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The Rationales behind the European External Action Service: The Principal-Agent Model and Power Delegation

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Abstract

Through application of the principal-agent model, this article investigates the rationales behind the establishment of the European External Action Service (EEAS). The study argues that although the EEAS was designed to become the heart of the EU external actions, it has not been given a role of ensuring the credibility of the principals' commitments. In addition, the blame shifting logic that makes the delegation of powers attractive is only partially applicable to the EEAS. Conversely, the efficiency rationale, which includes developing and centralising expertise, resolving incomplete contracting, minimising costs, and improving decision-making procedures, is somewhat pertinent to the EEAS's establishment. Empirical findings provide a basis for upgrading the principal-agent model by including 'coherence' as a rationale for agency creation.

Keywords

European External Action Service; European Union Foreign Policy; Treaty of Lisbon; Principal-Agent Model

A multiplicity of actors, their formal and informal competences, diverging preferences and distinct decision-making procedures continue characterising the European Union's (EU) external action. These differences have often slowed down integration of EU foreign policy and resulted in inefficient and incoherent action. The recent attempts to tackle shortcomings in the EU foreign policy architecture originated in the European Convention (2002-2003), which proposed a number of institutional modifications that found their way into the Treaty of Lisbon. The novelties include the reduction in the number of participants within the European Council, the modifications of the Council of the European Union (Council), the creation of the posts of the President of the European Council and the new High Representative of the Union for Foreign Affairs and Security Policy, who is also the Vice-President of the European Commission (HR/VP). Among the institutional adaptations intended to enhance EU foreign policy, the establishment of the European External Action Service (EEAS) takes centre stage.

The process of operationalisation of the ideas agreed on within the European Convention has experienced a bumpy road. Following the failure of the Constitutional Treaty's ratification in May 2005, the actual establishment of the EU's foreign office was postponed until the enactment of the Lisbon Treaty in 2009. On 22 October 2009, the European Parliament (EP) was the first to adopt a report on the organisation of the EEAS followed by the Council's rotating presidency's (at the time held by Sweden) proposal agreed on by the member states (MS). After her appointment, the HR/VP, who was given the right to make proposals by the Lisbon Treaty, presented her draft proposal for the decision establishing the EEAS on 25 March 2010. The EP, however, rejected the proposal, citing lack of political accountability, the inclusion of external development policy into the EEAS and issues related to the internal hierarchical structure (European Parliament 2012). On 26 April 2010, the HR/VP followed up with an amended proposal, on the basis of which the negotiations started in the Quadrilogue consisting of the HR/VP, the European Commission, the Council Presidency and the EP. The Quadrilogue reached a consensus on the proposal of the Council decision establishing the EEAS on 21 June 2010 in Madrid, paving the way for the establishment of the EEAS.

Based on the compromise reached in the Quadriologue, the EEAS is composed of staff originating from the Commission and the General Secretariat of the Council (GSC) as well as from the EU member states' diplomats (Article 23 (3) TEU). The EEAS supports the HR/VP, the President of the European Council and the President of the Commission as well as the Commissioner responsible for Enlargement and Neighbourhood Policy, and the Commissioner for Development Policy. What is more, the EEAS cooperates with and supports the MS diplomatic services, the GSC, the services of the Commission and the EP. The EEAS is therefore set to become the heart of the changes brought about by the enactment of the Treaty of Lisbon. This article investigates the rationales behind the establishment of the EEAS through applying and upgrading the principal-agent model.

Analysis of the principal-agent literature reveals three major rationales for agency creation: ensuring credibility of principals' commitments; blame shifting toward the agent; and ensuring efficiency of action. This study tests the establishment of the EEAS agent against each of these three rationales. Moreover, based on empirical findings in regard to the EEAS, the article upgrades the list of rationales for power delegation offered by principal-agent literature by adding coherence as a theoretical motivation for the agency's creation.

The article relies on qualitative methods drawing on triangulation of collected data: firstly, examination of primary sources such as legal texts, official documents and statements; secondly, reports by independent press agencies; thirdly, critical use of the secondary literature; finally, the empirical findings are complemented by observations from 63 expert interviews with officials from the EEAS, the MS Permanent Representations to the EU, the Members of the EP (MEPs) and the Commission staff involved in the set-up and working of the EEAS.

In the next section, this study introduces the principal-agent model and its application to studying the EU. Thirdly, the analysis applies and tests the rationale for power delegation informed by the logic of ensuring the credibility of principals' commitments to the EEAS case. Fourthly, the EEAS's and HR/VP's function as a blame taker is assessed followed by examination of the efficiency rationale. After that, coherence as a rationale for the EEAS's creation is evaluated on vertical, inter-institutional and horizontal levels as well as through the post of the HR/VP. Finally, the conclusion summarises and reflects on the main findings.

THE PRINCIPAL-AGENT MODEL AND THE EEAS

The Principal-Agent imagery pioneered by Stephen Ross depicts a relationship 'between two (or more) parties when one, designated as the agent, acts for, on behalf of, or as the representative for the other, designated the principal, in a particular domain of decision problems' (Ross 1973: p. 134). The model therefore represents the delegation by the principals to the agent, on the one hand, and the principals' control of the agent, on the other hand. Following Hawkins et al. (2006), this study defines principals as capable of both granting and withdrawing power from the agent. The logic behind the delegation that creates a contractual relationship between the principals and the agent is based on the expectation that the agent's action will generate the outcomes sought by the principals.

