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BEHIND THE EU SCENES

**SHAPING LISBON'S LEGACY:
THE EU'S VERY DISCREET DEBATE ON
WHO WILL MAKE FOREIGN POLICY**

Kirsty Hughes

June 2008

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TABLE OF CONTENTS

- About the author 4
- About *Friends of Europe – Les Amis de l’Europe*..... 5
- Shaping Lisbon’s Legacy: The EU’s very discreet debate on who will
make foreign policy..... 7
 - Introduction 7
 - 1. Processes, Timing and Players..... 10
 - 2. Choosing the EU’s Three New Faces – and Their Roles 13
 - New Faces*..... 13
 - Coherent or Competing Roles?*..... 14
 - 3. The European External Action Service (EEAS) 18
 - Size and Scope of the EEAS*..... 20
 - Staffing* 23
 - 4. The New Foreign Affairs and General Affairs Councils..... 26
- Conclusion 29
- Friends of Europe’s Board of Trustees*..... 30

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Shaping Lisbon's Legacy: The EU's very discreet debate on who will make foreign policy

Kirsty Hughes¹

Introduction

While the ratification of the Lisbon Treaty continues across the European Union, debates and discussions behind closed doors are intensifying in Brussels on how the EU will in future organise and present itself across the full range of external affairs issues – from foreign and security policy to trade and development. It is a vital debate for the EU's future role in the world.

The Lisbon Treaty creates two new top posts – a permanent president of the European Council and a 'double-hatted' high representative of the Union for foreign affairs and security policy who will also be a vice-president of the European Commission. These two posts, along with the president of the European Commission, will constitute the EU's main three faces to the world, and all three of them will have a role in the EU's external affairs. The rotating presidency, though still in existence, will no longer – or so it is intended – contribute to the EU's external representation.

The EU's new high representative will preside over a European diplomatic service – the European External Action Service (EEAS) and be responsible for the Union's delegations to third countries and international organisations. The future structure and scope of the EEAS are already being discussed and, in many cases, hotly contested in high-level formal and informal discussions. Any areas, such as defence, that may end up outside the EEAS will nonetheless, as provided for in the treaty, also be under the authority of the high representative. He or she will also preside over the foreign affairs council, and at the same time will have responsibility for the Commission's

¹ I am grateful to a number of politicians, diplomats and officials in the EU institutions and member states for sharing their views with me on these issues.

external relations and for coordinating other aspects of the EU's external action. It's a vast job.

Although the Lisbon Treaty defines the broad responsibilities of the three top EU jobs – the Commission and Council presidents and the high representative – ambiguities remain with considerable potential for overlap and duplication. The mid-year European Council summit is expected to have an informal – possibly dinner – discussion of the scope of these three jobs (with German Chancellor Angela Merkel said to have proposed the leaders discuss five or six main questions on this).

The overall intention of these new posts and structures is to increase the coherence, clarity and clout of the EU in its global activities, combined with the new set of principles and goals for the EU's international actions set out in the Lisbon Treaty. Given the range of EU external activities from trade, development, environment and enlargement to foreign and security policy, the EU has the potential to increase substantially its 'soft power' impact in the world, if it gets this right.

But there is a risk that these broader dimensions of the EU's interests and goals in its external activities are lost sight of in the discussions currently under way. Firstly, the – for now – highly restricted, closed-door discussions about these three jobs and the EEAS risk becoming a power battle or turf-fight, not only between Commission and Council secretariats but also between these two institutions and the member states. Secondly, the resulting structures and division of responsibilities, depending how they are drawn, may create new dividing lines and in some areas less not more coherence.

This paper analyses some of the main discussions and range of views currently being explored in the on-going high-level meetings that are considering these issues. It draws on a set of off-the-record interviews with a number of people close to, or actually engaged in, these discussions. The aim is to throw some light on these discussions and encourage a broader debate while options are still genuinely open.

The paper first considers the processes that are under way and the likely timing of future debate and decision. It then looks at some of the issues concerning the top three jobs before considering in more detail a range of issues thrown up by the process of designing the future EEAS.

1. Processes, Timing and Players

The Lisbon Treaty (in declaration 15) allows for preparatory work to be undertaken – after its signature and before its ratification – on the EEAS, by the Council, Commission, current high representative and the member states. More broadly, implementation issues across the board do need to be, and are being, considered if the Lisbon Treaty is to come into effect on 1 January 2009.

