

The setup of the European External Action Service Inexplicable by grand theories of European integration?

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1. Introduction

It has now been almost two years since the Treaty of Lisbon took effect. The time was characterized by an intensive and controversial discussion between the European Union (EU) institutions and member states on the setup of arguably the most important institutional innovation besides the new post of the High Representative of the Union for Foreign Affairs and Security Policy (HR): the European External Action Service (EEAS). The EEAS has the purpose of serving its head, HR Ashton, in fulfilling her tasks of, *inter alia*, conducting the EU's Common Foreign and Security Policy (CFSP) and increasing the efficiency and coherence of EU external relations. Regarding hither to the execution of EU foreign policy, the HR admitted in the run-up to the establishment of the EEAS that "the EU can be too slow, too cumbersome and too bureaucratic"¹. With the setup of the new diplomatic service the EU wished to overcome occurring difficulties that result out of the complex net of responsibilities that characterise the external relations of the EU and thus 'give the EU a stronger voice around the world, and greater impact on the ground'².

Given the fact that the EEAS constitutes a whole new *de facto* institution without predecessor and was therefore built from scratch, it is very interesting from a political scientist point of view to see where and how the new service is positioned in the institutional architecture of the EU system. Since the EEAS was ought to bring together rather intergovernmental (e.g. CFSP) and supranational (e.g. development cooperation) policy spheres of EU external action, a discussion on how it can be scrutinized by grand theories of European integration seems to offer valuable insights.

In section 2 this research paper first takes a deeper look at two of the most influential grand theories of European integration, neofunctionalism and intergovernmentalism. Basic assumptions and logics of the two approaches will be used to build indicators with which the overall research question of the analysis will be assessed: can the two grand theories explain the institutional setup of the newly established EEAS? The empirical examination of the topic, which will mainly be based on the relevant treaty provisions and the existing decisions and reports of the EU institutions on the EEAS, follows in section 3 of the paper. Furthermore, findings

¹ Ashton 2010.

² Ibid.

of various academic articles that dealt with the EEAS in the last two years are taken into account. A conclusion summarizes the results of the analysis in section 4.

2. Theoretical framework

Neofunctionalism and intergovernmentalism constitute two of the most important and influential theories of European integration. Until nowadays the two approaches are controversially discussed among scholars and their basic assumptions serve regularly as fundamental principles of further theoretical developments³.

2.1. A neofunctionalist perspective on the EEAS

Neofunctionalism as a grand theory was developed by Ernst B. Haas in the 1950s. Based on the assumptions of functionalism, such as a positive concept of the human being interested in joint problem solving and the notion of “form follows function”⁴, he developed a theory explaining the course and action of regional integration. Haas assigns a central role to elite groups that constitute a pluralistic society and act rational and self-interested. These groups identify the limitations of national solutions and will thus accept developments towards a ‘federal scheme’ like the European Coal and Steel Community and establish common institutions.⁵ He understands political integration not as a status quo, but as a process, following incremental steps instead of a grand design⁶. Central to the process of political integration is the concept termed ‘spillover’. Due to transnational issues, such as transnational transportation networks, national governments can benefit from cooperation that does not represent a zero-sum-game⁷. Even if the cooperation is initially a technical one it might have a built-in logic to lift political issues on the common agenda (e.g. from control of coal and steel to social standards of miners)⁸. Once competences are shifted to the supranational level, national governments face the pressure to transfer further competences in order to secure the functioning of the already integrated sectors.

This rational logic of step-by-step sector integration was later termed *functional spillover*⁹. The process is accompanied by a transformation of the focus of national elites (governmental or non-governmental), who gradually “shift their loyalties, expectations and political activities towards a new centre”¹⁰. After national elites “undergo a learning process, developing the perception that their interests are better served by seeking supranational rather than national solutions”¹¹ they will support new integration steps as a consequence. In addition, socialisation processes between government officials working together in Brussels are taking place and strengthen further the commitment towards the supranational structure. The subsequently nurturing of new integration steps by national elites has been labelled *political spillover*¹². Moreover supranational institutions are central players from this theoretical perspective and can exercise substantial autonomy. Thus, institutions like the European Commission and the European Parliament (EP) facilitate the integration process, as they influence the bargaining outcome over integration steps, a process termed *cultivated spillover*¹³.

