

## **EPLO Statement on the EEAS mid-term review:**

### **An opportunity to strengthen the EU's capacity to prevent conflict and build peace**

The mid-term review of the European External Action Service (EEAS) should assess the 'organisation and functioning' of the EEAS and should be accompanied by 'appropriate proposals' for the revision of the Council Decision that established the EEAS in 2010.<sup>1</sup> The review provides an opportunity for the EEAS to assess the extent to which it has helped the EU to meet its commitment in the Lisbon Treaty to 'preserve peace, prevent conflicts and strengthen international security' (Article 21.2(c)).

The review is conducted by the High Representative for Foreign Affairs and Security Policy (HR/VP) and will be discussed with Member States in the second half of 2013, with any changes adopted at the end of the year. While the review is likely to be limited in scope,<sup>2</sup> the process still presents an opportunity to raise issues which need to be addressed for the EU to be more effective at peacebuilding and conflict prevention. Besides the review, there will be other opportunities to make changes to the EEAS, such as when the next college of Commissioners and the next HR/VP are appointed in 2014.

The review takes place at a challenging time for the EU. The economic crisis has directed attention away from the EU's role as foreign policy actor and has affected how the EU is perceived internationally. In addition, the on-going discussion about Member States' support for the EU and the EEAS in particular to develop and lead a common EU foreign policy has an impact on the current review process as the extent to which the EEAS can develop common EU foreign policy depends on the support it receives from Member States.

Based on EPLO's previous analysis of the establishment and development of the EEAS,<sup>3</sup> this statement sets out how the review can be used to make the EEAS and in turn the EU as a whole more effective at peacebuilding.

### **The mid-term review as opportunity to reflect on the kind of actor the EU should be**

EPLO believes that the EU's comparative advantage as foreign policy actor lies in conflict prevention and peacebuilding.<sup>4</sup> This is due to:

- The variety of tools both in terms of policy areas and instruments with which the EU can engage;
- The financial weight the EU brings with it as the largest donor of ODA and biggest trading block which translates into political leverage;
- The fact that the EU is not a state and that it, unlike some of its Member States who may have colonial ties or specific economic interests in a particular region, may be perceived as a more neutral actor in conflict-affected countries;

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<sup>1</sup> See Council Decision (2010/427/EU) establishing the organisation and functioning of the EEAS

<sup>2</sup> In her presentation on the EEAS review at the European Parliament in June 2013, the HR/VP stated that the review will look at the relations between the EEAS and the European Commission, the issue of political deputies for the HR/VP and issues related to the structure and organisation of the Service.

<sup>3</sup> EPLO (2009) [The EU as a Global Force for Good: Peace at the Heart of the EEAS](#); EPLO (2009) [Putting Peace at the Heart of the EEAS](#); EPLO (2010) [Towards a Peacebuilding Strategy for the EEAS](#); EPLO (2011) [Conflict Prevention and Peacebuilding inside the EEAS](#); EPLO (2011) [Strengthening EU Policy and Guidance on Conflict Prevention](#); EPLO (2012) [The EEAS and Peacebuilding One Year On](#); EPLO (2013) [Policy Paper on civilian CSDP](#).

<sup>4</sup> EPLO has further elaborated on this at several occasions, see EPLO (2009) [The EU as a Global Force for Good: Peace at the Heart of the EEAS](#); EPLO (2010) [Towards a Peacebuilding Strategy for the EEAS](#); Catherine Woollard (2011) [Discussion paper on the Review of the Gothenburg Programme for the Prevention of Violent Conflict](#). See also the [Thematic Evaluation of European Commission Support to Conflict Prevention and Peacebuilding](#) (2011).

- The reliable presence of the EU in conflict-affected countries over a long period of time;
- The EU's history as a peace project: its experience of regional integration is of interest to many in conflict-affected countries and gives the EU legitimacy.

At the same time, the EU's ability to respond quickly to crises is limited due to its complex decision-making process. As the EU's diplomatic service, the EEAS should be leading EU peacebuilding efforts in policy and practice especially as many of the abovementioned comparative advantages rely on the EU, including its Member States, acting collectively through the EEAS.