But although preparatory work is both necessary and foreseen, the perceived sensitivity of ratification in a number of member states is one of the main reasons much of the on-going discussions are being held in restricted, closed-door and high-level deliberations.

The European Parliament is also involved in these discussions not least since the Lisbon Treaty states that the EEAS will be established by a Council decision “on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission”.

Timing here is very tricky since the proposal for how to organise the new EEAS comes from the new double-hatted high representative, who won't be in post until 1 January 2009 – and whose identity will only be agreed shortly before that.

Because of this, those involved in preparations doubt that a legal base to establish the EEAS could be in place before mid-2009. But the French presidency of the EU, in the second half of 2008, is understood to want to have the main details and design of the new service agreed by December 2008. Moreover, the new high representative from 1 January 2009 will need services and support from Commission and Council, even if on a rather ad-hoc basis. That also requires a number of decisions to be taken in principle during the autumn.

Formal discussions on implementation of the Lisbon Treaty – both internal and external dimensions – are taking place, on a regular basis, in Coreper with the EU 27 permanent representatives. On April 8, Commission president Jose Manuel Barroso had an informal dinner with the permanent representatives to discuss his views “on institutional issues and external relations – in particular, the roles of the president of the European Council and rotating presidencies, the High Representative/Vice-President, and the European External Action Service.”² A week later, Javier Solana addressed the permanent representatives on these broad issues.

Since then a number of short ‘fiches’ from both Commission and Council secretariat have been circulated to Coreper discussions. The Commission has also established a steering group to lead its work on these questions under Barroso’s direction. The European Parliament is also contributing to discussions through its president Hans Pöttering and with him the EP’s three representatives to the intergovernmental conference that preceded the treaty, i.e. Elmar Brok, Andrew Duff, and Klaus Haensch. For the Council secretariat, de Boisseu, the deputy secretary general is playing a central role.

It is anticipated that Barroso and Solana may present an informal ‘vision’ of external structures and issues to the June European Council. By late June, two European Parliament reports are also anticipated, one from Jean-Luc Dehaene on the responsibilities of the three top posts and one from Elmar Brok on the EEAS.

In his 8 April meeting with the permanent representatives, Barroso suggested a more detailed and in-depth proposal could be put forward in October. But any such proposal, however detailed, cannot be finally agreed until the new high representative is in post on 1 January 2009, which allows any disagreements potentially to be carried forward until then. It also means that there is no ‘lead’ coordinator for all these discussions. Solana himself might be the new high representative but until the new name is agreed, nothing can be finally and formally agreed. Even so, a new high representative is likely to

² Unpublished speaking note of Jose Manuel Barroso, President of the European Commission to informal dinner with the Permanent Representatives of the Member States, 8 April 2008.

find many of the key decisions in essence already taken before his or her arrival.

Although discussions are proceeding rather rapidly, many member states are said to have relatively undefined or even vague positions so far on these debates. But while some member states and EU officials appear to want the new EEAS to start small and compact in a gradualist approach, others worry that if the EEAS is not established with its final scope and powers clearly defined now, then it will not be possible to develop them later. The fact that the Commission is coming to the end of its mandate is seen by some as an opportunity to avoid some defensive turf-fighting from external action Commissioners fighting to keep their areas outside of the EEAS, an opportunity that will go once the new Commission is in place in November 2009.

Many also argue that the relative responsibilities and roles of the three top jobs will inevitably be affected by who is chosen for those positions – personalities and not only process will be decisive. The French presidency will certainly coordinate discussions and attempt to broker a deal on the three jobs during the autumn.

2. Choosing the EU's Three New Faces – and Their Roles

New Faces

Who will be the three new faces of Europe has already excited much discussion, both media and political, across the EU as member states and others start to manoeuvre over the positions.

There is, though, a sequencing problem here. Under the Lisbon Treaty, the new president of the European Council and the new high representative should be in post on 1 January 2009 – and so are likely to be agreed at the December 2008 summit. But the new Commission president cannot be formally agreed until after the European Parliament elections in June 2009, not least since the EP will have to vote for the appointee chosen by the European Council.

