CEPS POLICY BRIEF

The EU Special Representatives: A dwindling but resilient resource at the service of EU Foreign and Security Policy

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Key Points

- Although reduced in number since the appointment of the first EU Special Representative twenty years ago, these senior diplomatic envoys continue to play a valuable role in the EU's foreign and security policy. Yet the perception remains that they are appreciated more by the EU member states than by the EU institutional system where their status within the EEAS remains ambiguous. More needs to be done to ensure that they are effectively anchored in the EU institutional system and that maximum use is made of the added value they can bring to the EU foreign and security policy machinery.
- The High Representative/Vice President's intention to terminate the 'double-hatted' model, while perceived as a logical consequence of the Lisbon Treaty, is causing tensions with the EU member states that remain to be convinced on the viability of this approach. There is a danger that if not properly managed, it could undermine the element of continuity in the work undertaken by the EUSRs in the countries concerned.
- The welcome focus in the EU Global Security Strategy on an enhanced role for the EU in peace-building will require a comprehensive action plan to ensure that both the EU delegations and the EUSRs, who are singled out in this context, have the resources and capacity to respond to this challenge.
- The EU's commitment to supporting the role of civil society in conflict situations remains haphazard, with the failure to engage with civil society in the ongoing political crisis in Macedonia being a classic example of how it should not be done. Will the commitment contained in the EU Global Security Strategy, in relation to preemptive diplomacy and conflict resolution, to interact with civil society be more than just 'window dressing' and make a real difference on the ground?

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Policy Recommendations

- 1. The EUSR system should be maintained, but with additional efforts to anchor the EUSRs in the EU institutional system, improve management structures, streamline staff resources, and ensure maximum synergy between the EUSRs and the various components of the EU institutions in accordance with the objective of coherence in the EU foreign and security policy.
- 2. With the nine current EUSRs being all male, more attention should be paid to achieving greater gender balance in the appointments of EUSRs.
- 3. A debriefing mechanism similar to that existing in the OSCE Secretariat should be established to ensure continuity and institutional memory after the termination of each EUSR mandate.
- 4. The proposal to terminate the 'double-hatted' model will require careful management to ensure that the EU member states are on board; it should only be undertaken in a progressive manner on a case-by-case basis and once the necessary additional budgetary implications for the respective EU delegations have been guaranteed.
- 5. The welcome focus of the EU's Global Strategy for Foreign and Security Policy on peace-building, and in particular preventive diplomacy and mediation, will require a plan of action that includes the following two elements:
 - a) EU Delegations and Special Representatives need to be equipped with sufficient resources and, particularly in the case of the former, given targeted training in early warning and mediation techniques.
 - b) Interaction with civil society should become more systematic and form an integral part of the preventive diplomacy and mediation process.
- 6. The appointment of an EUSR for the Balkan region as well as one for migration and the refugee crisis should be considered.

Introduction

Twenty years have passed since the appointment of the first EU Special Representative (EUSR). In March 1996, Aldo Ajello was appointed EU Special Envoy for the African Great Lakes region (Council Joint Action 96/250/CFSP). Conceived at a time when the EU's foreign and security policy mechanisms were still thin on the ground, the appointment was seen as a means of ensuring both a voice and political presence for the European Union in a region wracked by conflict. While the European Commission had an

extensive network of delegations already in place throughout Africa at that time, with their main focus on development assistance, trade and institution building, they were not seen by the EU member states as primary actors on EU foreign and security policy issues.

The number of appointments of EUSRs grew in subsequent years, with almost 50 senior diplomats appointed to date in a succession of EUSR positions. Today there are nine EUSRs in office covering countries and regions across Europe and beyond, from the Western Balkans, to the Middle East, the Caucasus and Central Asia as well as Africa. They include three 'doublehatted' representatives (merging the functions of EUSR and Head of Delegation) and one responsible for Human Rights, the only one designated for a policy area as opposed to a country or a region.¹

From the Amsterdam to the Lisbon Treaties

With the 1997 Amsterdam Treaty formalising the practice of appointing EUSRs (Art. 18.5 of the TEU stated: "The Council, may, wherever it deems it necessary, appoint a special representative with a mandate in relation to particular policy issues."), the EUSR system grew into an extensive autonomous instrument at the service of EU foreign and security policy. Little attention was paid, however, to management procedures or formalised links within the EU institutional organigramme.