In general the explanatory power of neofunctionalism in European foreign policy is seen as rather low, as it is expected that spillover is primarily occurring in the area of economic and social policies.¹⁴ However, scholars such as Michael E. Smith already identified certain shifts on the intergovernmental/supranational scale as a development he termed institutionalisation of European foreign policy¹⁵. While he acknowledged the marginal to

³ Cf. exemplarily Moravcsik 1993; Sandholtz/Stone Sweet 1998.

⁴ Mitrany 1974: 249.

⁵ Haas 1958: xiii.

⁶ Lindberg 1963: 5.

⁷ Stroy Jensen 2006: 91.

⁸ Wolf 2006: 71.

⁹ Nieman & Schmitter 2009: 49.

¹⁰ Haas 1958: 16.

¹¹ Tranholm-Mikkelsen 1991: 5.

¹² Ibid.

¹³ Ibid: 6.

¹⁴ Andreatta 2005: 22.

¹⁵ Cf. Smith 2004.

negligible role of supranational institutions, he stressed the historical development of formalisation of European foreign policy from an “intergovernmental ‘gentlemen’s agreement’ with unwritten rules into a system of formal and informal legal obligations, plus organisations with budgets, staff, and permanent headquarters.”¹⁶

The Lisbon treaty and the introduction of the EEAS might constitute the next step towards a more supranational setup in this policy domain. If neofunctionalism proves valid, the setup and position of the EEAS in the institutional setup of the EU should reflect a certain spillover to the supranational level.

Thus, regarding the position of the EEAS in the institutional setup of the EU, it can be expected from this theoretical perspective that it will be closely affiliated to the European Commission as a genuine supranational body. Applying the logic of functional spillover this would also mean that departments dealing with aspects of external action are being transferred from the Council Secretariat to the EEAS in order to secure a coherent external action of the EU. Already communitarized aspects of EU external action would remain in the Commission. Next to this functional spillover, a political spillover would take place in the new institutional setup as well. Here attention has to be drawn to the question of the staffing of the EEAS. EU officials that were previously working for the European Commission (or the EP) and might have already shifted their perception and loyalties to the supranational level would be employed in the new institution. The EP as a supranational body of the EU would participate in the control (budget/staffing) and policy processes of the EEAS. Taking into consideration that the policy domain of EU external action is divided into various subfields ranging from development instruments to the deployment of Common Security and Defence Policy (CSDP) missions it has to be scrutinized in how far the new setup re-allocates the political competences in these domains. From the neofunctional perspective one might expect that instruments that have previously been dealt with solely by the Council are now partly steered by the EEAS and thus ‘escape’ a purely intergovernmental mode of policy making. In addition, the “multi hatting” of the High Representative of the Union requires to be substituted by deputies within the EU system as well as vis-à-vis external partners. From the view of this grand theory one would expect that the representation is done by Commissioners instead of falling back into the pre-Lisbon system of representation done by the rotating presidency.

2.2. An intergovernmentalist perspective on the EEAS

The theoretical approach of intergovernmentalism was established by Stanley Hoffmann in the 1960s.¹⁷ Witnessing increasing conflicts among the member states of the European Communities (e.g. negotiations on the Common Agricultural Policy or the “empty chair crisis”) and resulting out of a fundamental critic on certain aspects of neofunctionalist theory by Ernst Haas¹⁸, Hoffmann developed a framework for analysis of the causes and process of European integration that influences scholars until today.