Nonetheless, it is anticipated that at least implicit deals will have to be struck during the autumn taking all three posts into account, and quite possibly taking other posts into account – both the forthcoming presidencies of the European Parliament, and even the new NATO secretary general, coming up in summer 2009.

Balances will, as ever, have to be struck in these appointments – between larger and smaller member states, new and old, north and south and east, and – a criteria mostly ignored in the past but now at least mentioned – gender. Given that the EP elections in 2009 are foreseen by some to produce a conservative majority, the argument is already heard that both of the two president positions should reflect this, which would suggest a socialist/social democrat for the high representative position. But there is as yet little agreement on names, even if Barroso is seen as fairly likely to be reappointed Commission president, though others mention his name (for mixed reasons) as a possible European Council president.

The high representative will, in the first instance, only be a 10-month appointment since he or she will also be a vice-president of the Commission

– to be approved, as a group with the other commissioners, by the EP to take up posts in November 2009. Some are suggesting that this 10-month appointment might be given to Javier Solana to ensure continuity in the short run, and allow a new face to be chosen along with the new Commission in the autumn of 2009. Others suggest that a new face from the start, with that face being the person intended to be reappointed for a full term, would make greater impact and more sense.

Coherent or Competing Roles?

The two new jobs, in the ‘top three’ trio, evolved from different proposals at different times before they both came together in the constitutional and then the Lisbon treaties. This in part explains the lack of clarity in their respective roles and the different emphases put on their roles by differing voices in Commission, Council, EP and member states. The political debate on the content and boundaries of these jobs is consequently well under way.

Each of the three’s role is referenced at various points in the treaty. The Commission president’s role in external affairs is as follows³: “With the exception of the common foreign and security policy... [the Commission] shall ensure the Union’s external representation.” Meanwhile, the new European Council president, as well as chairing, preparing and following up the European Council meetings – in cooperation with the Commission president – has a role under a CFSP heading to “ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy”.

Meanwhile, the high representative “shall conduct the Union’s common foreign and security policy [...] contribute by his proposals to the development of that policy [...] The same shall apply to the common security and defence policy”.

³ All Lisbon Treaty quotes taken from “Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union” Official Journal of the European Union C115 vol. 51, 9 May 2008.

While operating as a vice-president of the Commission, the high representative will also “ensure the consistency of the Union’s external action [...] be responsible [...] in external relations and for coordinating other aspects of the Union’s external action.”

However – even without going through all the relevant treaty articles – overlaps and inconsistencies soon appear. So “consistency” in the Union’s external action will also be ensured by “the Council and Commission, assisted by the High Representative”. Meanwhile, under more specific CFSP headings, “the Council and the High Representative [...] shall ensure the unity, consistency and effectiveness of action by the Union”.

So the high representative may run into considerable competition with the two presidents. Within the Commission, for example, it is unclear exactly how the new high representative may coordinate the work of fellow external action commissioners as mandated by the treaty. There is at present a group of external action commissioners – including trade, development, enlargement, and external relations – chaired by president Barroso. Some argue the new high representative should chair this in future, though it is anyway a group with no formal powers, but others are arguing for Barroso to continue to chair it to underline his role in representing the Commission across the board on external action issues – including in areas such as environment that have both internal and external dimensions.

Some in the Council are looking for the new European Council president to play a major role in CFSP while others are resisting this. There are concerns, for example, that just as the current Council high representative and external relations commissioner are united in one role, the new high representative runs into similar turf fights as before but this time with the European Council president, or Commission president or indeed with other commissioners. Others, especially those who originally opposed the creation of a permanent president to replace the rotating presidency still want to limit the powers of the new president in particular to avoid either intergovernmentalism and/or the powers of the larger member states being over-represented in this new post.

These concerns exist both among some member states and in the European Parliament. Some worry that the European Parliament may oppose any agreement reached on the EEAS that is not close enough to its preferences, even though it is only to be consulted rather than having formal powers, according to the Lisbon Treaty. However, the EP could cause problems if it felt it was being ignored through its budgetary powers.

A fourth player comes into this power battle as well – the rotating presidency (consisting, as now, of six-monthly terms per member state, with three presidencies at any one time forming an 18-month team presidency). The current general affairs and external relations council is split into two under the Lisbon Treaty – a foreign affairs council (FAC) and a general affairs council (GAC). The FAC will be chaired by the new high representative, the GAC by the rotating presidency. What areas will come under each council formation and who will chair the associated working groups is a highly controversial issue already under discussion (and is considered further in section 4 below). It is clear, though, that through chairing the GAC, the rotating presidency will also impact on the powers of the new president – and on associated coordination issues across the three top jobs and rotating presidency, that will need dealing with.

