



Department of ____Political Science____

Chair _History and Theory of European Union and Regional Integrations____

Is the European External Action Service Relevant?

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Index

Introduction	2
Chapter 1: The origins of the EU foreign policy.....	10
1.1. Defense and attempts of cohesive external actions in 1950s	10
1.2. Founding of EPC in 1970s in the background of Cold War	18
1.3. From the Treaty of Maastricht to Amsterdam and Nice in 1990s.....	26
1.4. Treaty of Lisbon after the failure of European Constitution	36
Chapter 2: The role of EEAS and its internal composition... 	46
1.1 Founding process and legal basis.....	46
1.2. Personnel and department structure	54
1.3. Interactions between the EEAS and other EU institutions.....	66
1.4. The EEAS and member states: national diplomacy within the supranational framework	73
Chapter 3: the main problems of EEAS in 5 years	76
1.1. Internal difficulties on coordination.....	76
1.2. External dilemma: Divergence between the EEAS and Member States—reflections and actions of the EEAS in Arab Spring.....	82
Conclusion.....	91
Bibliography	94

Introduction

The European integration has undergone dramatic advancement for more than six decades since the ending of the Second World War. This European project upholds peace and stability in the European Continent for a long time, and has restored and promoted the international influence and status of Europe gradually, which is an important strategic goal for the European foreign policy integration by means of integrating foreign policy instruments and resources to coordinate the EU Member States' foreign policies and actions. After several decades, the European Union has been functioning as a decisive international actor in the world stage and brought about significant impacts upon the international relations. The construction of common foreign policy plays a unique and indispensable role in the European integration.

Despite the fact that the EU has obtained outstanding achievements in terms of the foreign policy integration, and advanced much as regard the set-up and reform of the foreign policy institutions, posts and departments, to some extent, however, the European Union is incapable of tackling with the fast-change and complex challenges both within Europe and global level efficiently, as a result of its institutional arrangements and decision-making procedures or mechanisms. Therefore, the process of European integration, as well as the international situations, has led to the creation of numerous external actions at the Union level, and these should now be brought together to reinforce the coherence of EU foreign affairs¹. The European External Action Service was established by the Treaty of Lisbon under the circumstance that a rigid separation of the powers of Union bodies hindered the development of positive connections among EU policies internally, and the rapid change international situations externally. Undoubtedly, the establishment of the EEAS represents a significant organisational,

¹ Mauro Gatti, "Chapter 10: Coherence vs. Conferred Powers? The Case of the European External Action Service", in Eds. Lucia Serena Rossi and Federico Casolari, *The EU after Lisbon: amending or coping with the existing treaties?* (Heidelberg [etc.]: Springer, 2014), p.241.

institutional and – potentially – ideational upgrade of the EU's external capabilities².

Significance of the topic

The European External Action Service was officially launched on 1st January 2011, with the Treaty of Lisbon and Council Decision 2010/427/EU as legal foundations. The establishment of the EEAS is the latest development of the European political and security cooperation since the end of the WWII. We can assure that it's urgent for the EU to reform its mechanism in terms of foreign policy and external actions with analyses on the external pressures and internal tensions the EU is faced with. The Treaty of Lisbon chooses mechanism building which consists of institutional design and functional distribution as the route to restructure its foreign policy mechanism, it recognizes the foreign policy institutions, adjusts the functions, and reforms the foreign policy decision-making procedures. The EEAS is responsible for supporting the High Representative, who is also the President of Foreign Affairs Council and Vice-President of the Commission, operates works in the spheres of CFSP and CSDP, coordinating the cooperation among European Council, the Commission, the Council and the Member States. This reform attracted so much concentration at the beginning, people are all curious and expectant about how this new service could consolidate and improve the EU's external competences and actions.