The agent, however, is viewed as being 'self-interest seeking with guile' (Williamson 1985: p. 47), able to develop their own preferences over time and search for their realisation. The principals' willingness, therefore, to transfer power to a given agent is conditioned by the former's ability to control the latter (Kerremans 2004: p. 366). Consequently, simultaneously with the act of delegation, the principals create ex ante and ex post control mechanisms in order to minimise agency losses through tying the agent to the given mandate (Kiewiet and McCubbins 1991). However, countering losses stemming from the delegation might require 'undertaking measures

that are themselves costly' (Kiewiet and McCubbins 1997: p. 27) and, therefore, may undo the anticipated benefits of delegation. Thus the principals' challenge is to perform a balancing act between the delegation and control in a way that allows the agent to implement its mandate.

In recent decades, the principal-agent approach has been developed and applied to European Studies for the purpose of analysing, inter alia, the interaction of the EU supranational institutions with the MSs (Pollack 2003); EU external trade (Kerremans 2004); the EU negotiator's bargaining capacity (Meunier 2005); and the EU's conduct in multilateral environmental agreements (Delreux 2011). This study continues the tradition of extending adaptation of the principal-agent model by applying it to the relations of the MS principals and the EEAS agent.

The principal-agent model has already been applied to analyse the control of the EEAS by the principals in specific areas, such as the Common Foreign and Security Policy (CFSP), the Common Security and Defence Policy (CSDP), Development (Furness 2013); and the multilateral track of the Eastern Partnership (Kostanyan and Orbie 2013). As opposed to limited application of the principal-agent model to study the *control* of the EEAS, no analysis has been published to date addressing the *delegation* aspect of the EEAS's establishment and organisation. This article contributes to the literature by applying, testing and upgrading the rationales for power delegation - offered by the principal-agent literature - to the EEAS's establishment and functioning.

EEAS: AN ENSURER OF THE CREDIBILITY OF THE PRINCIPALS' COMMITMENTS OR A BLAME-TAKER FOR MEMBER STATES' ACTIONS?

An increasing transfer of certain, especially exclusive, competences from the national to the EU levels has taken place with the purpose of ensuring the credibility of the commitments made by the MSs. This is particularly relevant to the cases where there is a possible inconsistency between national governments' long and short term preferences. The delegation for the purpose of credibility aims to address the instances where a 'government in the short run has an incentive to renege on its long-term commitments' (Majone 2001: p. 106). The agent therefore is assumed to be better positioned to maintain the long-term policy direction because it is not subject to electoral pressure that might lead to it altering its preferences (Alter 1998).

Neither the Lisbon Treaty nor Council decisions explicitly prescribe the role of ensuring MS compliance with their foreign policy commitments to the EEAS. This is not unexpected since the credible commitment argument has mostly been stressed in the literature relating to political economy (e.g. Kerremans 2004) and the economic dimension of foreign policy which is outside of the EEAS mandate and remains part of the Commission's competences. As opposed to the Commission, the Treaty does not empower the EEAS to start infringement procedures against EU member governments. In addition, unlike the European Court of Justice (ECJ), the EEAS has not been given authority to make judgments on infringement proceedings. Furthermore, the Commission and the ECJ together may impose economic sanctions on the MSs, a power that the EEAS does not possess. The EEAS therefore has not been delegated competence to ensure the credibility of the MSs' commitment to EU foreign policy.

The delegation of power could also be motivated by the opportunity to relocate the blame for possible unpopular decisions or failures (Epstein and O'Halloran 1999). The EU's political processes and institutional construction provide a suitable framework for shifting blame from the national level to the EU institutions. By contrast, the supranational actors 'often lack both the capacity and the interest to shift it back' (Tallberg 2002: p. 27). As opposed to national politicians, EU officials (with the exception of the MEPs) are appointed and do not have to face re-election campaigns. Blame shifting is beneficial for the politicians of the national governments, since not all policies

adopted are desirable for different societal groups. The supranational agents are therefore aware that they are 'expected to maximise policy goals, which principals know may sometimes be unpopular with important societal groups' (Thatcher and Stone Sweet 2002: p. 4). Moreover, the members of national governments can also exploit the successes achieved by the EU institutions to their own benefit (Tallberg 2002: p. 27). Therefore, blaming 'Brussels' for what is unpopular as well as taking credit for what is popular is strategically used by MS politicians to realise desired outcomes on the national stage.

Shifting the blame from the EU's member governments to its institutions has partial relevance for the case of the EEAS. Ambiguities in the EEAS's place in the EU institutional structure, its relationship with the rest of the EU actors, as well as its newcomer status make the EEAS an easy target for blame. The EEAS has attracted a considerable amount of blame from the representatives of the national governments, especially levelled at its head, the HR/VP. Despite this, since so much of what the EEAS is expected to perform depends on the rest of the EU institutions and the MSs, it has little interest in turning the blame around. Moreover, the composition of the EEAS brings a new dimension to the blame-game within the EU. Those EEAS staff originating from the Commission are used to being a blame taker but that is not the case for those staff coming from the GSC or especially from the MS diplomatic representations. Several EEAS staff members admit that they anticipate the blame game will continue (interviews, June, July 2011). Thus far, the EEAS has adopted the strategy of leaving the blame unanswered and tried to minimise the negative elements of the blame game through focusing on strategic communications such as Facebook and Twitter, though with limited success.