## **Using the mid-term review to make the EU more effective in conflict prevention and peacebuilding**

### 1. Build on the current level of conflict prevention and peacebuilding expertise

The increased conflict prevention and peacebuilding capacity inside the EEAS, notably the establishment of the Division for Conflict Prevention, Peacebuilding and Mediation Instruments (hereafter referred to as 'the Division') has improved the EU's effectiveness as a peacebuilding actor.<sup>5</sup> Providing support to EU officials in Brussels and in third countries, the Division has contributed to a better understanding of and support for conflict prevention and peacebuilding. The review could further strengthen the capacity of the Division.

#### **Recommendations**

To expand current expertise, the EEAS management should use the review to:

- Propose amendment of the Staffing Regulations of Officials of the European Communities (Staffing Regulation) as part of the review so that the EEAS can also recruit relevant independent experts from outside the European institutions or diplomatic services of Member States.

EU Member States should use the review to:

- Assess how they can support conflict prevention and peacebuilding capacity of the EEAS; for instance, by seconding nationals with conflict prevention and peacebuilding expertise to the EEAS, especially the Division<sup>6</sup> and EU delegations, or funding research on the development and implementation of EU peacebuilding policy and adapting the Eight Research Framework accordingly.
- Enable policy experts who are not in national diplomatic services to apply to the EEAS and facilitate their applications, either by recruiting and seconding them as some Member States do, or by amending the Staffing Regulation as part of the review.

All the recommendations above are based on the assumption that the financial and human resources for conflict prevention and peacebuilding in the EEAS will remain at the current level. Given the size of the EEAS and the importance of the issue, EPLO believes that the Division needs to retain the current 13 officials with conflict expertise (including for instance conflict analysis; mediation and dialogue; gender, peace and security) and that the budget line for conflict prevention and peacebuilding needs to be maintained in the annual budgets for the EEAS.

<sup>5</sup> For more detail, please see EPLO (2012) [The EEAS and Peacebuilding One Year On](#).

<sup>6</sup> Several Member States have recognised the important role of the Division and have seconded diplomatic staff with relevant expertise which has considerably reinforced the capacity of the Division and in turn the EU's role as a peacebuilding actor.

## 2. Support long-term preventive action, not crisis response

EU decision-making is complex and many decisions taken in EU foreign policy still require unanimity between the Member States, making timely response to political crises a recurring challenge for the EU. Member States reiterated their support for long-term and preventive action in the Council Conclusions on Conflict Prevention from June 2011 and set out priorities for implementing the existing commitments the EU has in this area. The focus on crisis response inside EEAS senior management and the perceived privileged status of the Managing Directorate (MD) for Crisis Response and Operational Coordination, who has made short term crisis response including humanitarian assistance a priority, has caused problems for the EEAS. This includes competition with ECHO and DG DEVCO and the diversion of EEAS resources to humanitarian assistance. The review should be used to reflect upon the role of the MD. Following the review, it may be appropriate to dissolve it and integrate staff into other parts of the EEAS, DG DEVCO and ECHO.

### **Recommendations**

To provide clarity on the EEAS response to political conflict and crises and avoid duplication of the work of ECHO and DG DEVCO, the EEAS management should:

- Reflect on the added value of the position of the MD for Crisis Response and Operational Coordination.
- Enhance EEAS staff knowledge on conflict prevention commitments and revive the idea to develop guidance on how to implement them in EU policy-making; welcome steps in this regard have already been taken, such as holding conflict analysis workshops, using conflict analysis to inform country strategy papers, and commissioning of fact sheets on mediation.
- Encourage and support co-operation between the Division and other parts of the EEAS (both geographical and thematic divisions, especially those dealing with human rights), for instance by rewarding co-operation in performance evaluations, to enhance the dissemination of conflict prevention expertise across the institutions.

EU Member States should use the review process to:

- Request that the review reflects on the added value of the position of the MD for Crisis Response and Operational Coordination; the option of transferring staff with experience in working on political crises into the Directorate for Security Policy and Conflict Prevention (and those dealing with humanitarian aspects to ECHO) should be considered.