After almost five years' operation, the EEAS is as much praised as blamed. The Arab Spring happened just after several months of establishment of the EEAS exposed many disadvantages of the EEAS. Internally, the institutional design and staff composition put the EEAS under the control and influence of many linked EU institutions, especially fell into the competition of the Commission and the Council, as well as the EU Member States with their unilateral national diplomacies, all of these factors hampered the efficiency and consistency of EU's external actions, resulted the delayed and much

² Nicholas Wright, "Co-operation, co-optation, competition? How do Britain and Germany interact with the European External Action Service?", *UACES 43rd Annual Conference*, University of Leeds. UK, 2nd – 4th September 2013, p.1. Accessed at 28th May, 2015. <http://uaces.org/documents/papers/1301/wright.pdf>

more general principles without unanimous decisions or specific declarations. Internationally, Member States' unilateral diplomacy seriously damaged the credibility and accountability of the High Representative and the EEAS.

But on the other hand, the EEAS has also been successful in a number of areas. The High Representative with the EEAS established a leading position in the negotiations with Iran, and brought Member States to agreement on sanctions on Syria. And comparing with the rotating Presidency, the establishment of the EEAS ensured and improved the continuity of EU's external actions.

Under this circumstance, people would doubt if the European External Action Service is relevant? Or to what extent it is relevant? This paper is concerning about this question. Why this question is important? The reason could be these two followings:

1. The significance of European integrated foreign policies

With more than half century's development since the end of the WWII, the European integration not only wins lasting peace and stability for Europe, but also gets the significant position in international stage. One of the aims of European integration is consolidating various diplomatic resources, achieving the overall coordination of EU foreign policy, and improving the EU's international status furtherly. For completing this aim, the European Community/European Union tried many spheres for initiating, when suffered the frustration on the political and security area, Member States turned to the economic sphere and accomplished deepening the level of integration. As the high level, and sometimes very sensitive spheres, political cooperation and external policies are getting more and more attention in academic sector, especially the CFSP becomes the main theme of many scholars, analysts and politicians. Also this academic trend is corresponding with the changes on international stage as well as the EU's development in external actions. More importantly, the two eastern enlargements in 2004 and 2007 separately brought historical chance and difficulty and complexity in external

decision-making process: on the one hand, the rapid increased number of Member States led to pluralism as the inevitable result. Every country has their own considerations on external actions and national diplomatic relations, which challenges the EU's decision-making procedure and institutional arrangements, consensus would be much more difficult than before. On the other hand, the increasing number of member states enlarged the scope of EU external policies, the content of CFSP would be more abundant, which also necessary and even urgent for modification and reformation. This circumstance requires the EU's external policy could be flexible as well as effective. The establishment of EEAS is for facing this challenge and requirement.

2. Legal personality for the EEAS as well as unitary external institution in EU-level

The European Union is widely considered a decisive international actor in global politics, economy and security. Although EU is different from common intergovernmental organizations and contains supranational nature in a number of spheres, but it is still not a sovereignty country. Before the Treaty of Lisbon, the EU's international nature was disputed, and it cannot sign international contracts with other international subjects. The Treaty of Lisbon endowed the EU as a complete international legal personality, and transferred the CFSP sphere operating in EU-level instead of firmly controlling in the hand of Member States. As the service of the High Representative, the EEAS would not only bear many EU's external policies, but also lead more than 140 EU Delegations around the world, coordinating their relations with Member States. Thus, the construction of EU-level diplomatic institution is crucial to improve EU's nature of international actor or subject.

Thesis structure and general contents

This thesis is generally divided into three chapters. The first chapter outlines the origin and history of EU foreign policy since 1950s to the Lisbon Treaty on 21st century, under the international situation that the Western Europe's inevitably decline after the Second

World War, European six countries started from the European Coal and Steel Community (ECSC), after the rejection of European Defense Community (EDC), these countries turned to the economic sector and established the European Economic Community (EEC). The European Political Cooperation in 1970s opened the political integration in Europe and with the intensive Treaties in 1990s, the Common Foreign and Security Policy (CFSP) officially adopted, paved the institutional way for further construction of EU common external actions. Follows this historical line, chapter two concentrates on the basic information about the European external Action Service, including its founding process, legal basis, staff composition, department structure, and the complex relations between the EEAS and other EU vital institutions, as well as with the EU Member States. The last part covers the major attention problems with five years' operations of the EEAS. Within the EEAS, two of the EU institutions, the Commission and the Council, are quite influential to the EEAS, since the initial time to the construction, covers from the compositions of staff to the departments. This internal coordination is a difficult problem for the EEAS, also a disadvantage which needs modification urgently. As for the externally, especially the High Representative and EEAS's activities on international stage, are usually limited by the Member States, for the consensus need on the one side, and Member States unilateral diplomatic actions on the other.