Despite or perhaps because of this rather loose ad-hoc institutional arrangement, the EUSR network became an important and indeed resilient resource of senior policy advisers and diplomats. They were seen, particularly by the EU member states, as providing added value to the EU's effectiveness as a viable foreign policy actor and contributing to strengthening the image and visibility of the EU in the field, particularly on political and security issues in countries and regions prone to conflict. Whatever wariness existed within the EU institutions on the role of EUSRs was tempered by the advantages of the extra revenue that the EUSR system was generating for the overall management of EU foreign policy, with the financing coming from the operational expenditure of the CFSP budget administered by the Service for Foreign Policy Instruments (FPI) of the European Commission.²

The Lisbon Treaty confirmed the continuity of the EUSR system (Art. 33 of the TEU), while at the same time establishing the European External Action Service (EEAS) and transforming the existing EC delegations into EU delegations with a much broader and more political remit. This left many questions unanswered, not least what place would the EUSRs have in the new institutional arrangements post-Lisbon.

From Ashton to Mogherini

The first High Representative for EU Foreign Affairs and Security Policy and Vice President the European of Commission (the new post established under the Lisbon Treaty), Baroness Ashton, proposed in her 2013 Review of the organisation and functioning of the EEAS, that the EUSRs be "fully integrated within the EEAS while retaining a close link to the member states via the PSC" (Political and Security Committee).³ Leaving aside the fact that this would have required an amendment to the TEU and the Council

¹ Afghanistan, Bosnia and Hercegovina, Kosovo (all three 'double-hatted' and based in the respective capital city), Central Asia, Middle East Peace Process, the South Caucasus and crisis in Georgia, Horn of Africa, Sahel and Human Rights (all based in Brussels).

² The FPI, although part of the Commission services and therefore under the authority of the HR, in her capacity as Vice President of the European Commission, appears in the EEAS

organigramme and is physically located in the EEAS building.

³ See the Review at <u>http://eeas.europa.eu/</u> <u>library/publications/2013/3/2013 eeas revie</u> <u>w_en.pdf</u>. The Political and Security Committee, authorised under Art. 38 TEU and composed of a representative from each EU member state, is a Committee of the Council of the European Union dealing with the common foreign and security policy (CFSP).

decision on the EEAS,⁴ it was no secret that Baroness Ashton viewed the EUSR system with some suspicion, fuelled by the knowledge that real control over EUSRs was in the hands of the member states through the PSC. It was in that same year that Baroness Ashton terminated the mandate of several EUSRs with little advance notice either to the member states or to the EUSRs themselves. Her actions became a source of contention with the member states, some of which feared that her intention was to ultimately phase out more, if not all, EUSRs.⁵

The situation has evolved since then with the new HR/VP, Federica Mogherini, who took up office in November 2014, adopting a more open attitude towards EUSRs and their place in the EU foreign and security policy machinery. In her letter addressed to the PSC on 7 October 2015, she confirmed that she fully subscribed to the views expressed (in the evaluation exercise she had undertaken) on "the usefulness of EUSRs as a flexible EU instrument to attain our political objectives and increase our visibility". She also stated that the idea of incorporating the EUSRs into the EEAS "has evolved into the notion of a functional integration where the EUSRs remain a distinctive CFSP instrument with a separate financing source and a special relation to the Council".