## 3. Limit the fragmentation of responsibility for response to conflict

The EEAS was supposed to provide more coherence to EU external action, but responsibility for responding to conflict remains divided across a range of actors inside and outside the EEAS. Following the establishment of the EEAS, a new European Commission Directorate General was created, the Service for Foreign Policy Instruments (FPI), which is charged with implementing the Instrument for Stability.<sup>7</sup> This led to further fragmentation of the EU's response to conflict. Furthermore, the Unit for Fragility and Crisis Management within DG DEVCO is developing policy and guidance on the EU's engagement in fragile situations. Similarly, no institutional integration has been achieved between the crisis management bodies – the Crisis Management and Planning Directorate (CMPD), Civilian Planning and

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<sup>7</sup> The creation of FPI was the result of a struggle between the EEAS and the European Commission for staff and responsibility over the implementation of the Instrument for Stability. It had huge implications for the EEAS' capacities as most of the conflict policy experts from former DG Relex were transferred to FPI instead of the EEAS. For more analysis on this, please see EPLO (2011) [Conflict Prevention and Peacebuilding inside the EEAS](#).

Conduct Capability (CPCC) and EU Military Staff (EUMS) – and the Directorate for Security Policy and Conflict Prevention.<sup>8</sup>

To address the issue of fragmentation and improve the effectiveness of the service, structural changes will need to be made which may require changes to the Council Decision that established the EEAS in 2010, as mentioned by the HR/VP in her non-paper on the review. While revising structural arrangements is a complicated and complex process, EPLO believes that this would be the right choice to avoid institutionalising inappropriate working relationships. Since the senior management of the EEAS had to design the Service in a very short timeframe and under considerable pressure, the review offers the possibility of taking another look at structural questions.

### **Recommendations**

To enable the structural integration of different divisions dealing with conflict, the EEAS management and EU Member States should use the review to:

- Amend the Council Decision that established the EEAS so that the crisis management bodies do not need to report directly to the HR/VP but can be integrated in the Directorate for Security Policy and Conflict Prevention.<sup>9</sup>
- Propose the integration of the Service for Foreign Policy Instruments (FPI) into the EEAS (Directorate for Security Policy and Conflict Prevention) and the amendment of the Financial Regulation applicable to the general budget of the European Communities (Financial Regulation) to delegate the financial authority for the Instrument for Stability to the EEAS.<sup>10</sup>

#### **4. Improve co-operation with other EU institutions**

The success of the EEAS depends on other EU institutions and actors supporting it. The review is an opportunity to explore the relationship between the EEAS and other EU institutions. The HR/VP's non-paper on the review asks: 'Is the division of responsibility between the EEAS and the services of the Commission and the Council Secretariat sufficiently clear, avoiding duplication?' This question is particularly pertinent to the EU's response to conflict, especially as policy areas of EU external action (e.g. development and trade) remain outside the EEAS and the responsibility for implementing the EU's financial instruments lie with the European Commission rather than the EEAS.<sup>11</sup> As mentioned above, the focus on crisis response and the fragmentation of conflict expertise across EU institutions has caused confusion inside and outside the EU and has, at times, resulted in duplication.

'Turf wars' between different institutions can be minimised. This requires senior management in the relevant institutions to lead by example and make co-operation a priority. This is important especially regarding parts of the EU that have largely operated with very limited engagement with the EEAS, such as the European Investment Bank (EIB) and DG Trade. In the case of DG Trade, this task is particularly difficult as EPLO understands, based on

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<sup>8</sup> For further analysis and detailed recommendations as to how this fragmentation can be overcome, please see EPLO (2013) [Policy Paper on civilian CSDP](#).

<sup>9</sup> This is in line with EPLO's earlier comments on institutional integration and the establishment of a Directorate for Conflict Prevention and Peacebuilding. For more information, please see EPLO (2009) [The EU as a Global Force for Good: Peace at the Heart of the EEAS](#); EPLO (2009) [Putting Peace at the Heart of the EEAS](#); EPLO (2010) [Towards a Peacebuilding Strategy for the EEAS](#).

<sup>10</sup> The delegation of authority for the implementation of external funding instruments to the EEAS is already taking place in the case of heads of delegations who are part of the EEAS.

<sup>11</sup> For a detailed analysis on the co-operation with the European Commission in the areas of development and trade and on co-operation with Member States, please see EPLO (2012) [The EEAS and Peacebuilding One Year On](#); For a critique on the failure to transfer staff with conflict expertise to the EEAS and the establishment of the Service for Foreign Policy Instruments, please see EPLO (2011) [Conflict Prevention and Peacebuilding inside the EEAS](#).

discussions with DG Trade, that the DG does not acknowledge that with the Lisbon Treaty, trade policy has to be conducted in accordance with the principles of EU external action, including the prevention of conflict and the promotion of peace.

