buzek, a former Polish premier and Solidarity activist.

So in judging a newcomer to foreign affairs, Catherine Ashton, we have been indulgent so far. She has been assessed more on the service's institutional capabilities and less on a coherent approach to a common European foreign policy. The service's ambitions apparently mirror the Union's commitment to the promotion of democracy and the protection of human rights: 2012 saw the adoption of a new strategic framework and action plan focussed on streamlining these elements throughout the Union's external policies. However, we know that the commitment does not reflect performance.

The European Parliament has over many years acted as the driving force behind the increased focus on human rights and democracy in EU foreign policy. Most recently, the role of EU Special Representative for Human Rights was created in response to demands from the European Parliament and has now been filled by a former Vice-President of the Parliament, former Greek foreign minister Stavros Lambrinidis.

The birth of the EEAS coincided with the most remarkable political event – the Arab Spring, although it was not unexpected by those who visit the region regularly. I was the first outside politician to reach Egypt's revolution, the day after Mubarak fell and I have been back to the region several times since. That historic weekend while I was on Tahrir square celebrating with old friends from Egypt's opposition, the EU, American and UK ambassadors began to plan an ambitious response. The parliament held debates and adopted resolutions encouraging vigorous EU action and financial assistance as the revolutions swept through the region. Our expectations of the new EEAS were however not met. An analysis done by my Brussels office showed the failure of the EU to respond quickly and credibly during the crucial early months of the Arab Spring.

¹³⁹ Edward McMillan-Scott MEP has been European Parliament Vice-President for Democracy & Human rights since 2004. He was leader of the Conservative MEPs between 1997 and 2001 before joining the Liberal Democrats in 2010 in opposition to the Conservative party withdrawal from the EPP. He founded European Instrument for Democracy and Human Rights.

¹⁴⁰ Today known as the European Instrument for Democracy and Human Rights (EIDHR) <http://www.eidhr.eu/>

The EU's lack of coherence on the Arab Spring was highlighted in March 2011, as Saudi armoured cars poured across the causeway to assist police in Bahrain to suppress the largely peaceful protests there. Catherine Ashton's key adviser Robert Cooper, a former Foreign Office staffer, outraged MEPs when he dismissed civilian deaths as "accidents" liable to happen in police operations, and called on the democracy protesters to show restraint.

Following pressure from the parliament, the EEAS has upgraded its approach to the Middle East and North Africa, with its new commitment to "deep democracy". A revived Neighbourhood policy is centred around "more for more", a resuscitation of an old Chris Patten conditionality concept. There is also an increased focus on civil society involvement. A European Endowment for Democracy has at last been created, after years of pressure from MEPs such as former UN diplomat Alexander Graf Lambsdorff, as a quick-acting, non-bureaucratic and flexible foundation, operating at arms-length from the official administration.

However, the EU's strategy in the Middle East still too often lacks effect, from the costly and unavailing contribution to the Quartet, to its response to the decision of Egypt's first democratically-elected President Mohamed Morsi's to grant himself sweeping powers towards the end of 2012. Ashton diminished the EU response by a feeble call for all relevant parties to engage in dialogue. No threat to withhold the EU's substantial aid package to Egypt was made.

If the EU's human rights and democracy strategy is inconsistent on the Middle East and North Africa, it is near absent on Russia, let alone on China—both major strategic partners of the EU. After the EU won the Nobel peace prize in November 2012, Willy Fautre, director of Human Rights without Frontiers spoke of the EU's "increased moral responsibility to enhance its policy on promoting human rights around the world, in particular in China."¹⁴¹ However, the EU response to the communist party's ongoing human rights abuses – both on its soil and in occupied Tibet – has too often been timid if not absent altogether. Mounting evidence that the Chinese regime murders religious dissidents in order to harvest their organs for transplants¹⁴² - I have met witnesses to this genocidal activity in Beijing - has gone without comment from Ashton.

Following a spate of self-immolations in protest at China's repressive occupation of Tibet, Ashton issued a statement criticising China's policies in the country only in response to repeated pressure exerted by MEPs. The parliament has also called for an EU special representative to Tibet, to emulate the work done by the US special coordinator on Tibetan issues, a post created over a decade ago.

Beijing has openly snubbed the EU's human rights agenda, vetting journalists attending EU-China press conferences and attempting to halve the number of so-called 'Human Rights dialogues'. Cathy Ashton still believes that there are genuine human rights organisations in Beijing. By contrast, while visiting Beijing, European Parliament president Buzek met Zeng Jinyan, wife of the imprisoned environmental activist Hu Jia. Austrian MEP Helga Trüpel is still the only politician to meet the wife of Nobel prizewinner Liu Xiaobao. Barbara Lochbieler, German chair of our Human Rights Committee, continues to champion Aun Sang Suu Kyi, a trail blazed in Burma by Glenys Kinnock while she was an MEP.