Blame shifting, however, is especially relevant when an agent has exclusive competence to influence political processes. The EEAS does not have competence that empowers it to force decisions on the EU national governments. Thus, the MSs cannot make a convincing argument that the EEAS 'made them do it'. What is more, some of the Union's foreign policy areas such as trade (entirely), aid (partially) and enlargement (mostly) are not part of the EEAS mandate. Arguably, these policy areas are highly contested subjects in EU public opinion. Therefore, a blame shifting rationale for delegating power is not completely applicable to the EEAS, yet along with its head the EEAS has functioned as a blame taker.

EFFICIENT ACTION THROUGH THE EEAS?

This study groups developing expertise, resolving incomplete contracts, cutting costs and ameliorating decision-making procedures under the 'efficiency' rationale for agency creation. In this section, I begin by analysing the literature before applying and testing these motivations to the EEAS case.

What External Action Expertise?

Although the accumulation of expertise is possible without the creation of an agent, the EU has often opted for expertise-driven power delegation, since the principals expect that agents will 'develop and employ expertise in order to produce, or help principals produce appropriate public policy' (Thatcher and Stone Sweet 2002: p. 4). Expertise is also increasingly necessary for the purpose of overcoming governments' collective action. The need for technical know-how augments 'the ability of non-majoritarian institutions to play a critical role in policy deliberations since the technical nature of the issue insulates it from the politicking of the member states' (Egan 1998: pp.

487-488). Although political actors might know what they would like to accomplish, they are not always certain about the best ways to achieve their objectives (Huber and Shipan 2006).

The EEAS did not begin by developing expertise on EU external action but by merging together already-developed expertise from the Commission, the GSC and the national diplomatic services. In theory, the pooling of expertise allows for overcoming the difficulties of the previous system where the Commission had a Community focus and the GSC led on the Common Foreign and Security Policy (CFSP). Moreover, the national diplomats bring an added perspective from the MSs. In reality, however, creating the esprit de corps that was expected to result from the merger of expertise of those three pools of specialists has been a major challenge for the EEAS (for more see Duke 2011). The problem of 'identity' is not only an issue for the EEAS's headquarters in Brussels but also for EU delegations, which traditionally mainly hosted staff from the Commission DGs, who are specialists in specific (technical) fields and have only a little general foreign policy expertise (interview, May 2011).

One of the options debated for creating a common culture in EU external action is organising common trainings for the EEAS staff. In the pre-Lisbon period, the Commission conducted trainings for personnel of the DG Relex. The GSC has trained its staff through the European Security and Defence College (ESDC). On top of that, individual MSs have a long tradition of training their diplomats. The proposal to establish a diplomatic school for the purpose of training those who are planning to start working in the EEAS but also for a lifelong learning process has faced opposition from some MSs since the beginning of the negotiations of the decision establishing the EEAS. The Italians promoted the European University Institute; the Dutch insisted on use of the Maastricht University facilities; others proposed conducting trainings in the College of Europe.

There are also major differences between the institutions and among the MSs concerning designing a sort of mandatory unified curriculum for those who want to work in the EEAS (interviews, May-July 2011). Short of the establishment of a diplomatic school, in preparation for the establishment of the external service, the Swedish Presidency Report recommended adopting measures in order to provide 'EEAS staff with adequate common training' (Council 2009, article 6 (12)). In her 2011 report, the HR/VP stated that the EEAS has continued the existing trainings offered by the Commission and the GSC while strengthening the curriculum 'with new areas, including particular emphasis on pre-posting training for Heads of Delegation and other staff who are new to the service' (High Representative 2011: p. 12). However, the inaptly-named 'European Diplomatic Programme' only consists of a three-week modular course (Hemra et al. 2011: p. 19) and cannot encourage the creation of a unified identity for the EEAS.

Does the EEAS Fill Gaps in Incomplete Contracts?

Principals' relations with agents have a contractual basis. The parties may choose the option of complete contract where all the provisions are bargained and outlined in advance. Conversely, often the unpredictability of future events and high transaction costs motivate principals to choose the option of an incomplete contract. The latter consists of 'missing provisions and ambiguous clauses' (Epstein and O'Halloran 1999: p. 37). In the environment of incomplete contracts, the agent may assume an important role in filling in the gaps and interpreting the ambiguous provisions autonomously or with the principals' consent.

The establishment of the EEAS follows a pattern of filling in an incomplete contract. The Treaty of Lisbon makes broad remarks about the structure and composition of the EEAS and ties the mandate of the external service to the HR's responsibilities. The principals left the details concerning the organisation and functioning of the service to be worked out outside of the treaty framework. Back

in 2003, to avoid potential obstacles for future developments, the Constitutional Convention suggested that the EEAS's administrative organisation should not be detailed and fixed in the Constitution itself. The Convention's proposal suggested that those institutions implicated adopt the specifics of the EEAS's administrative structures at a later stage (European Convention 2003: pp. 3-4). The Commission's paper agreed that the Constitution should not regulate administrative questions regarding the EEAS (Commission 2003: p. 11). The 2003-2004 Intergovernmental Conference (IGC) instructed 'the Secretary-General of the Council, High Representative for the CFSP, the Commission and the Member States' to start preliminary work immediately after signing of the Treaty establishing a Constitution for Europe (Conference 2004a). The IGC assigned the right of initiative concerning the establishment of the EEAS to the future Union Minister for Foreign Affairs. The Council was charged with making a decision after obtaining the Commission's consent and consulting the EP (Conference 2004b).