One of the potential results of this multi-level turf-fighting is that the European Council President could end up with a relatively limited job description – preparing and chairing European summits, following them up with the other players, and chairing bilateral summits with third countries. Meanwhile, the new high representative, whatever the outcome of the turf-fights appears to have a vast job. He or she will be meant to chair the FAC every month, attend Commission meetings every week, lead – in theory – up to 130 political dialogues with third countries every year, run the EEAS and the Union delegations, as well as playing the top level diplomacy role that Solana has done in his position to date.

Some suggest the high representative will need several deputies – though officials are keen to avoid the precise word since it is not in the treaty. Others worry about the lack of role for the prime minister and foreign minister of the rotating presidency, something which is seriously worrying several

member states. Linking these points, some speculate that the rotating country foreign minister could be one of several high representative 'deputies'. However, this is problematic as it would entirely undermine the aim and spirit of the Lisbon Treaty to give the EU consistency and continuity on the world stage.

Another possibility is for 'special envoys' to be appointed on an ad hoc basis to deputise for the high representative, and/or for other external action commissioners to stand in, and/or for senior officials from the EEAS to do so. None of these are ideal solutions and third countries even today often complain if lower level representation is sent to EU-third country meetings. Moreover, none of the possible 'deputies' to the high representative will be double-hatted and officially able to cover both Commission and Council areas. No clear answers to this set of problems appears forthcoming so far.

The relations between the roles of the three top jobs will also be influenced strongly by the decisions taken on the scope and structure of the EEAS, which this paper now considers.

3. The European External Action Service (EEAS)

There is much nervousness and a wide range of views to be found already in the debates on the EEAS. Both in Council and Commission, many are worried at losing control of activities they currently run, and of the new EEAS either ending up too intergovernmental and close to the Council or too *communautaire* and close to the Commission. Member states have differing views on this intergovernmental/transeuropean issue and many are also worried as to how much input into the EEAS they will have and who will really influence its work.

Meanwhile, the European Parliament is also looking closely at the scrutiny and accountability powers it will have over the new service and over the new high representative and over the Union delegations (and worrying that it has no powers over the new European Council president). Others, who want the EEAS and high representative to fulfil the ambitions of building real clout and coherence in Europe's external policies in the world, worry already that the argument for a broad EEAS is being lost.

The Lisbon Treaty is of limited help in sorting out these issues. Its comments on the EEAS are brief although they do specify that the new service will include Council and Commission staff, and "staff seconded from the national diplomatic services of the Member States." Moreover, even though the Treaty does make clear that there will be Union delegations in third countries that come under the authority of the high representative, it is not specified that the Union delegations sit within the EEAS, though the presumption is that they will.

In 2005, when preparatory work was then going on for an EEAS under the constitutional treaty, a joint Barroso-Solana paper was published setting out key issues for the future service⁴. The Commission is tending to promote the view that this paper is the main basis for the current discussions but in the Council secretariat, and some member states, the document is seen as one

⁴ Joint Progress Report to the European Council by the Secretary-General/High Representative and the Commission, June 9, 2005.

contributory paper, which was never discussed at political level before the twin French and Dutch 'nos' ended that work.

While the final outline, scope and nature of the EEAS is some way from agreement, certain lines of agreement as well as areas of disagreement are becoming clear.

Two key words describing the nature of the EEAS are said to be 'sui generis' and 'proximity'. These mean that the EEAS will be a separate service sitting between the Council and Commission secretariats, rather than being in one or the other, but that there will, or should be, close links from the EEAS to both Council and Commission. The intention is not to create a separate institution in the EEAS which could compound rather than help coherency issues in external policy. However, some think that it is inevitable that the EEAS will be a 'quasi-autonomous' institution.

Many ongoing discussions remain which will impact on how the service develops and its relative autonomy. Will the Commission provide all administrative and personnel support services for the EEAS, or will the Council contribute? Will the high representative have an office in the Commission's HQ – the Berlaymont – and in the Council building and which building will house the EEAS? Many consider that the high representative must have his or her own separate appointing authority for staff – to avoid cumbersome dual appointment procedures – but myriad issues of staffing remain.

