

Peter, Mateja

Research Report

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Double-hatting in EU External Engagements

EU Special Representatives and the Question of Coherence Post-Lisbon

Mateja Peter

Coherence is of continuing significance for the European Union's external activities, particularly when it comes to countries and regions embroiled in or emerging from conflict. Here, the EU's shorter-term concerns about instabilities and security need to be reconciled with plans and commitments for longer-term engagements. The question of coherence is especially relevant when it comes to the European External Action Service (EEAS). The mid-2013 review of the EEAS is intended to evaluate the organisational aspects of this body, but the High Representative and member states should take this opportunity to engage in a more strategic assessment of how the EEAS could contribute to foreign policy coherence. One aspect in need of consideration is the coordination of activities between the European Union Special Representatives (EUSR) and the EEAS. In particular, the viability and challenges of double-hatting in-country EUSRs as Heads of Delegations should be addressed.

The search for external coherence was one of the fundamental reasons for the reform under the Treaty of Lisbon. It continues to be a core concern for the European Union's engagement outside its borders. With 27 member states' foreign policies and a mixture of intergovernmental and communitarian decision-making driving the EU's collective external engagements, the question of coherence is seen as being directly related to the EU's impact in the world. Nowhere is this more pertinent than in the policies towards conflict and post-conflict countries and regions, where, despite considerable financial and personnel invest-

ments, the EU often wields a disproportionately lower influence.

The European Union's collective activities in states experiencing crises are multi-layered. The long-term presence that is conducted through a Delegation of the European Union to the country is increasingly complemented by the shorter-term appointment of a European Union Special Representative. The EUSRs are deployed as part of the Common Foreign and Security Policy (CFSP) with the intention to engage and assist in conflict management, facilitate negotiations, as well as to increase the Union's role as an international player.

While the instrument of an EUSR is not new – the first EU Special Envoys were deployed already in 1996 – it grew both in numbers and complexity over time. The first envoys relied on shuttle diplomacy, while recently a number of EUSRs have been appointed in-country. Currently, the EU has ten EUSRs covering crisis regions and countries in the Western Balkans, Caucasus, Africa, and the Middle East. Since July 2012, there has also been a separate topical EU Special Representative for Human Rights.

While Delegations and EUSRs are intended to be complementary, relations between the two EU representations have often been strained, not least because of the lack of clarity and an overlap of their different tasks. This has resulted in poor coordination of policies and approaches. These dynamics are all the more troublesome in sites where several different EU missions have operated simultaneously. Police reform negotiations in Bosnia and Herzegovina is a particularly stark example, which involved three EU bodies (the EUSR, the European Commission, and the EU Police Mission) that differed on the guidelines for reform and how they should be implemented.

For a long time it was unthinkable that the Commission's Delegation and EUSR competencies would be merged and represented by one post-holder. The organisational separation of pillars one and two in the pre-Lisbon arrangements was seen as a basis for the European Union's external engagements. Delegations were representing the Commission and its longer-term interests, while the EUSRs were exclusively focusing on security policy and crisis management. Nevertheless, limited experiments with double-hatting EUSRs as Heads of Commission Delegations had been done before the entry into force of the Lisbon Treaty.

The pilot double-hat was implemented in the Former Yugoslav Republic of Macedonia (FYROM) in 2005. In this country, the increasing blurring of crisis management

and enlargement agendas resulted in the EU merging its different posts into one. This merger was seen as an overall success, mainly because, by the time it happened, the need for crisis management in FYROM had started to decrease and most of the anticipated tasks would have fallen under the European Commission's remit. The merger was also welcomed by the local authorities that wanted an EU interlocutor beyond the Commission to be involved in the political reform. An EUSR appointment that represented the political interests of the Council indicated a higher priority mission than a mere technical Commission post. Subsequently, the double-hat was also applied to the representation to the African Union.

Post-Lisbon institutional challenges

The coming into force of the Treaty of Lisbon and the establishment of the European External Action Service provided a new possibility for the practice of double-hatting but brought along a new set of complications. On an institutional level, creation of the position of the High Representative of the Union for Foreign Affairs and Security brought the two sides closer. Post-Lisbon, the High Representative (Catherine Ashton) has the sole right of initiative for the establishment of EUSRs and also proposes the person to occupy the post. Most often these are senior national diplomats or former active politicians, although a number of EU officials have also been chosen. The Council of the EU appoints EUSRs, who report back through the Political and Security Committee (PSC). In turn, this body maintains a privileged link to the High Representative and the EUSRs, meeting them on a regular basis.

At the same time, the High Representative appoints the Heads of Delegations. These are part of the EEAS structures. This arrangement reflects the double-hatted role played by the High Representative herself. Both the Heads of Delegations and EUSRs report to the High Representative, but they

ultimately answer to her as a Vice President of the European Commission/Head of the EEAS, and as a coordinator of the CFSP, respectively.

However, the EUSRs are not financed from the same budget as the EEAS. Consequently, they are not integrated into the EEAS structures. Instead, the two work in parallel. Not only are the key policy advisors to the EUSRs not part of the EEAS – which could have a negative effect on the continuity of EU policies – but EUSRs also do not benefit from the stable administrative support of the permanent EEAS. For each mission, the administrative structures are formed *ad hoc* after the designation of a new EUSR.