### **Recommendations**

To deliver on the Lisbon Treaty's ambition to ensure consistency and effectiveness of EU external action, the EEAS management should use the review process to:

- Review the relationship between the Division in the EEAS and the Unit for Crisis Management and Fragility in DG DEVCO, including the functioning of the conflict prevention group<sup>12</sup> and suggest practical ways for the two entities to work together to avoid duplication.
- Strengthen the HR/VP's role as VP of the European Commission by chairing the group of external relation Commissioners on a regular basis and including conflict prevention as a topic to be covered in these meetings.
- Incentivise co-operation with European Commission services, especially DG DEVCO and DG Trade by rewarding the establishment of good working relationships with those services in performance evaluations.
- Assess the involvement of the EEAS in matters related to trade policy and EIB loans both at the delegation and at the Brussels level to ensure that both are conducted in the context and the principles of EU external action and are part of a comprehensive approach.

While the European Commission is not formally part of the review process, the effectiveness of the EEAS in delivering coherent EU external action depends on good co-operation with the European Commission and especially DGs with an external mandate. We believe that there is room for improvement on the part of the European Commission services.

Therefore, DG DEVCO should:

- Incentivise co-operation with the EEAS by rewarding the establishment of good working relationships in performance evaluations.
- Support strong working relationship between the Unit for Fragility and Crisis Management and the Division in the EEAS.

DG Trade should:

- Incentivise co-operation with the EEAS by rewarding the establishment of good working relationships in performance evaluations.

## **5. Improve management and staffing**

Since the establishment of the EEAS, its management has been criticised - sometimes fairly, sometimes unfairly. There has been confusion inside and outside the EEAS regarding the responsibilities of the members of the corporate board and there has been a high turn-over of staff with many experienced officials leaving the Service. EPLO has become aware that at mid-management level (Heads of Division, Directors) morale seems very low.

The percentage of women in senior positions inside the EEAS remains unsatisfactory. This reflects negatively on the EU's commitment to women's participation and gender equality and it makes the EU vulnerable to accusations of double standards when promoting UNSCR 1325

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<sup>12</sup> The Conflict Prevention Group is convened by the Division and brings together representatives of the relevant geographic and thematic directorates as well as the crisis management bodies, the Chairs of CIVCOM and PMG as well as representatives from FPI and DEVCO (Fragility and Crisis Management Unit). The Conflict Prevention Group gathers and reviews early warning information, identifies early response options, develops conflict risk analysis and mainstreams conflict prevention in EU external action. It reports to the Crisis Management Board.

in external affairs.<sup>13</sup> It is our understanding that the EEAS management is addressing this issue, through measures such as ensuring that women form part of recruitment panels for senior positions. However, so far the results are not evident. The lack of diversity, including gender balance, should not continue to be blamed only on the lack of candidates but should lead to a reflection on how expertise and experience are valued in the recruitment process.

The review presents an opportunity for Member States to discuss the skills and expertise required of the next HR/VP and begin to identify possible candidates. While the process will remain highly politicised and is conditional on decisions related to the next College of Commissioners, discussion on the profile of the postholder and the nature of the recruitment process is desirable. This will facilitate decision- making in 2014.

### **Recommendations**

To ensure that the review adequately considers management and staffing aspects of the EEAS, the EEAS management should:

- Develop job profiles for members of the corporate board; ensure that the Chief Operating Officer leads on the organisational management of the EEAS and does not also have to deal with policy issues.
- Propose specific measures to overcome the gender imbalance within the senior management of the EEAS in the short-term, including through critically assessing recruitment criteria and processes and the adoption of quotas as a temporary measure.<sup>14</sup>

EU Member States should:

- Request clarification of job profiles for members of the corporate board and request that the Chief Operating Officer is tasked solely with the organisational management of the EEAS, including tackling problems such as competition between directorates or low staff morale.
- Use the review as an opportunity to discuss expectations for the senior management of the EEAS including the role of the HR/VP, decide on the skills required of the HR/VP and develop a recruitment process to ensure appointment of a competent candidate.
- Propose at least one woman for every man for senior level positions at the EEAS, including CSDP missions and monitor and evaluate gender balance at senior levels.