After taking into consideration the EP resolution (European Parliament 2009) and the Presidency Report (Council 2009), the adoption of the proposal on the organisation and functioning of the EEAS (Council 2010) was the first major step to fill in the gaps of incomplete contracting in the post-Lisbon period. The Council decision details the relevant departments and functions that were transferred from the Commission (including Delegations) and the GSC, as well as reaffirms relocation of the staff seconded from the national diplomatic services of the MSs to the EEAS (Council 2010, article 7 (1)).

However, even the Council decision did not address all the specifics of the EEAS architecture. The financial, staff regulations and budget remained subject to further negotiations, wherein the HR/VP, the Council, the EP and the Commission engaged in a new round of negotiations in order to continue detailing and filling in the gaps of the contractual relationship. Operating in the context of incomplete contract has implications not only for the EEAS headquarters but also for the EU Delegations. The MSs have also agreed on general rules for EU Statements in multilateral organisations. However, several aspects of the organisation and functioning of the EEAS are yet to be clarified. The service is expected to take a form gradually in the midst of continuing turf wars, monitoring, review (mid-2013) and revision (2014). After three years of its functioning, it is not possible to make a valid evaluation of the EEAS's ability to fill in the gaps of incomplete contract compared to that of the Commission and the ECJ.

Will the EEAS Bring down the EU's Foreign Policy Costs?

The option of delegation is resorted to in the context of a cost benefit analysis and 'the relative attractiveness of alternative governance structures is determined by the balance between the two' (Tallberg 2002: p. 25). The basic assumption is that 'rational economic actors will structure their relationship so as to minimize the overall transaction costs' (Epstein and O'Halloran 1999: pp. 34-35). Doleys (2000: p. 537) states that 'by lowering transaction costs, actors are able to pursue goals that might prove too costly to achieve otherwise'. The choice of the agent is essential for the objective of reducing transaction costs. Ideally, for the purpose of reducing transaction costs, principals are to choose an agent whose preferences match theirs.

The establishment of the EEAS provides the EU with the possibility of cutting costs in relation to its external action. The Council decision establishing the EEAS states that it 'should be guided by the principle of cost-efficiency aiming towards budget neutrality' (Council 2010, 15). Pulling staff from the distinctive pillars and institutions of the EU into one institution is supposed to address the long standing problem of 'unnecessary duplication of tasks, functions and resources with other structures' (Council 2010, 15), thus contributing to the reduction of costs. The EEAS departments comprise 'geographic desks covering all countries and regions of the world, as well as multilateral and thematic desks'. Moreover, those departments are instructed to coordinate with the GSC and

the Commission services (Council 2010, article 4 (3a)). In reality, however, since the early stages of the EEAS's foundation, the duplication issue has not been resolved.

Moreover, the EEAS received several new responsibilities that were not part of the Commission's or the GSC's duties. For example, the EEAS holds a permanent chairpersonship of about 15 Council working groups linked to foreign policy and represents the Union externally, plays a central role in preparing Summits and other high-level meetings. In a pre-Lisbon period, those were mainly the tasks of the Rotating Council Presidency, the performance of which required reinforcement of the MS personnel holding the Council Presidency. Furthermore, from January 1 to September 30, 2011 the EEAS handled 937 briefings. The HR/VP received 243 briefings, the President Van Rompuy 67, President Barroso 125 and Commissioner Füle 235 (High Representative 2011: pp. 5-6). This too considerably widens the EEAS's responsibilities (interview, June 2011). Therefore, the EEAS is heavily burdened, the impact of which has not been addressed properly.

Considering its increased workload, the EEAS claims that it has not been given a sufficient start-up budget to perform new responsibilities effectively (interview, June 2011). Therefore, the HR/VP had to request a EUR 26.9m increase for the 2012 budget of the EEAS. The UK took a lead in opposing the increase of the EEAS budget with Minister David Lidington stating: 'I think that they have got to get real as far as the budget is concerned. This 5.8 percent that they're asking for is somewhat ludicrous' (Rettman 2011). The French foreign minister at the time expressed dissatisfaction with the speed the EEAS reacts and the Austrian foreign minister characterised the EEAS as 'not functioning optimally'. Only the Italian foreign minister came to the HR/VP's rescue by stressing that criticisms of her plans for the EEAS were 'unfair' (Rettman 2011). The EEAS has in the end received the raise for which it asked. However, it should be remembered that this slight increase in the cost of the EEAS facilitates cost-cutting for the 'institutions' that used to perform those tasks which were transferred to the EEAS.

Moreover, the Treaty provision that the EEAS 'shall work in cooperation with the diplomatic services of the Member States' (Article 27(3) TEU) provides a basis for eliminating duplications and allows a significant cost cutting in the EU's and its member states' external representation. However, the application of the provision in practice requires political will and a high degree of cooperation between the national diplomatic services and the EU delegations (interviews, May 2011). The MSs have their representations and are expected to maintain them in major capitals such as Moscow, Beijing and Washington to pursue a bilateral relationship with these countries. In other capitals, however, not all the MSs have diplomatic missions. In general terms, if the EU has important trade relations with a third country (e.g. Japan), the EU Delegation is expected to have a more important role (interview, May 2011). In other cases, one MS could act as a sort of *primus inter pares*, such as the French ambassador in Ivory Coast or the British ambassador in South Africa (interview, May 2011).

A CEPS report presents several scenarios for restructuring EU diplomacy in a cost efficient manner through cutting the personnel of MS's diplomatic representations and increasing the number of EEAS staff (Emerson et al. 2011). The cuts that could be made through the proposed scenarios are substantial in a time of on-going economic crisis. Some MSs such as Austria and the Benelux countries have been in favour of greater use of the EU delegations. Other member states, such as the UK, have consistently opposed such an approach. In sum, the rationale of minimising the costs of the EU foreign policy have not materialised through establishment of the EEAS.