The focus therefore is on maintaining the existing legal framework for EUSRs as provided by the TEU, but making practical improvements to ensure that EUSRs are not left floating in limbo, and that maximum use is made of their added value to the EU

foreign and security policy. Proposals in this respect have included the setting up of an EUSR task force in the EEAS, which would ensure an operational anchor for EUSRs. Its tasks would include identifying best practices, drafting a handbook or vade *mecum*, optimising administrative staff resources attributed to each EUSR and ensuring the important element of continuity and institutional memory between outgoing and incoming EUSRs. This system has been in place since 2012 in the OSCE context, with the Conflict Prevention Centre acting as a focal point for successive debriefing Special Representatives for protracted conflicts appointed by the OSCE Chair-in-Office. Although the task force proposal was not pursued, the above suggested actions both to improve the administrative support for EUSRs and to ensure continuity and institutional memory remain valid.

A number of other improvements should be undertaken, not least that relating to gender balance - with the nine EUSRs being all male, there is an obvious need to ensure greater responsiveness to issues related to gender in future appointments.

In the EEAS organigram (appended as a PDF at the end of this Policy Brief), the EUSRs appear at the bottom of the chart as if floating in an institutional vacuum.⁶ Even if the EUSRs are not strictly speaking an integral part of the EEAS, it should nevertheless be possible to adapt the organigramme in order to better reflect the HR/VP's intention of 'functional integration', by e.g. creating a direct link to the relevant geographical managing directorate or thematic area. This could

⁴ See S. Blockmans and C. Hillion (eds), "EEAS 2.0 – Recommendations for the amendment of Council decision 2010/427/EU establishing the organization and functioning of the EEAS", CEPS Special Report, CEPS, Brussels, November 2013.

⁵ For further information on these developments, see "The EU Special Representative: A dying breed?", CEPS Commentary, CEPS, Brussels, 12 December, 2013.

⁶ See https://eeas.europa.eu/headquarters/ headquarters-homepage/3602/organisationchart-of-the-eeas_en.

help address the current ambiguities in the EUSR/EEAS relationship.

Expanding the network of EUSRs?

It remains an open question whether the HR/VP intends to expand the network of EUSRs into other regions or policy areas. Much will depend on the various plans of action to be developed for the implementation of the different elements set out in the EU's Global Security Strategy. Some of these elements may lend themselves to an EUSR option if it is felt that the current EU institutional framework is not able for budgetary or resource reasons to address them.

One geographical region that certainly merits consideration, particularly if the 'double-hatted' model current is terminated (see below), is the Balkan region. The argument that this region is part of the EU's enlargement agenda, and therefore cannot be considered in the CFSP context, may satisfy strict institutional orthodoxy, but it does not make sense when one is confronted with the political reality in the region itself. The legacy of the past still weighs heavily in this region, with ongoing bilateral border disputes, minority rights and other sensitive issues casting a shadow over the entire region and requiring greater attention and a higher degree of political awareness on the part of the EU.

A policy area that could certainly lend itself to the consideration of an EUSR relates to migration and the ongoing refugee crisis, which has sorely tested the EU's resolve and capacity to act. While certainly not a for quick solutions, panacea the appointment of an EUSR in this area could help ensure greater coherence and more focused policy development within the EU, which after all, is probably the region in the world most affected in recent times by the refugee crisis and migration flows. It is noteworthy in this respect that the UN

Secretary General has his own Special Representative for International Migration, Peter Sutherland, who was appointed in 2006; this is in addition to the UN High Commissioner for Refugees.

Double-hatted EUSRs and Special Envoys

In the above-mentioned letter, the HR/VP also set out her ideas on the 'double hatted' EUSRs and on the appointment of Special Envoys.

a) 'Double-hatted' EUSRs

Basing herself on the logic of a fully implemented Lisbon Treaty, with the transformation of existing delegations into fully fledged EU delegations, the HR/VP considers that the function of 'doublehatted' EUSRs is now redundant. She has proposed that the system be phased out by the end of the current mandate of the three 'double-hatted' EUSRs remaining in February 2017. Her proposal is currently on the table of the PSC for discussion. Initial reaction from member states has been reserved to say the least, with some fearing a loss of control over a 'privileged ear', which the EUSRs provide through their direct reporting to the PSC, and in the case notably of the UK (admittedly perhaps less important now following the referendum), which felt this change would give more power to the EU institutions.