## **6. Implement the findings of evaluations of the EU and recent international policy developments**

Findings of recent evaluations of EU assistance in conflict-affected countries should inform the EEAS review to ensure that it takes into account evidence of the impact of EU activities. The evaluation of ten years of European Commission's support to conflict prevention and peacebuilding analysed the pre-Lisbon institutional set-up. Many of the recommendations it puts forward are still relevant and should be implemented by the EEAS.<sup>15</sup> Similarly, a recent

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<sup>13</sup> EPLO has highlighted on several occasions how the EEAS can support the EU in fulfilling its responsibilities under UN Security Council Resolution 1325 on Women, Peace and Security and has commented on the gender balance inside the EEAS, especially at senior level. For more information, please see EPLO (2010) [Towards a Peacebuilding Strategy for the EEAS](#) and EPLO (2011) [Conflict Prevention and Peacebuilding inside the EEAS](#).

<sup>14</sup> For more information on the usefulness of quotas and how it could support the EEAS in achieving gender balance, please see EPLO (2012) [Maximising EU support to the Women, Peace and Security agenda](#).

<sup>15</sup> Evaluation of European Commission support to conflict prevention and peacebuilding (2011). Available at: [http://ec.europa.eu/europeaid/how/evaluation/evaluation\\_reports/2011/1291\\_docs\\_en.htm](http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1291_docs_en.htm).

Court of Auditors report on EU rule of law assistance in Kosovo includes many useful insights into shortcomings of EU support that can be addressed in the review.<sup>16</sup>

Findings of the evaluation that are specifically pertinent to the review include the need to:

- 1) develop integrated strategies that bring together a range of different EU institutions including CSDP missions;<sup>17</sup>
- 2) clarify concepts and ways in which EU action addresses the different stages in the conflict cycle;
- 3) leverage financial with non-financial support in conflict-affected countries;
- 4) guarantee a systematic approach to conflict analysis as a basis for developing country or regional policies and the programming of external funding instruments; and
- 5) develop benchmarks for EU support to areas such as rule of law work or security sector reform.

Evidence from conflict-affected countries suggests that for external actors to be effective, they have to act in an integrated way, which goes beyond coordination to common action. In this respect, the development of joint programming documents with the EEAS, European Commission and Member States as stipulated in the Global Europe communication is a welcome development.<sup>18</sup>

The degree to which the EEAS can lead, facilitate and deliver integrated action and how other actors such as EU Member States commit to integrated action will determine to what extent it can support the EU as a peacebuilding actor. It is therefore important that the review takes into consideration the added value of the EEAS in ensuring consistency in EU external action in third countries by involving EU delegations; including civil society in conflict-affected countries in the review process. Future evaluations would provide additional insights in this regard.

### **Recommendations**

To put the findings of recent evaluations into practice and improve how the EEAS works, the EEAS management should prepare proposals for revision of the Council Decision that established the EEAS which aim to:

- Assess how Member States are involved in the drafting of country or regional strategies and ensure that they are implicated in detailed discussions about the overall objectives of the EU's engagement in any given context (as opposed to presenting them with the almost finalised draft strategy as a fait accompli).
- Ensure that the EEAS is evaluated by the evaluation unit of DG DEVCO or establish internal evaluation capacity.

EU Member States should use the review process to:

- Assess and, if necessary, increase their involvement in the drafting of country and regional strategies and ensure that national policies and activities in a conflict-affected country do not contradict or undermine EU activities.
- Assess the working relations between national embassies and EU delegations to ensure that they are working together constructively.
- Insist that the EEAS implements the recommendations of recent evaluations mentioned above.

<sup>16</sup> For a summary of the lessons from the report for the work of civilian CSDP missions and their cooperation with the rest of EU external action, please see EPLO (2013) [Policy Paper on civilian CSDP](#). To access the full report, please see European Court of Auditors (2012). Special Report No. 18. European Union assistance to Kosovo related to the rule of law. Available at: <http://eca.europa.eu/portal/pls/portal/docs/1/19168748.PDF>.

<sup>17</sup> For more information on the usefulness of what EPLO calls mid-level strategies, please see EPLO (2012) [The EEAS and Peacebuilding One Year On](#).

<sup>18</sup> European Commission (2011). [Global Europe: A new approach to financing EU external action](#).