Does the EEAS Allow for Improved Decision-Making on Foreign Policy?

National governments also delegate authority to international or supranational organisations for the purpose of speeding up their collective action. Improving decision-making methods in order to act within a reasonable timeframe is a major difficulty for the EU that has a complex institutional architecture, diversely distributed competences and decision-making process, especially in the area of external action. Moreover, several issue areas, such as conflict prevention, crisis management, democracy support are subject to a cross-policy sphere. The actors involved enjoy varying formal and informal competences in different issue areas.

Although the Treaty of Lisbon did not abolish the two distinctive decision-making modes (viz. supranational and intergovernmental), the EEAS and the HR/VP link them, providing the EU with renewed tools to overcome the difficulties inherent in creating and implementing swift external action. In cases when the EEAS addresses an issue that lies under the Community method, it has to take into consideration that the Commission has a monopoly of the initiative, the Council alone or with the EP is the decision-making body and the ECJ has jurisdiction. In cases where the EEAS intends to act in the CFSP area, it primarily needs to secure the agreement of the MSs. Since MSs often have diverging preferences, their failure to agree as a product of collective or individual conflicting interests has a direct effect on the EEAS's activities (Helwig et al. 2013). Moreover, upholding the principles of unanimity presupposes that theoretically even *one* EU national government has the power to paralyse the action of the EEAS. As an expert put it: 'In common foreign policy you either succeed acting together or you are back having 27 national foreign policies. And there are no guarantees for the vote back' (interview, May 2011).

Hosting staff members from the Commission, the GSC and the MS diplomatic representations supports the thesis of improving the quality and the speed of the decision-making process. The EEAS is required to work closely with the rest of the institutions and having its staff from their pools is expected to speed up decision-making, especially on practical matters. Moreover, the idea of including national diplomats is intended to minimise the need to call all the capitals all the time since there are people inside the headquarters who are already expected to act as a sort of 'terminal' for the individual capitals. However, in practice the arrangement did not improve the decision-making process during the first years of the EEAS's existence.

In the post-Lisbon system, the HR/VP chairs the Foreign Affairs Council and the Political and Security Committee (PSC) (through an appointee). The EEAS also assumes responsibility for chairing some geographic and thematic working groups. This augments the possibility of ensuring continuity in the EU external action through setting the agenda, following up the implementation of the decisions and reporting to MS representatives. In the pre-Lisbon period, the agenda in the Council was determined very much by the priorities of the Council Presidency and every MS had its own pet topics such as rule of law, gender issues, Southern or Eastern Neighbourhood. Currently, the EEAS is less focused on the mere six months deadline that characterised the Council Presidency's work and is working on mid-term and long-term EU strategy. That said, the MSs still manage to put their individual priorities on the agenda (for more, see Vanhoonacker and Pomorska 2013; interviews, June 2011)

The EEAS itself contributes to the shaping of decisions through producing papers that serve as a basis for discussions in search of a common position within the Council (interview, July 2011). There are also better quality debates in the working groups that are chaired by the EEAS than there used to be and several MSs admit to being better informed about the issues in the system (interviews, May-June 2011). However, interviews (June 2011-November 2012) also reveal that improved institutional tools did not translate into faster decision-making in EU external action (see also Helwig et al. 2013).

MORE RHETORIC-COHERENT EXTERNAL ACTION

The principal-agent literature has not considered achieving coherence¹ as a rationale for power delegation. However, coherence becomes relevant when addressing the toolbox of motives behind the establishment of the EEAS (for more, see Duke 2012). The pre-Lisbon period of the Union's external action was characterised by the spread of competences and instruments of the EU external policies among the EU institutions and the MSs. At times, and depending upon the issue addressed, achieving consistency in the EU external action was 'mission impossible'. Through establishment of the EEAS and the post of the HR/VP, the Union aims at achieving greater coherence through upgrading its foreign policy instruments, at least at the institutional level. The Lisbon Treaty stresses the importance of consistency in EU external action in relation to the HR/VP's mandate (Article 27(3) TEU). The Council decision specifically 'consecrates' the EEAS as the driving force behind achieving consistency in the EU external policies (Council 2010).

This article operationalises coherence in the EU external action at vertical, inter-institutional and horizontal levels as well as through the post of the HR/VP. Vertical coherence emphasises the need for the foreign policies of the EU and the MSs to complement each other (Nuttall 2005). The focus of institutional coherence is on the inter-institutional dimension (Christiansen 2001). The horizontal level concerns itself with the consistency between EU policies (Gebhard 2011). The creation of the HR/VP post is an additional dimension aimed at attaining greater coherence.

Vertical Coherence

On the vertical level, the Council decision instructs the EEAS to support and work with the diplomatic services of the MSs (Council 2010, article 2 (1)). The head of the EEAS participates in the European Council and the EEAS assists the President of the European Council and contributes to the preparation of meetings and briefings. Moreover, through their chairing task, the EEAS and its head remain in constant interaction with the MSs in the frameworks of the Foreign Affairs Council, the PSC and the working groups. The EEAS's cooperation with the Council Rotating Presidency is also of crucial importance for securing coherent decision-making. The Rotating Presidency still chairs a number of working parties related to external action. Moreover, if an issue goes to the permanent representatives committee (COREPER) that is still chaired by the Council Presidency, the EEAS needs to have the Presidency on board to put the issue on the agenda.