Intergovernmentalist theory draws inspiration from and shares common assumption with realist thinking. Both approaches put the national state in the center of their analytical perspective. Hoffmann argued that they are the central actors of European integration and the crucial drivers of European policy. It is the state that “[...] acts, not merely as a mediator between internal demands and external pressures, but as a shaper capable of moulding its own domestic support”¹⁹. In contrast to realist theory however, Hoffmann stressed the historical development of a nation and stipulated that the national interests of states are not just determined by the balance of power in the international system (as realists argue) but are rather a product of a variety of factors, such as national traditions and experiences or the leadership of political actors. Hoffmann shed light on distinct national features and reactions to common European experiences (e.g. the temporary demise of nationalism and the nuclear stalemate between the superpowers during the cold war)²⁰. In intergovernmentalist theory, the national interest of a state is the product of the national situation and the outlook of foreign policy makers. By national situation, Hoffmann means “a composite of objective data [...] and subjective factors [...]”²¹. In comparison to classic realist theory, intergovernmentalism can thus be described as historical-sociological realism.²²

¹⁶ Smith 2004: 11.

¹⁷ Cf. Hoffmann 1963, 1964, 1966 .

¹⁸ Cf. Haas 1958.

¹⁹ Hoffmann 1982: 27.

²⁰ Cf. Hoffmann 1966: 870 et seq.

²¹ Hoffmann 1966: 868.

²² Bieling 2006: 92.

A central analytical dichotomy of Hoffmann is the distinction between “high” and “low” politics. The former refers to core concerns of states that directly affect its national sovereignty, such as security and foreign policy. According to the intergovernmentalist approach, states are not willing to transfer competences in sectors of high politics to a supranational level because “in areas of key importance to the national interest, nations prefer the certainty, or the self-controlled uncertainty, of national self-reliance, to the uncontrolled uncertainty of the untested blender”²³. Accordingly spillover effects as postulated by neofunctionalism do not affect the core competences of high politics. These effects only apply to areas of low politics, in which a positive-sum-game exist and in which mutual gains can be achieved through partial supranational integration, for instance in trade policy.

The governments of the member states are located at the intersection of the national and European level. Through this gate-keeper function they, and not for instance supranational elites, are responsible for negotiation processes. They control the partial pooling of competences, which does not represent a transfer of competences from the national to the European level. As a result of this process, the position of the member states is not weakened, but rather strengthened: “[...] the community helps preserve the nation states far more than it forces them to wither away [...]”²⁴.

Through its focus on national governments as the central decision-making authorities in the political system of the EU, the role of the rather intergovernmental institutions is stressed. The Council of the EU and especially the European Council serve as the main organs that control European integration. Consequently, qualified majority voting is ideally limited to political spheres of low politics, while decisions based on unanimity are predominant in all areas of high politics.

In the overall theoretical framework of this paper, Hoffmann’s intergovernmentalism constitutes a useful comparison to the assumptions and hypotheses put forward by neofunctional theory in section 2.1. Given the fact that most of the competences that the HR and the EEAS deal with are considered high politics, intergovernmentalism expects the EEAS to clearly follow intergovernmental rules. Generally speaking, the more intergovernmental structures, procedures and officials are incorporated in the EEAS, the more intergovernmentalist theory proves right.

If we have a look at the internal aspects of the EEAS, it is thus expected that inside the overall institutional architecture of the EU, the new established EEAS is located in the Council system or be directly affiliated to it. Moreover, there should have been a significant transfer of departments and desks of the Directorate-Generals (DGs) of the European Commission to the EEAS observable, which could be understood as a decomunitarization of certain policy fields of EU external action. In contrast, intergovernmentalist theory would predict that as much departments and desks as possible would remain in the dominion primarily under control of the member states, i.e. the Council. Concerning the staffing of the EEAS, from an intergovernmentalist perspective we would expect that diplomats and officials who were before employed at the national level compose the new workforce of the service. These national officials would consequently be accustomed to bargaining methods in an intergovernmental setting and could bring this working method into the EEAS.

Concerning external aspects of the EEAS, it is anticipated that the EP gets no competences regarding the institutional setup of the EEAS, besides its budgetary power, and is thus not able to exert much of an influence. Moreover, if planning of external policy fields is not transferred to the EEAS, the intergovernmentalist approach would expect it to remain in the Council structure and thus “shielded” from supranational influence. Another crucial point refers to the representation of Asthon if she is unable for instance to attend a conference or to present a report in the EP. Given the fact that officials are often not allowed to represent a political position, intergovernmentalism would expect national politicians, especially of the current rotating presidency to fill in her position temporarily.