¹⁴¹Banks, M., 2012. EU has 'moral responsibility' to challenge China on human rights. *The Parliament.com*. (December 10) <http://www.theparliament.com/latest-news/article/newsarticle/eu-has-moral-responsibility-to-challenge-chinese-on-human-rights/#.UPaNguT4LSg>

¹⁴² Nowak, M., 2007. Implementation of General Assembly Resolution 60/251 of 15 March entitled 'Human Rights Council', Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Addendum. Summary of information, including individual cases, transmitted to Governments and replies received (20 March). <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/120/41/PDF/G0712041.pdf?OpenElement>

The European Parliament's *Sakharov Prize for Freedom of Thought*, was established in December 1988 by his friend the late Lord Nicholas Bethell MEP, who also founded our Human Rights Committee. Former winners include Nelson Mandela, Aung Sang Suu Kyi and Kofi Annan. On receiving the award in 2012, Iranian human rights lawyer Nasrin Sotoudeh - currently under house arrest and facing a six year prison sentence - stressed the prize's importance in letting oppressive governments know that 'in order to maintain their existence, they have no choice but to observe the rights of every individual.'

The Parliament has led the way in involving civil society in foreign policy formation. I co-chair the European Parliament/Human Rights and Democracy Network, which ensures regular cooperation between MEPs and more than 40 Brussels-based civil society organizations. The group allows for informal discussion between civil society representatives and policymakers, providing early warning and improvement of the parliament's capacity to ensure efficient and well-coordinated action in the field of democracy and human rights.

Of course there are flaws and inconsistencies in the parliament's approach. We are reviewing the ill-attended Topical and Urgent debates held monthly on a Thursday afternoon in Strasbourg. Some argue that these should be replaced by weekly debates in Brussels to be answered by either Ashton or her deputy Stavros Lambrinidis. They point out that Brussels is also the home of thousands of journalists, the diplomatic corps and all the NGOs. In the meantime, the parliament has responded to evolutions around the world by strengthening its small team of officials dealing with human rights and democracy, for example by bringing together those handling our successful election observation missions with the Office for the Promotion of Parliamentary Democracy in a new Human Rights Action Unit.

Looking forward

The first policy intention formulated in the preamble of the Lisbon Treaty confirms the signatories' attachment to the principles of liberty, democracy and respect for human rights, fundamental freedoms and of the rule of law. This commitment to the universal values of the Union has long informed the parliament's policies: this is important now that MEPs have extensive new powers, for example over trade agreements. The very visible chair of its Development Committee, former French presidential candidate Eva Jolie, keeps a focus on Africa especially, while new political and administrative structures embrace Latin America (EuroLat) and Eastern Europe (EuroNest), the brainchildren respectively of Spain's Ignacio Salafranca and Poland's Jacek Saryusz-Wolski MEP.

The EU possesses a unique catalogue of resources throughout its Member States and institutions. Properly harnessed, these resources should enable the EU to exert political influence over the globe. The academic Giovanni Grevi has noted that: 'Europe's 'brand' based on democracy, peace, cooperation, sustainable growth and solidarity is an attractive one for many worldwide'¹⁴³.

The European Parliament has consistently supported the EEAS in its development, and the Centre for European Reform (CER) has highlighted the parliament's role in ensuring that the EEAS has the necessary clout with the Commission to meet its objectives¹⁴⁴. Looking forward, the EEAS must strengthen its response to the Parliament's leadership on human rights and democracy. One concrete step would be providing a formal follow-up to the Parliament's monthly urgency resolutions which highlight pressing human rights violations across the globe. I have no doubt that we will continue to be a friend, a critical friend, of the fledgling foreign service.

¹⁴³ Giovanni Grevi: *Renewing EU foreign policy*, Challenges for European Foreign Policy n 2013.

¹⁴⁴ Burke, E. *Europe's External Action Service: Ten steps towards a credible EU foreign policy*. 2012. Centre for European Reform. http://www.cer.org.uk/sites/default/files/publications/attachments/pdf/2012/pb_eeas_4july12-5377.pdf

Europe in the World: Can EU Foreign Policy Make an Impact? examines both how Europe is seen on the world stage and the effectiveness of the new External Action Service in delivering on its key objectives: building an effective new diplomatic service, strengthening EU influence in the neighbourhood and developing relations with strategic partners. It explores the institutional and organisational challenges surrounding the creation of the EEAS and what tensions remain with other EU institutions and national governments, with particular reference to the UK.

Edited by Adam Hug (Foreign Policy Centre) the publication comprises essays from Prof Jozef Bátorá (Comenius University), Thiago de Aragão (Foreign Policy Centre) William Gumede (Foreign Policy Centre), Jacqueline Hale (Open Society Foundations), Richard Howitt MEP, Dr Stefan Lehne (Carnegie Europe), Dr Simon Lightfoot and Dr Balazs Szent-Ivanyi (University of Leeds), Prof Anand Menon (Kings College London), Rt Hon Sir Malcolm Rifkind QC MP, Edward McMillan Scott MEP, Prof John Peterson (University of Edinburgh) and Dr Neil Winn (University of Leeds). Shadow Foreign Secretary Rt Hon Douglas Alexander MP provides the foreword.

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