There is no doubt that the circumstances in which the 'double-hatted' model was born in 2005, with the appointment of the first EUSR/Head of European Commission delegation in Macedonia, have evolved over the years. At that time, with the growth of EU military and police missions established under the CFSP in the Western Balkan region, and an increased number of EU actors on the ground, it was felt that the much-needed coherence and coordination between the different actors was only possible by merging the political/security dimension together with the traditional community tasks. Thus the 'personal union' of EUSR and Head of Delegation was born, overcoming the many institutional headaches that were raised by those who considered this innovation as institutional heresy.⁷ The success of the Macedonian example spurred other 'double-hatted' appointments, in Bosnia and Hercegovina, Kosovo, the African Union and Afghanistan.

Today the situation is clearly different. Almost seven years have passed since the implementation of the new arrangements under the Lisbon Treaty. The delegations of the EU have had time to adapt to their enhanced political mandate, and greater efforts have been undertaken to ensure maximum coordination at headquarters between the various policy instruments, CFSP missions where they exist and the traditional development assistance. While by no means perfect and with more needed to be done to ensure that the degree of synergy between the institutions fully reflects the spirit of the Lisbon Treaty, coherence within the institutions, particularly between the Commission and the EEAS, has reached a higher level than heretofore. In this respect, therefore, the 'personal union' model can be perceived as a relic from the past, and no longer necessary.

Impact of closure

Its closure does raise however a number of sensitive issues, both political and administrative, which need to be addressed before closure actually happens.

While the institutional arguments put forward by the HR/VP may be understood within the Brussels bubble, the perception in the host countries is likely to be quite different. No matter how much effort the HR/VP deploys in explaining the reasons for ending the practice, many of the EU's interlocutors will perceive it as the EU downgrading its commitment to the country as well as diminishing the stature and role of the EUSR/HOD.

It would be like removing a few stripes from the uniform of a jumbo jet pilot while in mid-flight.

A phased approach is the best approach

It would make more sense therefore if the change were to happen upon the appointment of a new HOD in each country, instead of setting the arbitrary date of February 2017 for all three. This could also help to at least partially offset the likely conclusion by the host governments that by ending the 'doublehatted' model, the EU sees their countries as no longer posing security risks, which certainly is not the case unfortunately. Indeed it can be argued, certainly in the case of the Balkans, that despite the EU enlargement process, security risks have grown in that region. The appointment of a new HOD would provide the right opportunity for the HR/VP to emphasise that under the new arrangements, including reinforced capacities in the delegations, the HOD is equally competent as heretofore to address security issues that may arise.

A phased approach would also enable the particular circumstances prevailing in each 'double-hatted' location to be properly addressed. For example:

• In the case of Kosovo, the EUSR has been given specific tasks under the EU facilitated dialogue between Pristina and Belgrade. Transferring these tasks to the new HOD will require careful and advance planning.

Commission and the Council on 17 October 2005, precisely in order to avoid the perception that one hat would be subservient to another.

⁷ The appointment of the present author as EUSR and HOD in Macedonia was announced simultaneously by both the European

Equally challenging will be the case of • Afghanistan and the ongoing EUPOL (Afghanistan).⁸ Because of the continued EU commitment to support the Afghan National Police Force, a follow-up body is likely to be required once the Mission itself is terminated. This would presumably have to be located within the existing EU delegation, although it is an issue that remains yet to be decided. Meanwhile the question of how this will be financed is caught up in the ongoing complex debate within the PSC over the use of Art. 28 TEU (CFSP budget), thus further complicating the HR/VP's proposal to terminate the EUSR hat by February 2017.

It goes without saying that once the 'double-hatted' model is terminated, the HR/VP should devote extra care in the selection of the new HOD in these countries, to ensure not only continuity in the work previously undertaken by the EUSR but also relevant expertise in the field of mediation as the EU expands its peace-building role. Indeed the same considerations should apply to the appointment of HODs in all countries and regions prone to conflict.