Compared to the respective theses outlined in section 2.1 of this paper, the following table summarizes the factors, which serve as indicators to assess the institutional set-up of the EEAS between the two poles of intergovernmentalist and neofunctional theory.

²³ Hoffmann 1966: 882.

²⁴ Hoffmann 1982: 21.

Table 1: Theoretical indicators regarding the setup of the EEAS

<i>Theories</i>		
<i>Indicators</i>	<i>Neofunctionalism</i>	<i>Intergovernmentalism</i>
<i>Position in EU system</i>	European Commission	Council of the EU
<i>Transfer of departments</i>	From Council to EEAS	From Commission to EEAS
<i>Staff appointment and training</i>	From Commission	From EU member states
<i>Competences of EP</i>	Strong	Weak
<i>Planning of policy instruments</i>	Stays in Commission	Stays in Council
<i>Representation HR</i>	Commissioners	Rotating Presidency

Source: own compilation

3. The institutional structure of the EEAS

The following empirical part of this paper scrutinizes the institutional setup of the EEAS against the theoretical background provided by section 2. A thorough examination of the indicators for a neofunctionalist or intergovernmental account of the EEAS sheds light on the explanatory power of the two grand theories of European integration regarding recent institutional developments in the external relations of the EU.

3.1. The internal setup

According to the final Council decision establishing the organisation and functioning of the European External Action Service²⁵, the EEAS is neither apart of the institutional structure of the Commission nor of the Council and has no affiliation to the two institutions. In contrast, Article 2, paragraph 2 of the Council decision states explicitly that “the EEAS, (...) , shall be a functionally autonomous body of the European Union, separate from the General Secretariat of the Council and from the Commission with the legal capacity necessary to perform its tasks and attain its objectives”. The discussion on the positioning and equipment of the service was highly controversial and characterized by “turf wars” between the Council, the Commission and the EP.²⁶ The EP, for instance, strongly argued in favour of incorporating the EEAS into the Commission’s administrative structure in the run-up to the decision.²⁷ Following the theoretical framework of this research paper it can consequently be argued that neither neofunctionalism nor intergovernmentalism rightly predicted the location of the EEAS as a *sui generis* institution which occupies a unique position in the political system of the EU. It seems instead that the location of the EEAS was willingly created to serve the purpose of overcoming the old pillar structure of the EU and be better equipped to ensure consistency in its external relations.²⁸

Several administrative entities of the Council and the Commission were transferred en bloc to the EEAS and build the backbone of the new service structure. Originating from the General Secretariat of the Council, the Policy Unit was incorporated into the EEAS²⁹. Furthermore, the Crisis Management and Planning Directorate, the Civilian Planning and Conduct Capability, European Union Military Staff and the EU Situation Centre are relocated to the EEAS. Moreover, almost all administrative parts of the Directorate-General for External and Political-Military Affairs (DG E) were transferred. That includes the geographical directorates for the Americas and the United Nations and for the Western Balkans, Eastern Europe and Central Asia as well as the Directorate for Non-Proliferation of Weapons of Mass Destruction. In addition, officials of the General Secretariat of the Council

²⁵ Cf. Council 2010.

²⁶ Cf. Weiss 2010.