To be more specifically, this thesis starts from 1950s because it was the time that Europe began to search an integrated cooperation within the European Continent, with the direct external assistances and incentives, as well as the peace-keeping demand between France and Germany. We could observe that Europe preferred a political and security integration at the very beginning, even if with the failure of EDC, it illustrated that the common political and defense policies are always the pursuit of Europe. The EPC in 1970s is also worthy to be stated and emphasize because it was the official opening of European political integration process, with the economic and mutual trust basis, European Community started to approach this more sensitive and high-level integration

and cooperation sphere. This innovative and successful political cooperation mechanism set an example and foundation for the CFSP in 1990s, which first adopted by Maastricht Treaty in 1992. For understanding and explaining the establishment and development of the EEAS, reviewing the EU's efforts and history on political and external relations would construct a comprehensive version for the EU's external relations process. So the review of European integration history is indispensable.

When turning to the EEAS in second chapter, I believe the legal basis outlines should be the priority, although the Treaty of Lisbon only mentioned the EEAS in the Article 27 (3), the Council decision 2010/427/EU later provided a more specific and concrete provisions about the construction of the EEAS. Then the personnel and department structure are crucial both for the introduction of the EEAS and the later discussion about its disadvantages. In the strict sense, the EEAS is not a totally new institution, almost all its departments and staff are transferred from other EU institutions, mainly from the Commission and the Council, but also interlinks closely with other major institutions such as European Parliament, European Council and its President. With the basic introductions about their relations, we could understand why the internal coordination is a really serious problem within the EEAS, which is narrated in the last chapter.

However, Member States and national diplomacies are the ultimate obstacles of the EEAS and common EU foreign policy. We couldn't deny the aspiration of EU Member States to build a more integrated and effective common foreign policy, but it would also be difficult to get out of the principles and concept of traditional sovereignty nation. As in the case of Arab Spring, we could conclude that the High Representative and EEAS are strong in will but weak in power. Member States, especially the strong powers or the Permanent Member States like France and UK, national diplomacies are much more influential and decisive than the actions of the EEAS. Besides, difficulty to reach a consensus based on the intergovernmental decision-making mechanism in CFSP is also delayed the common policies or actions from the High Representative and her service,

let alone the CSDP sector, which was challenged in the case of Libya non-fly zone and military intervention.

As for conclusion, I do believe that the EEAS is relevant until now because it marks the implementation and achievement of a permanent secretariat, separated from the existing EU institutions, to better coordinate the interests of Member States. Following the successful ratification of the Treaty of Lisbon, the EEAS is being established under the leadership of High Representative. Since the 1st January 2011, when the EEAS was officially launched, EU's common external policy opened a brand new stage. EU Member States decided to establish the EEAS because they want to pool resources, consolidate the EU's existing external policy responsibilities and improve efficiency, but were wary of further empowering the Commission to act in the external policy domain, this led to the creation of a new bureaucratic actor, over which Member States, the Commission and the European Parliament have tried to establish controls³. In this sense, the EEAS establishment not only achieved the EU diplomatic resources consolidation, assured the continuity, but also promoted some kind of balance among the EU institutions and Member States within the process and institutional arrangement of the EEAS. Last but not the least, the EEAS is constructed as an EU foreign ministry identity, which means the unified and integrated representation of the EU is built in international sense. It replaced the traditional problem, proposed by the Henry Kissinger, that when I want to contact the EU, who shall I call. However, the serious disadvantages existing now shouldn't be neglected. This part would be elaborated in the third chapter, the multilateral responsibilities and institutional divergence within the EEAS created great difficulties on coordination. Furthermore the Member States limited the sufficient autonomy and capability of the High Representative and her service is the root cause of the EEAS's ineffectiveness. But generally, the EEAS is just launching and operating no more than five years, it is still in the process of further construction, with little

³ Mark Furness, "Who controls the European External Action Service? Agent autonomy in EU external policy", *European Foreign Affairs Review* (02/2013), Volume 18, Issue 1, p. 123. Accessed 18th March, 2015. <http://www.kluwerlawonline.com/document.php?id=EERR2013006>

experience and learning gradually. We should believe its potential as well as the EU's determination and capability, but it is still too early to judge this service.