The most difficult issue to resolve will be budgetary and administrative – how to ensure sufficient funds are provided for in the EEAS administrative budget to cover the extra staff posts to be created in the delegations. Most of the EUSR staff will need to be incorporated into the delegations to ensure that EUSR tasks are adequately covered. Even if the request to the EU budget authority has already been made, it is by no means certain that it will be approved, or done so prior to the proposed closure date of February 2017, leaving in limbo many dedicated staff members who have put their faith in the EU. This situations provides another reason therefore to adopt a phased approach for each case.

Other important factors that enhanced the effectiveness of the 'double-hatted' EUSRs relate both to their operational flexibility and the extra budget resources at their disposal. The HR/VP will need to convince member states that these elements will remain once the EUSR hat disappears. Rigidity in the budgetary as well as staff recruitment procedures under which delegations operate has always been and remains a major management challenge for the EU's diplomatic service.

b) EU Special Envoys

There are currently three in place, one for non-proliferation and disarmament, one for space and one for the peace talks in Colombia. However there are differences in status between these three. The first two were appointed as part of the EEAS structure and operate under the responsibility of the EEAS Secretary General (and they also appear in the EEAS organigramme but in a different colour to that of the EUSRs). The third Special Envoy was appointed by the HR/VP and operates under her direct authority (but does not appear in the organigramme). Needless to say, this adds some confusion to the notion of EU Special Envoy.

As stated by the HR/VP in her letter of 7 October 2015, the Special Envoy formula should be linked to a specific process with a limited time span requiring "an elevated EU profile". In this respect, she is clearly referring to the third case, with the appointment in October 2015 of former Deputy Prime Minister and Foreign Minister of Ireland, Eamon Gilmore, as

⁸ The EU Police Mission in Afghanistan, established in 2007, has had its mission extended until 31 December 2016.

Special Envoy for the Peace Process in Colombia.

What particularly differentiates a Special Envoy (of the stature comparable to that of the Special Envoy for Colombia) from the EUSR is institutional, in that the former is directly appointed by the HR/VP with no Council Decision required, meaning in theory reduced PSC oversight.

Although it might be suggested that member states would be reluctant to see a proliferation of such Special Envoys, it is interesting to note in this respect the HR/VP's remarks following the July Foreign Affairs Council, where she agreed to consider the suggestion made by "some ministers" as she put it, to appoint a Special Envoy for the crisis in Venezuela, in this case the former PM of Spain (Jose Luis Rodriguez Zapatero). Her remarks were however couched in very cautious terms, reflecting perhaps her reluctance to use this resource in the future.

The question as to whether it should be a EUSR or a Special Envoy will very much depend on the particular circumstances of each case; as she herself put it: "Elements such as the need for visibility, rapid response, flexibility, political oversight, no duplication and budgetary availability have to be taken into consideration when deciding upon the options." As the EEAS and the EU's diplomatic service continues to consolidate its place on the world stage, the chances of an increased number of Special Envoys will probably remain limited.

At the same time, it should remain an option. The lead time to put an EUSR in place can be several months. There have been occasions, and there will likely be more in the future, where the rapid deployment of an enhanced high-profile, short-term EU presence could make the difference in diffusing a political crisis with security implications.

It should also be noted in passing that Special Envoys are not the preserve of the HR/VP. Earlier this year, President Juncker announced the appointment of the 'first Special Envoy' for the promotion of freedom of religion or belief outside the EU.⁹

EUSRs and the EU Global Strategy for Foreign and Security Policy

In the chapter relating to "An Integrated Approach to Conflicts and Crises", the HR/VP underlines the importance of expanding the "comprehensive approach" to the conflict cycle and commits the EU to pursuing a "multi-phased", "multilateral" and "multi-level" approach, and investing in "prevention, resolution and stabilization and avoid premature disengagement". In respect of "pre-emptive peace building and diplomacy", the HR/VP highlights the determination to engage in preventive diplomacy and mediation by "mobilising EU delegations and Special Representatives, and deepening partnerships with civil society".10

This focus on preventive diplomacy and mediation is certainly welcome and underlines the HR/VP's commitment to strengthening the EU's peace-building role. With the increase of conflict or potential conflict situations, whether intra-state or inter-state, the EU will need to be more proactive and ready to deploy its resources to maximum effect. This presupposes once again that the delegations are equipped with the necessary training and skills to become engaged, and to identify at the earliest stage potential conflict flash points. Early warning can make the difference

¹⁰ "EU Global Strategy for Foreign and Security Policy – Shared Vision, Common Action, A Stronger Europe", June 2016, pp. 28-30.