The issue of vertical coherence is applicable to the EEAS not only in its Brussels headquarters but also in the third countries and international organisations where the EEAS acts through EU delegations and the MSs operate through their diplomatic representations. The treaty states that: 'The diplomatic missions of the Member States and the Union delegations in third countries and at international organisations shall cooperate and shall contribute to formulating and implementing the common approach' (Article 32 TEU).

In the post-Lisbon EU, the EU Delegations assumed responsibility for representing the Union not only in Community matters but also in the area of the CFSP. The Heads of the EU Delegations currently chair the meetings that coordinate common positions with the national embassies on the ground, something that was formerly carried out by the Council Rotating Presidency (Comelli and Matarazzo 2011: p. 3). The new role of the EU Delegations, however, is interpreted differently by MSs, especially in the international organisations. The UK in particular is reluctant to accept the upgraded status of the EU Delegations. *The Telegraph* reported on the 'state secret' memo sent by the British Foreign Secretary, William Hague, to British embassies in summer 2010 in which he instructed UK diplomats to exercise caution over the EU's attempts to overstep its competences. The British Minister for Europe, Lidington, confirmed the position of the UK Foreign and Commonwealth Office

at a briefing in Brussels: 'We see some evidence of EU delegations in particular parts of the world where they try to push for an enhanced leadership role' (Waterfield et al. 2011).

There is evidence of some, even if limited, progress in achieving vertical coherence. On 24 October 2011, the Polish Presidency managed to find a consensus among the MSs concerning the arrangements of 'EU Statements in multilateral organisations' (Council 2011), aimed to clarify the issue of EU external representation. Moreover, the adoption of UN Resolution 65/276 on 3 May 2011 after the first failed attempt was hailed as a major advance for the EEAS (Grevi 2011). Due to the resolution, the modalities of the EU's participation in the UN processes were upgraded. The EU acquired a right to speak on behalf of its MSs and express views before other groups. The HR/VP and the President of the European Council can make interventions at the General Assembly debates. The resolution also empowers the EU to introduce proposals and amendments orally. However, it does not give the EU the right of a vote or written sponsorship of the UN resolutions/decisions. Moreover, the resolution applies only to the EU role in the UN General Assembly and is not applicable to the EU activities in other UN bodies (United Nations 2011: 65/276). This latter point is especially important in light of the fact that within the UN (e.g. UNESCO), serious difficulties in achieving vertical coherence are observed.

Inter-institutional Coherence

The cooperation between the EEAS and the Commission is the crucial element for achieving inter-institutional coherence in the area of external action. The office of the HR/VP is the highest link between the EEAS and the Commission. However, some in the Commission have expressed alarm concerning the manner that the HR/VP combines her two responsibilities, stating that in practice the VP 'hat' is dominated by the HR 'hat' (interview, July 2011). Finally, even if the HR/VP could successfully combine those two tasks, leaving the link solely on the highest level will not guarantee that inter-service levels will also work coherently (cf. more in the section below on coherence through the HR/VP).

In January 2011, in order to clarify the Commission and EEAS relationship, the Commission produced 'Vademecum on Working Relations with the European External Action Service' (interview, May 2011). Currently, the cabinet of HR/VP is included in the *Groupe des relations interinstitutionnelles* (GRI) that deals with the Commission's relations with the EP and the Council (interview, July 2011). In terms of the Inter-Service Groups, the EEAS leads on the CFSP and is expected to include the Commission services in the consultations. In the Community matters of external relations, where the Commission leads, it invites the EEAS to take part in the coordination (interview, July 2011). The EEAS also participates in the Commission's strategic planning and programming (SPP) and through the HR/VP contributes to the drawing-up of the multi-annual Work Programme that outlines the strategic priorities of the Commission. The EEAS's Agenda Planning (AP) correspondent engages with the Commission's AP correspondents (interview, July 2011). The Commission also strengthened their respective central services that are responsible for coordinating with the EEAS. The HR/VP states that the Commission is fully integrated into the EEAS in inter-service consultation processes (High Representative 2011: p. 6).

However, a number of *fonctionnaires* of the Commission and the EEAS interviewed think that the arrangements did not provide the necessary ground to ensure a coherent working relationship. Some from the EEAS also complained about the fact that they were not consulted during the preparation of the Vademecum (interviews, May, June and July 2011). Currently, there are different degrees of tensions between the EEAS and the DG Development and Cooperation – EuropeAid (DEVCO), the DG Enlargement (ELARG), the DG Humanitarian Aid (ECHO) and Trade, as well as in the conduct of the ENP.

In order better to integrate development into EU foreign policy, the part of programming for development is incorporated in the EEAS. The EEAS takes a lead on programming the country allocations in the multiannual financial framework, country and regional strategic papers as well as national and regional indicative programmes (Council 2010, article9 (3)). The DG DEVCO takes a lead on the programming of the annual actions and their implementation. In practice, however, the EEAS and the DG DEVCO link is subject to a number of concerns caused by a lack of cooperation. Moreover, there are several 'grey zones' where the responsibilities are not yet clearly divided (interviews, May and July 2011) and the idea of creating single geographical desks in the EEAS, where the overall relationship with a particular country would be handled, did not materialise (interview, July 2011). At present, there are overlapping desks in the DG DEVCO and the EEAS.