In his discussion with the permanent representatives on 8 April, Barroso stated that the Commission will provide an office, cabinet staff and others tools plus a salary to the high representative in his vice-president role. However, he made it clear that these plans had not yet been coordinated with any plans the Council may be developing for support of the high representative.

Size and Scope of the EEAS

Size and scope of the EEAS are at the heart of many of the debates about its formation and role. These questions also link to its quasi-autonomous nature since the more distant it becomes from Council and Commission, the more some in those institutions will want to limit policy areas and staff they transfer to it.

Early in May, the Commission produced a fiche for coreper setting out the number of staff in all the external action activities of the Commission including not only external relations but all the delegations, and trade, development and enlargement. This totalled almost 5500. The Council secretariat identified 800 staff in its external relations directorates and the high representative's policy unit who could also potentially come under the EEAS umbrella. This was done not to suggest that the EEAS should have over 6000 staff but in part to encourage a more limited conception of the service by the member states.

A common and narrow view of the EEAS envisages uniting the current two external relations directorate-generals of the Commission and Council respectively, together with the staff currently in Javier Solana's policy unit, and with the current Commission delegations becoming Union delegations with some but not all of their staff in the EEAS⁵.

In his discussion with the permanent representatives on 8 April, Barroso took a rather narrow view of the scope of the EEAS – and one rather similar to that set out in the 2005 joint paper. He described his views however as “my first personal and informal thoughts on this” and a range of views exist within the Commission on the question of scope of the EEAS.

Nonetheless, Barroso is rather clear that he considers trade, development and enlargement to be outside of the EEAS and under the authority of other commissioners and not the high representative. There has also been some

⁵ For an overview of the longer-run development of the EU's foreign policy structures see Antonio Missiroli “A tale of two pillars and an arch” in European Policy Centre working paper no 28 “The EU foreign service: how to build a more effective common policy” 2007.

discussion within the Commission of whether European neighbourhood policy should be taken out of its current position in DG External Relations and given to a separate commissioner again reducing the scope of the EEAS.

No overall common view across the different actors has yet been agreed on scope. However, there is an emerging consensus that the EEAS will house one set of geographical desks covering all regions of the world, and these desks will not be duplicated elsewhere in the Council or Commission. 'Horizontal' issues such as human rights, counter-terrorism (internationally) and relations with international bodies such as the UN would also be included. Another area of emerging agreement appears to be that the EEAS will also provide a service through the high representative to the two presidents of Commission and Council – both ensuring consistent analysis is received and stalling any tendency, especially by the new European Council president, to have his or her own foreign policy staff.

Even the emerging consensus on geographical desks raises a number of questions. Firstly, while it appears to be broadly agreed that DG Trade will be outside the service, a range of geographical analysis will also still occur in DG Trade, so not all duplication may be avoided. Secondly, while enlargement will probably remain outside the EEAS, what will happen with a country in negotiations like Turkey is unclear. Will there be a DG enlargement Turkey desk dealing with negotiations and a political desk in the EEAS? The same question arises or will arise for several Balkan countries. Furthermore, as far as neighbourhood policy is concerned, many consider it unreasonable to take it outside the EEAS – would the high representative deal with China but not Ukraine or Algeria for instance.

Development raises more difficult issues. In the current set up, the Commission's DG development deals in particular with Africa. If its geographical desks go to the EEAS, this suggests that some new coherence will indeed be achieved but then a question remains of what sort of horizontal policy role the remainder of DG Development may cover. Some in the Commission also argue that the political analysis part of the geographical desks should go to the EEAS but not the programming part which could be brought together with Aidco constructing a new DG Development (with

humanitarian aid in ECHO also staying outside). Yet if that happened, the new high representative would not be in control of the key funding flows so central to much of the EU's 'soft power' influence. Others in the Commission are apparently more open to envisaging a stronger shift of development areas into the EEAS.