⁹ European Commission Press Release, Vatican City, 6 May 2016.

between success or failure of the EU's preventive diplomacy efforts. In this respect, her intention of "beefing up political sections of delegations and encouraging operational staff to use their expertise more politically" is particularly welcome.¹¹

To achieve this, ensuring proper and continued targeted training for delegation personnel at all levels will be essential. This is an area where the institutions have been weak, largely notoriously due to insufficient budget resources. If the HR/VP is committed to effectively enhance the EU's mediation and peace-building role, the necessary budgetary resources will need to be provided. At the same time, it presupposes the presence of a HOD with the necessary leadership and mediation skills together with sufficient resources to steer the delegation in that direction. At the end of the day, it is personalities at the leadership level that play a crucial part and can make the difference between success and muddling through in a given crisis or conflict situation.

All of the above elements, together with that relating to civil society (see below) will hopefully be taken into account by the HR/VP as she prepares the plan of action for implementation of the Global Security Strategy. They are also areas that will lend themselves to greater interaction with both the UN and the OSCE, both of which have developed well-established guidelines in conflict mediation as well as in gender responsiveness in addressing conflict situations.

The role of civil society in peacebuilding

A contributing factor to success in the EU's peace-building efforts will also be interaction with civil society. This needs to be reinforced both at headquarter level and

in the field through the delegations, as well as the EUSRs. It is often in conflict situations that the focus tends to be exclusively on the political elites and established political parties. Interaction with civil society is usually added on towards the end of a process only as an afterthought, despite the fact that involving civil society at an early stage is the only way to guarantee accountability of the political leaders and a return to democratic standards in the long run. Civil society also plays a crucial role in the confidencebuilding measures, which are an essential element if a peace process is to succeed.

There are many examples of conflict peace resolution and post-conflict processes (Northern Ireland, South Africa, to mention but two) where the involvement of civil society organisations at an early stage has contributed to a more sustainable and ultimately more successful peace process. The recent peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) is the latest example. In the Transdniestrian settlement process, inclusion in the process of a strand for civil society interaction from both sides of the Nistru River helps to build relationships of trust and thus lay the foundations for a final settlement, which admittedly in this case is still far away.

On the other hand, merely playing lip service to a token engagement with civil society in a conflict situation will not bring lasting peace. The ongoing crisis in Macedonia is a classic example where, despite playing a critical role, civil society has, regrettably, been largely ignored in the EU-mediated process. Whether at the level of the Commissioner responsible or out in the field, little effort has been made to engage with civil society during the past year, despite the fact that a large group of civil society organisations had come

¹¹ Ibid., p. 48.

together in an unprecedented level of coordination with their "Blueprint for Urgent Democratic Reforms", presented on 8 July 2016, as a contribution to the negotiations mediated by the EU.