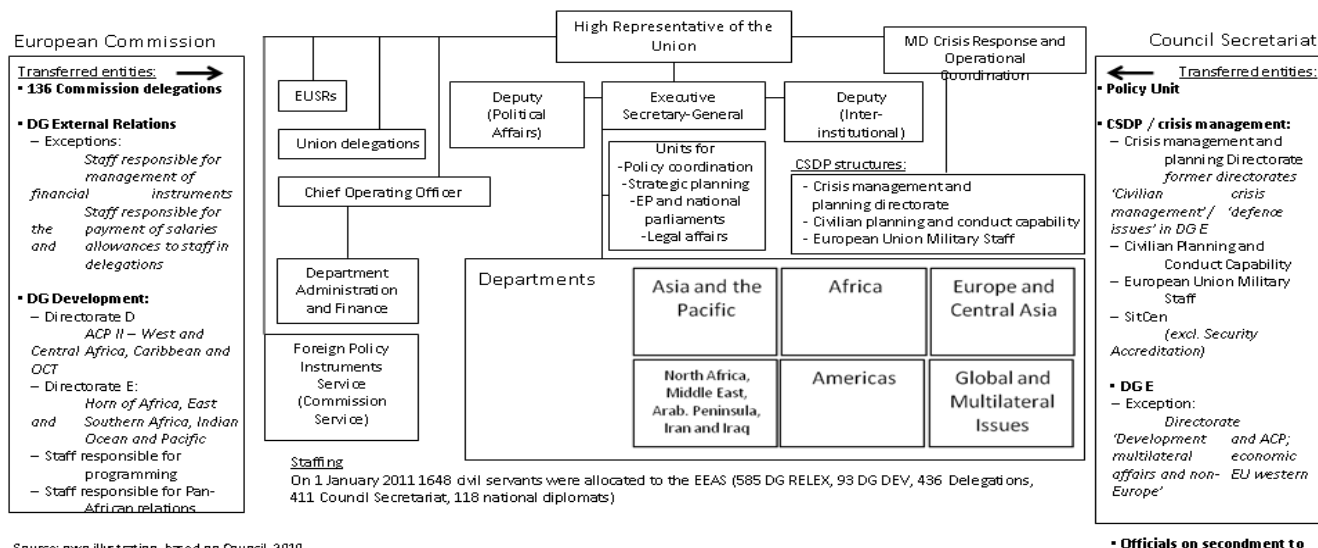
²⁷ EP 2009: Article 7.

²⁸ Cf. Mauri/Gya 2009: 2.

²⁹ Council 2010: Annex.

Figure 3.1. The institutional structure of the EEAS

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Source: own illustration, based on Council 2010.

• Officials on secondment to

on secondment to the European Union, EU Special Representatives and staff of the CSDP missions took up work in the EEAS³⁰. According to neofunctionalist reasoning it can thus be argued that due to the transfer of departments from the rather intergovernmental Council into the *sui generis* institution EEAS, a certain 'supranationalisation' of CFSP with some sort of functional spillover takes place. Although a real "communitarization", i.e. a transfer of sovereignty from the national to the European level is not happening; intergovernmental policy fields are nevertheless to a certain extent removed from the direct and exclusive influence that the member states of the EU exert in the Council. In comparison, intergovernmentalist theory would predict that such "high" politics fields would in any case rest with national governments. An assertion that can apparently be not fully confirmed when the aforementioned transfer of Council entities is taken into account.

Departments of the Commission were however transferred to the EEAS as well³¹. According to the final Council decision, the DG for External Relations (DG RELEX³²) was incorporated into the EEAS structure, e.g. the regional desks, the Directorate on European Neighbourhood Policy Coordination and the Directorate on Multilateral Relations and Human Rights. This is a logical step given the fact that the new position of the HR contains the former post of the RELEX commissioner. Moreover, the external service of the Commission, including the Commission delegations in third countries, are now completely located under the roof of the EEAS. The former Commission delegations are now "Union delegations" and merged with the two liaison offices of the Council³³. In addition, the regional Directorates concerning African, Caribbean and Pacific (ACP) countries and two units on Aid programming and management and Pan-African issues and institutions, governance and migration of DG Development were relocated to the EEAS. The aim of bringing the various geographic desks of the Council and the Commission together is to avoid double structures and increase the efficiency of the Unions external relation³⁴. From a theoretical point of view it is not only insightful which departments were moved to the EEAS, but even more which departments were not. Since the treaty revisions concerning the EEAS ought to increase the consistency of EU external action, it is surprising and telling that various important DGs remain in the Commission that directly deal with policy fields that could have been integrated into the EEAS too, for instance most of DG Development and DG Humanitarian Aid. Moreover, the overall responsibility for significant budget lines such as the Development Cooperation Instrument (DCI) stayed with the Commission³⁵. Furthermore, the re-elected President of the Commission Barroso arranged that the European Neighbourhood and Partnership Instrument was relocated from DG RELEX to the portfolio of the Commissioner for Enlargement before the institutional setup of the EEAS took effect. The reason for this decision was apparently that Barroso

³⁰ Ibid.