There are other Commission directorate generals, such as environment, migration and energy, which will stay outside the EEAS but where questions still arise of how will the high representative coordinate with these services when there are international issues at stake – as there so clearly and frequently are. Some argue that the high representative and EEAS should at least contain a small group of experts under such headings, who are in a position to collaborate with the relevant directorate-generals and expert staff in other parts of the Commission and Council and so contribute to consistency and coherence. These same questions will arise for relations with trade, and the often debated issue of how the EU's foreign policy goals interacts with its trade policy.

A further set of unresolved questions concern political-military structures and the EU's growing role in crisis management and conflict prevention. There are substantial parts of both Council and Commission secretariats dealing with crisis management – including two directorates in the Council, two units in the Commission's DG Relex and other relevant staff in DG Dev. Many argue that the EEAS provides an opportunity to bring all these units together into a much more coherent whole. However, others argue that the military side of European security and defence policy (or common security and defence policy as it will become), including the Military Staff and Siten should stay outside of the service, though still under the authority of the high representative.

If that happens – and some big member states like France and the UK are said to favour such a split while others favour integration in the EEAS – then some others may argue, possibly including Germany, that the whole of civilian crisis management should go outside the EEAS, so that there is no civil-military split. Yet this would create more divisions between the EEAS. Moreover, this would not receive Commission support.

How these questions of scope are resolved will also impact on exactly how the new Union delegations in third countries will operate. Many changes will be needed to turn the existing 134 Commission delegations into Union delegations. Introducing CFSP staff into the delegations should raise their political scope and clout, while raising practical topics such as security ciphers and other issues not faced before by many delegations. Equally, there will be Commission staff in the Union delegations but not in the EEAS – environment or trade or aid project planners – and again coherence and effective communication not dividing lines will need to be ensured. While it may be expected that the heads of delegations – at ambassadorial level – will be in the EEAS, this may get awkward in some multilateral organisations such as Geneva where the main focus is on trade.

Member states are apparently resisting any suggestion that the EP would have staff in the Union delegations though they could provide MEPs with some services when visiting a third country. The idea floated by some that the EP may want to hold hearings for ambassadorial appointments, as in the US, produces a strong negative reaction in some member states. A further question is whether the head of the Union delegation will chair coordination meetings of the member state ambassadors in third countries – currently chaired by the rotating presidency – to reflect the fact that the high representative chairs the foreign affairs council.

Staffing

The size of the EEAS will depend on the final decisions made on scope. Yet already member states have been hotly discussing the question of how many of their diplomats will get positions in the new service. Indeed, some member states have started to identify staff who could be moved into the EEAS as their national 'quota'.

Any quotas are though being resisted not only by Commission and Council but also by larger member states such as France and the UK who argue appointments must be on merit while bearing in mind geographical balance.

Some member states are concerned that the EEAS could be dominated by Council and Commission staff – both in numbers and if these two groups of staff are permanent while member state diplomats are on secondment. Germany is said to be among those arguing strongly that all staff must rotate in and out of the EEAS and that numbers should be equal – one third each to Commission, Council and member states. At the same time, most member states including Germany appear to want the new service to be close to budget neutral.

Both Commission and Council are apparently making the argument to the member states that the inclusion of member states' diplomats will have to occur gradually over time, as staff turnover occurs in the relevant services that constitute the new EEAS and in the Union delegations. Moreover, merit will be vital, since posts arising, especially abroad will have specific language and diplomatic and other skills and requirements which will have to be matched by the new staff sent out.

A related discussion is also under way on the status of the EEAS staff. Many member states want staff all to be on an equal footing as *agents temporaires* – rather than only having member state diplomats seconded as national experts. However, the former case means that the EU budget will pay, which undermines budget neutrality. Nor can Commission and Council staff be forced or expected to forego their current contract status and conditions. Even if these staff were seconded to the EEAS from their home base, the conditions under which this could be done are complex. Staff trade unions are one more actor getting involved here.

Nor would it be easy to rotate such staff back again if that was the aim – if for example they come from DG Relex in the Commission or Solana's policy unit in the Council, they will have nowhere to go back to once these are merged into the EEAS. Nor will it strengthen the EEAS if all its staff have such limited time in the service. Loyalty questions will arise too, if EEAS staff are looking back to where they came from for career prospects.

These questions are yet to be resolved and member states will not easily accept a situation where they have only a small stake in terms of staff in the EEAS. Meanwhile, some other voices quietly worry that member states – if they are not fully committed to the EEAS – may not send their best diplomats to the service.