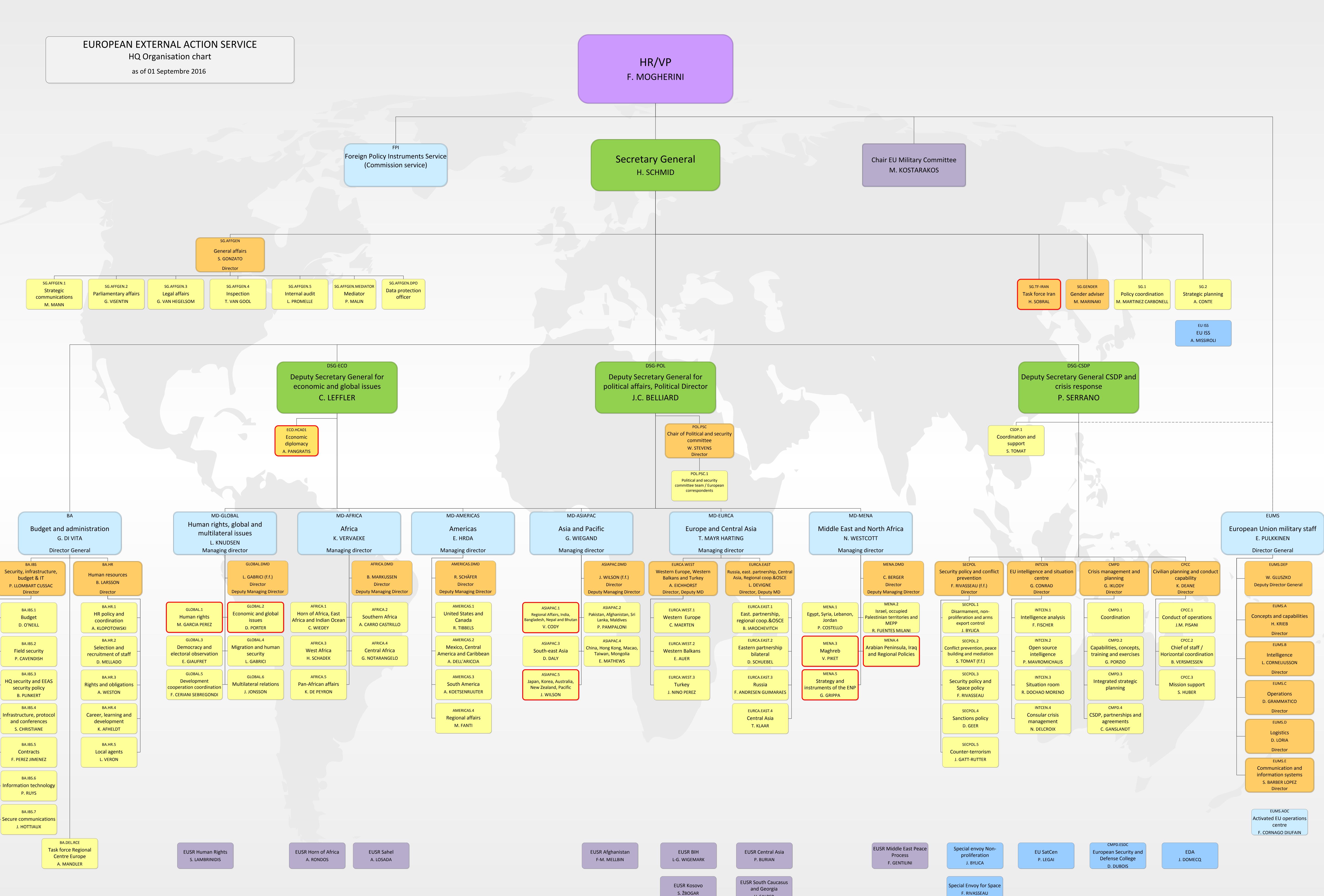
The HR/VP speaks of developing "more creative approaches to diplomacy" in conflict settlement. Interaction with civil society is certainly one area where this objective should be put into practice.