³¹ Ibid.

³² French for 'Relations Extérieures' (engl. 'External Relations').

³³ Council 2010: Article 5.

³⁴ Cf. Avery 2009.

³⁵ Cf. Gavas/Koeb 2010: 2 et seq.

wanted to clearly claim the ambitions of the Commission to remain active in the foreign policy of the EU³⁶. While the transfer of DG RELEX and parts of DG Development to the new service speaks generally in favour of Hoffmann's intergovernmentalism, the lack of repositioning of more Commission departments hints more to the contrary. While all crucial departments for external relations in the Council system are now part of the EEAS, a significant number of areas of EU external action, such as trade, development and humanitarian aid, still stay mainly with the Commission. A 'decommunitarization' of exclusive competences of the supranational level, which was feared by some observers³⁷, has thus not really taken place. To sum up, while to a certain degree considerations of both neofunctionalist and intergovernmentalist theory are correct when one looks at the composition of the EEAS, neofunctionalism provides the stronger assertions regarding the non-shift of wide portions of EU external action to the new service.

Regarding the overall composition of EEAS staff, the treaty article lays merely the general guidelines. It states that the EEAS "shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States"³⁸. Again a mixture of intergovernmental and supranational provisions is observable. While generally the right of appointment of staff is the direct competence of the HR³⁹, the Council decision sets the guideline that "staff from Member States, (...), should represent at least one third of all EEAS staff at AD level. Likewise, permanent officials of the Union should represent at least 60 % of all EEAS staff"⁴⁰. According to neofunctional theory, a political spillover could be detected if the majority of the staff has presumably already shifted their loyalty to the European rather than to the national level, i.e. if it they would come from a genuine supranational institution like the Commission. Although the 60% of officials coming from EU institutions were shared between the Commission and the Council, due to the large amount of officials being transferred from DG RELEX to the EEAS at least in the early stage a dominance of former Commission staff members was expected.⁴¹ In contrast, this development might be counterbalanced by the inclusion of staff coming directly from the national services of the member states which are appointed as temporary agents and accustomed to rather intergovernmental methods of negotiation. However, the provisions explicitly state that "staff of the EEAS shall carry out their duties and conduct themselves solely with the interests of the Union in mind. (...) they shall neither seek nor take instructions from any government, authority, organisation or person outside the EEAS or from anybody or person other than the High Representative"⁴². This precept might lead to a neofunctional shift of loyalty of the national officials, who are however not allowed to work longer for the EEAS than a maximum of 10 years, from the national to the European level. The question if national diplomats will and do, despite the mentioned provisions, sometimes prioritise national member states interests over common interests of the Union will be interesting to analyse in the future⁴³. Another crucial issue relates to the future training of the EEAS staff. Article 6 (12) of the Council decision states that "steps shall be taken in order to provide EEAS staff with adequate common training, building in particular on existing practices and structures at national and Union level". Although the idea of a "European diplomatic academy" that was proposed in the European convention did not find its way in the treaty revisions, the wording of the cited article leaves some leeway for the HR to set up common training facilities that are complementary to the ones at the national level. From a theoretical point of view it would thus be interesting to see if the rather intergovernmental diplomacy training in the area of 'high' politics might in the future be somehow 'brusselised'⁴⁴, as neofunctionalism would predict in the long term.

In summary it can be said that, regarding the internal aspects of the institutional setup of the EEAS, expectations of both neofunctionalist and intergovernmentalist theory seem to be fulfilled to a certain degree, albeit both theories fail to give a comprehensive explanation of the emerging EEAS structure.

³⁶ Cf. Weiss 2010: 3.

³⁷ Cf. exemplarily European Think-Tanks Group 2010: 11.

³⁸ TEU 2009: Article 27 (3).

³⁹ Council 2010: Article 6 (5)

⁴⁰ Ibid. Article 6 (9).

⁴¹ Cf. Duke 2008:10; Crowe 2008: 15.

⁴² Council 2010: Article 6 (4).

⁴³ Cf. Sola 2009: 23.

⁴⁴ Cf. Paul 2008: 32.