4. The New Foreign Affairs and General Affairs Councils

The Lisbon Treaty splits the current general affairs and external relations council (GAERC) into two – the foreign affairs council (FAC) and the general affairs council (GAC). The FAC will be chaired by the high representative, the GAC by the rotating presidency. The treaty also specifies that the top two diplomatic committees – coreper and the political and security committee (PSC) – will be chaired by the rotating presidency for Coreper and a representative of the high representative for PSC.

That much is clear but beyond these designations much is unclear and deep debates, reflecting considerable disagreement, are under way. At present, all council formations are chaired by the rotating presidency and a commissioner attends to represent the Commission. However, if the high representative chairs the FAC, should a commissioner also attend? The member states say ‘no’ and the Commission says ‘yes’.

If foreign affairs is dealing with most external dossiers, another question is what sort of ministers chair and attend the GAC? Some suggest this will be senior ministers but not foreign ministers. One idea is that the rotating presidency prime minister could chair it (given his or her lack of a role) but since the other ministers in attendance would not be prime ministers, this may be unlikely. Since the GAC will prepare summits, the new European Council president will want one of his representatives there too.

Various different balances are being pushed for here. Some member states want to make sure the GAC is at least as important as the FAC. Others want to ensure the GAC is strengthened as a way to limit the powers of the new European Council president while others, in contrast, want a strong GAC to underpin the powers of the new president, and ensure the new high representative chairing the FAC is not too powerful.

Which policy areas report to the FAC and which to the GAC – and so their relative power and roles – may be determined in part by how broad or narrow

the scope of the EEAS turns out to be. There are dozens of working groups that prepare the meetings of the council formations and that are normally chaired by the rotating presidency. The Lisbon treaty attempts to be clear here: "The chair of the preparatory bodies of the various Council configurations, with the exception of the Foreign Affairs configuration, shall fall to the member of the group chairing the relevant configuration (unless decided otherwise in accordance with article 4)."

This would appear to mean that any dossier that goes to the FAC will be prepared in a working group chaired by a representative of the high representative, probably an official from the EEAS. But debates are ongoing here. There are different views, for example, as to whether trade, even though outside of the EEAS, will report to the FAC or the GAC. Likewise enlargement, as a membership negotiating process, is mostly dealing with community or 'pillar one' issues and so might go to the GAC, but formally negotiations are carried out in an intergovernmental conference which makes it within the purview of foreign ministers. Equally even if DG enlargement did report to the GAC on Turkey, for example, a political crisis concerning Turkey would surely go to the FAC.

Officials are currently going through the lists of working groups attempting to reach preliminary agreement on who chairs what – not least by an old-style effort of dividing the groups into 'pillar one' (community competence and so GAC) and 'pillar two' (and so intergovernmental and FAC) issues, despite the fact that the double-hatted new high representative is meant to overcome this old pillar division.

This debate is being yet further complicated by an argument, apparently coming from Germany among others, that member states should appoint people who would chair the FAC working groups, and these individuals would then be appointed to senior positions in the EEAS and so fit within the new rules on FAC in the Lisbon Treaty. Underpinning much of this debate is a concern among the member states that they are losing too much control and management of policy development under the new Lisbon Treaty structures that they have signed up to.

Under the rotating presidency, the prime minister of that country was responsible for coordinating across council formations and chairing the European summits during the presidency. Much more coordination will now be needed between the rotating presidency, the high representative, and the two presidents of Council and Commission in order to prepare summits. The chain of command through to the smooth preparation of European leaders' summits looks, as a result, much more tricky.

Conclusion

The incoherence and overlaps in the EU's external policy structures and processes and the turnover in those representing the EU on the world stage has been discussed for many years. The innovations of the Lisbon Treaty, both in structures and in the new top EU jobs, aim to cut through those problems and create more coherence, and better visibility and clarity on the world stage, and so build more clout for the EU's external policies and role in the world.

As this paper has shown, building the structures and processes to support that high level strategic goal is both complicated and controversial. A wider and more public external debate on the multiple issues involved could contribute to greater clarity. It may help to remind those closely involved in these discussions and in this work, firstly, that the top level goals are strategic ones – and that these should guide the process – and secondly, that many of the detailed issues at the end of the day concern administrative structures and should not be fought over as if they are issues of major policy substance.

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