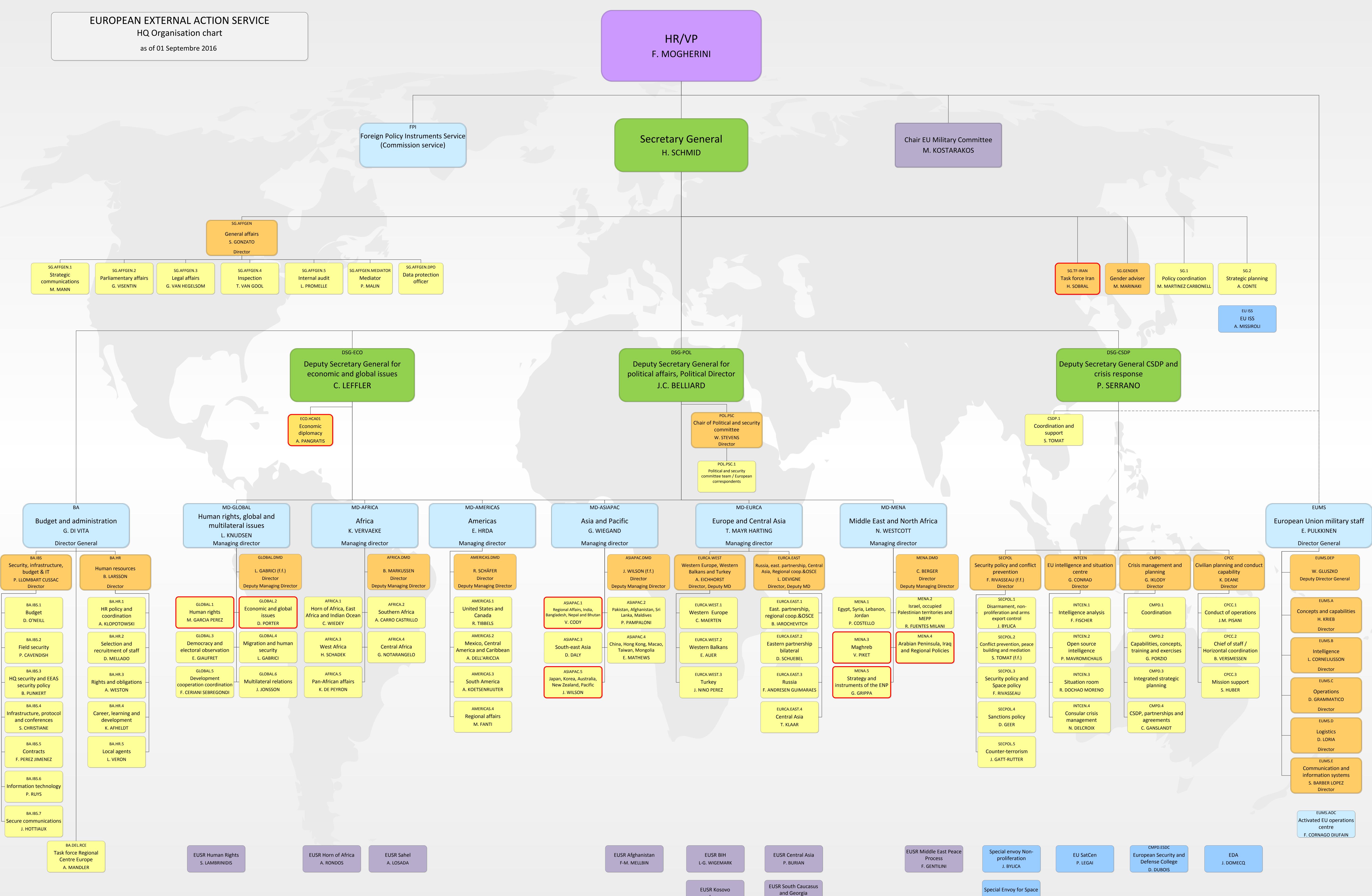
Conclusion

A recurring phrase in the above-mentioned EU Global Security Strategy relates to "Investing in the State and Societal Resilience", and the different paths to "resilience", which the EU will support in its foreign policy. To achieve this, it will have to deploy all the resources at its disposal in the most effective manner possible. Part of these resources include the EUSRs, whose resilience has stood the test of time, despite or perhaps because of the ad hoc institutional arrangements on which they have been based.

The key challenge facing the HR/VP will be to persuade all the institutions, the EU delegations, EUSRs and instruments to work together for the common purpose, in the spirit of the Lisbon Treaty, of achieving the goals set out in the EU Global Security Strategy, or to use her own words, having "an orchestra which plays from the same score".







EUSRs report to HR/VP

The Working Groups Chairs work under the authority of their Managing Director/Director and under the guidance of the PSC Chair.

H. SALBER



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