The confusion over how EUSRs fit into post-Lisbon structures – coupled with the establishment of a permanent foreign policy body – led to initial scepticism about the continued need for an *ad hoc* instrument in the form of the EUSRs. One of the first measures argued for by the new High Representative in 2010 was a quick expiration of several EUSR mandates and the transition of their remaining functions to the newly strengthened Delegations. After the Lisbon Treaty, the political importance of the Delegations increased, with their staff being drawn not only from the Commission, but from the Council and member states' diplomatic services as well. This strengthened the argument that EUSRs might not be needed in certain countries or regions. Member states agreed on some of the High Representative's proposals, scrapping the EUSRs for FYROM and Moldova and reshuffling several regional arrangements. However, desirability for flexible and intergovernmental approaches towards fragile states and regions remains, particularly among member states. Instead, a new compromise for double-hatting seems to be emerging as part of the post-Lisbon search for coherence in EU foreign policy.

Double-hatting in practice

In anticipation of the post-Lisbon era, the Afghanistan presence was merged in April 2010. The missions in the Western Balkans were more challenging, due to their size and the fact that they target potential candidate countries. Still, in September 2011, after months of negotiations and repeated job vacancy announcements, Peter Sørensen was appointed as the EUSR/Head of the Delegation for Bosnia and Herzegovina. Since February 2012, Samuel Žbogar has been serving as the EUSR/Head of the EU Office in Kosovo. This makes all of the current country-specific EUSRs double-hatted.

Recent experiences speak to a number of advantages of double-hatting. Although staff of each hat are formally separate and each report up their respective chains of command, the arrangement encourages better coordination on a day-to-day basis, especially regarding increased information-sharing on the ground. Enhancement of personal relations through continued interaction is an important aspect of this process. The experience of moving the EUSR staff to the Delegation building in Sarajevo affirms this finding. Double-hatting also removes the question of who is representing the European Union on the ground. This is significant not only in terms of addressing the identity dilemma of the EU itself, but also for easing the EU's relations with local interlocutors.

In theory, double-hatting is supposed to bring the EU's various foreign policy instruments closer together. The intention is to provide EUSRs with increased opportunities to influence priorities of Commission's assistance and, at the same time, enhance the Delegation's foreign policy role. In practice, the increased coherence of instruments is not as straightforward.

The EUSR/Head of Delegation double-hat rests on a "personal union", relying heavily on an individual to reconcile both roles. Although the High Representative and member states pay great attention to the selection of a competent representative – as seen in repeated vacancy announcements – it

would be difficult to expect an individual to be able to successfully resolve the lack of foreign policy coherence between institutions in Brussels and among member states. As a result, in practice, one role takes primacy over the other. We have seen this in the past, specifically with the double-hatting of the international High Representative for Bosnia and Herzegovina as an EUSR. In this case, successive High Representatives/EUSRs continually attempted to resolve the tensions introduced with two sets of instructions, but the EUSR hat always took a secondary role. In particular, these tensions arose over the types of measures the High Representative/EUSR should have used in cases of local obstructive behaviour. The frustration over the secondary role of the EUSR hat led to the eventual decision of EU member states to decouple the two positions. It is unlikely that this will be any different with EU double-hats.

Perspectives and recommendations

Double-hatting is likely to remain an element in EU external engagements with conflict and post-conflict countries, mimicking the double roles played by the High Representative and reflecting the apprehension of member states in relinquishing the oversight of the EU's crisis management instruments. Discussions on EUSRs and double-hatting should therefore be an integral part of the 2013 EEAS review. During the review, double-hatting would need to be discussed both along an institutional and a strategic dimension. While the former can be addressed within the scope of the 2013 review, a strategic discussion requires the active political interest of Germany as a key promoter of the EEAS.

On an institutional level, the question of how to better integrate EUSRs within the EEAS structures is important for operational and financial reasons. Duplication of efforts is an ingrained feature of having two posts with separate mandates. Increased functional integration of both sides

is a prerequisite for improving the effectiveness of EU external engagements. At the same time, member states and the High Representative need to manage their expectations on how much double-hatting can contribute to the Union's external coherence. On this point, a strategic debate is needed on whether and when double-hatting should be employed.

While extant experiences show that the practice of double-hatting can increase coherence in daily workings of missions, it would be unrealistic to expect double-hats to resolve deep-seated disagreements on particular countries or regions of operation. This is especially the case, as these places are deemed important enough for member states to establish EUSRs there in the first place. It would also be impossible for double-hats to resolve the tensions that arise in contexts that involve both inter-governmental and communitarian decision-making. Not only would this be an immense burden for an individual but it would also require – as one European diplomat argued – a schizophrenic person.

Double-hatting should be used selectively and on a case-by-case basis. It needs to be accompanied by acknowledgement that one hat will inevitably play a more prominent role than the other. As such, all key players – member states, the EEAS, and the European Commission – need to be in agreement over which role takes priority. Therefore, the double-hatting mechanism is particularly well suited for transitional situations. That is, situations in which (1) the need for conflict management is in decline and the EU intends to increase its long-term engagement; and (2) *vice versa*, the EU already has Delegations in place and would like to increase its political role.

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SWP
Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Ludwigkirchplatz 3–4
10719 Berlin
Telephone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

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