There are also several complications in achieving coherent action between the EEAS and the DG ELARG. The latter does not perceive the EU's relations with the countries of the enlargement sphere as part of a traditional foreign policy but rather a 'semi-domestic policy' (interview, June 2011). The Commission finds it logical to keep partial enlargement competences since the countries in the enlargement sphere are expected to join the EU in the future (interview, June 2011). In general terms, the DG ELARG is working on the bilateral relationships and the EEAS takes the lead on the issues concerning the CFSP. However, there is a difference of opinions about who should take the lead, especially when the issue addressed belongs to cross-policy areas (interview, June 2011). Thus, the lack of clarity in the distribution of responsibilities causes a number of concerns. More importantly, there is an uncertainty about who should arbitrate in cases of disagreements (interview, June 2011). Finally, although the EEAS created geographical desks that cover the enlargement sphere, the DG ELARG maintained its own desks, thus the duplication has not been overcome in this sphere either.

There are also a number of unresolved issues and different opinions concerning the nature of cooperation between the EEAS and the DG ECHO. The EEAS incorporates the crisis management structures of the former DG Relex and civilian crisis management services of the GSC. Therefore, in theory the DG ECHO now has 'one partner' in the face of the EEAS. The simplification of the structures, however, has not contributed to more coherent action. The duplication issue between the EEAS and the DG ECHO has not been resolved and tensions remain high (interviews, July and August 2011). Moreover, as Blockmans (2012: p. 11) argues, the European Union Military Staff (EUMS), the Crisis Management and Planning Directorate (CMPD) and the Planning and Conduct Capability (CPCC) are separate from the multilateral and global desks of the EEAS which 'is not the most transparent, effective and durable way of coordinating and mainstreaming policy issues which once coloured everything what [sic] the EEAS was supposed to be about' (Blockmans 2012: p. 12).

As opposed to the DGs Development and Enlargement that have partially been transferred to the EEAS, the DG Trade remained exclusively within the Commission. Nevertheless, the EEAS also has a responsibility in trade policy through its task of promoting consistency. The tensions between those responsible for trade and those charged with conducting foreign policy have a long history in the EU. However relations between the EEAS and the DG trade have been improving (interview, November 2013).

A number of the interviewees perceive the arrangements between the EEAS and the Commissioner responsible for Neighbourhood related to the European Neighbourhood Policy (ENP) as functioning well (interview, June 2011). In the pre-Lisbon period, the DG Relex was largely responsible for the Neighbourhood policy. Post-Lisbon, the DG Relex moved to the EEAS and a new DG Neighbourhood was not created.² In practice, the adopted approach does not cause major problems and the EEAS supports both the Commissioner responsible for Neighbourhood and the HR/VP (interview, June 2011).

The EEAS and the Commission cooperation applies not only to their respective headquarters but also to the EU Delegations that host not only the EEAS personnel but also those coming from national diplomatic services and from the Commission DGs. The HR/VP makes the assurance that an agreement has been reached between the EEAS and the Commission 'on how staff in Delegations paid from different budgets should be used' and there have been arrangements made to ensure 'flexibility within reasonable limits to ensure that all staff work together to promote the external interests of the EU' (High Representative 2011: p. 11). However, the EEAS and the Commission have not yet agreed on detailed arrangements related to instructing their respective staff members stationed in the EU Delegations and in cases of conflict, the Head of Delegation is in charge of referring the issue back to headquarters (High Representative 2011: p. 7).

Horizontal Coherence

Bringing about horizontal coherence in policy areas covered by the external action has also been challenging for the EU. These policy areas include development cooperation, external trade policy, ENP, humanitarian aid, enlargement, CFSP and CSDP. In addition, a number of internal policy areas also have an external dimension, such as energy, environment, justice and home affairs.

On the horizontal level, the EEAS is charged with ensuring 'consistency between the different areas of the Union's external action and between those areas and its other policies' (Council 2010, article 3 (1)). With the enactment of the Lisbon Treaty, the Union acquired a single personality (Article 47 TEU). However, the CFSP and Community matters maintain their separate decision-making procedures, with the EEAS operating within issues related to both. Furthermore, a number of essential areas of EU external action, e.g. conflict prevention, democracy support and human rights require extensive and coordinated use of both the CFSP and Community matters.

In the pre-Lisbon stage, the Commission Delegations represented the EU only on Community policies and the Council Rotating Presidency represented the Union on CFSP matters. Currently, the EU Delegations represent the whole Union (Article 221 TFEU) including the CFSP. Therefore, the Delegations assume an important role in the effort of achieving a greater horizontal coherence. In theory, this new system provides enhanced tools to create coherent strategy vis-à-vis a particular third country. The EEAS and the EU Delegations may work on an overall political assessment of that country, regularly informing and cooperating with the Commission, the MSs and the EP. They then may collaborate with the Commission in using available instruments while coordinating with the MS embassies on the ground to achieve the commonly designed objectives. Interviews (May, June and July 2011) revealed that the objective of ensuring political consistency through better coordination of EU trade advantages, development and humanitarian goals has not been achieved to date.

Coherence through HR/VP

The post of the HR/VP is a crucial tool in ensuring coherence in EU external action. The new HR/VP combines most of the former mandate of the HR and the DG Relex Commissioner. In order to enhance the coherence between the EEAS and the Commission, the Treaty of Lisbon (Article 22(2) TEU) allows 'joint initiatives' by the HR and the Commission. As the chair of the Foreign Affairs Council, the HR/VP has to involve the relevant Commissioner in preparatory meetings of the Council as well as in drafting the statements and Council conclusions (interview, July 2011). In order to contribute to the CFSP/CSDP's development, the HR/VP has been given the formal right to make proposals. The HR also chairs the Foreign Affairs Council, which is a result of the separation of the General Affairs and External Relations Council (GAERC) into the General Affairs Council and Foreign

Affairs Council. In their 'Non-paper on the EEAS' eleven EU Foreign Ministers (2011) called the chairing of the Foreign Affairs Council the key function of the HR and suggest she set an annual planning agenda 'taking into account necessary short-term adjustments'. The HR/VP also widened her role in making a HR declaration on behalf of the EU that was part of the responsibilities of the Rotating Presidency of the Council. The HR/VP has also taken over statements formerly made by the HR.

Moreover, the HR/VP is also responsible for the EU's external representation, which was formerly shared between the old HR, the Council, the Rotating Presidency and the Commission. The HR/VP with the EEAS has 'also taken over the conduct and organisation of political dialogues formerly led by the rotating Presidency at the level of the HR, Political Director and Senior Officials'. The HR/VP received support from the Foreign Ministers of the MSs and Commissioners in conducting 80 ministerial level political dialogues with third countries and organisations in one year (High Representative 2011: p. 5). As a VP of the Commission, the post-Lisbon HR/VP is responsible for coordinating aspects of the Union's external action beyond the CFSP including, but not limited to, occupying the position of the equivalent to the Relex Commissioner.

The first HR/VP has faced continuous criticism, starting with the EU's reaction to the Haiti earthquake. When the inauguration of the former President of Ukraine and a meeting of the EU defence ministers coincided, the HR/VP was criticised for attending the former (EurActiv 26 February 2010). Furthermore, when the EU foreign policy chief planned to leave a meeting of the EU foreign ministers before it was over to attend the meeting of defence ministers of the NATO, she was asked to stay (Vogel 2011). She was also criticised for her early position on Libya, delayed reaction to events in Egypt, etc. Ashton therefore became a target of criticism and thus the positions of the HR/VP as an ensurer of coherence was undermined.

Combining the former HR's and Relex Commissioner's posts in the mandate of the HR/VP primarily aims to overcome the Council and Commission divide. In theory, it offers an opportunity for achieving greater coherence in EU external action on vertical, inter-institutional and horizontal levels. However, in practice, HR/VP institutional innovation is yet to serve its purpose. Constant criticism, a vague mandate, enormous responsibilities, Ashton's status as the first HR/VP post holder, and the lack of experience have limited her ability to bring about more coherence in the EU's external action. One also needs to acknowledge that a period of fewer than four years is too short to deliver a definitive assessment of the role of the EEAS and the HR/VP combined office in achieving greater coherence in EU external action.

CONCLUSION

This paper unveiled the rationales behind establishment of the EEAS through application, testing and upgrade of the tools provided by the principal-agent model. Firstly, the article argues that MSs did not delegate the function of ensuring the principals' compliance to their commitments to the EEAS in a manner comparable to the powers of the Commission and the ECJ. Secondly, the blame-shifting rationale is only partially applicable to the EEAS. There is no evidence for the MS *principals* to make a convincing argument that the EEAS *agent* forced them to make decisions against their own will since the EEAS has not been given such exclusive competence. However, the MSs have often criticised the EEAS and its head, which have assumed the role of silent blame-takers.

Thirdly, principal-agent assumptions following an efficiency logic are applicable to the EEAS. The external service's establishment provides it with the opportunity to advance expertise further in the area of foreign policy; however, it struggles with creating a common institutional culture. The foundation of the EEAS itself is a product of filling in the gaps in an incomplete contract. Yet, the

EEAS is yet to set a precedent that may be equated to filling in an incomplete contract similar to that of the Commission and the ECJ. The establishment of the EEAS was also motivated by the rationale of minimising costs. However, in reality not all MSs are supportive of the objective at the cost of their 'sovereignty'. While the Treaty of Lisbon did not change the decision-making procedures, institutional innovations such as the creation of the EEAS and the post of the HR/VP altered decision shaping. The organisation and functioning of the EEAS also permits the setting up of a long term strategy for EU external action, although it must be noted that this has not speeded up decision-making processes.

Finally, the paper proposes the integration of *coherence* as a rationale for agency creation into the principal-agent model to address the specificities of the EEAS. In order for the service to be successful in bringing about greater consistency in the EU external action, it needs to address the policy-making and implementation on the vertical, institutional and horizontal levels as well as through the post of the HR/VP. Although the EEAS's composition and the HR/VP's mandate offer a solid basis for attaining greater coherence in theory, with the exception of the Neighbourhood policy there are difficulties in securing coherent action among the EEAS, the MSs, the EU institutions and across policy areas.

The application and testing of the agency creation rationales inherent in the principal-agent model allowed better understanding of the EEAS's organisation and functioning as well as the complexities of its relations with the MSs and EU institutions. Achieving coherence as well as efficiency in the EU external action through the establishment of the EEAS is at the heart of the post-Lisbon rhetoric. In practice, however, analysis of the establishment and the three years functioning of the EEAS agent reveals that the MS principals were not interested in the materialisation of initial rationales for the establishment of the EEAS. The principal-agent model has proven to be useful in analysis of the rationales for establishment of the EEAS. Future research will benefit from a systematic application of the tools provided by the principal-agent model in the examining of the MSs principals' control of the EEAS agent as well as measuring the latter's discretion in different policy and geographical areas.

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¹ This study uses the terms coherence and consistency interchangeably.

² DG DEVCO is responsible for conducting the European Neighbourhood and Partnership Instrument (ENPI).

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