Chapter 1: The origins of the EU foreign policy

1.1. Defense and attempts of cohesive external actions in 1950s

With the direct external assistances and incentives, which included Marshall Plan and Organization for European Economic Cooperation (OEEC) from the United States, the military threats from Soviet Union, Western Europe started its integration based on the long-standing Europeanism internally in 1950s. The success of European Coal and Steel Community (ECSC) encouraged Western European countries to pursue a cohesive defense actions, but the failure of European Defense Community (EDC) made them realized that an all-encompassing European cooperation would not be achieved all at a once. With this conscious version, the Treaties of Rome in 1957 established European Economic Community (EEC) and European Atomic Energy Community (EAEC). These three communities have been the fundament of an economic integration process characterized by deepening and enlargement⁴. They opened the process of cohesive external actions and European integration.

The Western Europe after the Second World War

World War II was one of the major turning points throughout the whole European history, because it marked the giant swift of European external and internal circumstances, as well as its development paths. Western Europe's economic, political and military security positions were precarious severely after the World War II. The world power structure experienced a profound transformation, which from Europe to the United States.

Politically, all the powerful countries had lose their significant influences, which they

⁴ Heinrich Neisser, "Corner Stones of Foreign Policy Cooperation", in *EU's External Action Service: Potentials for a one voice Foreign Policy*, Eds. Doris Dialer et al. (Innsbruck: Innsbruck University Press, 2014), p. 19.

held for centuries once, on the world stage, not matter the victorious nations, such as UK and France, or vanquished ones like Germany and Italy. Besides, the Communist Party also increased its strength in Western Europe after the war because of the widespread sympathy for the USSR and its war effort between 1941 and 1944 (it lost between 20 and 40 million civilians and service personnel and killed 3 million German troops). Post-war governments in France, Belgium and Italy included Communist Party ministers up to 1947⁵.

As the main battlefield, Western Europe's economy also suffered heavily losses. Agricultural output in 1946 and 1947 was only 75 percent of the 1938 level. European conditions were made worse in 1946 and 1947 by a wet summer and a severe cold winter, which leading to a poor harvests and a fuel crisis as snow disrupted coal supplies. At the same time, most countries' governments faced with a serious fall in foreign trade, along with the inflation, the whole Western Europe's economic situations were in danger.

Globally, the security condition was not going well for Western Europe. The end of World War II and the common enemy meant the collapse of wartime Grand Alliance. The division of Europe into two spheres, the Western linked to the United States and the Eastern to the Soviet Union, was a gradual process that occurred in the late 1940s⁶. The break out of the Cold War pushed the Europe become the contention in both two Camps. Moreover, the United States hadn't accepted any permanent military commitment to European defence. All of these security threats for Western Europe forced them consider carefully about the Europe's future.

Beginning of European integration: the success of ECSC and the failure of EDC

⁵ Martin J. Dedman, *The origins and development of the European Union 1945-2008: a history of European integration*, 2nd ed., (New York: Routledge, 2010), p. 31.

⁶ David A. Messenger, "Dividing Europe: the Cold War and European Integration", in *Europe recast: a history of European Union*, Ed. Desmond Dinan, (New York: Palgrave, 2004), p. 32.

After the World War II, Europe faced three severe challenges: consolidating peace and preventing the re-raising of Nazism in Germany; reviving the destroyed economy; and keeping autonomy under the background of Cold War, restoring and improving Europe's international position. In fact, the direct impetus to open joint cooperation and European integration came from external factors. The Marshall Plan, or European Recovery Program, declared in June 1947 by American Secretary of State, General George Marshall, opened the Western Europe's institutionalized cooperation. Besides the economic assistance, the Organization for European Economic Cooperation (OEEC), which was founded for coordinating the Marshall Plan, also settled the foundation for political cooperation with the help of the United States one year later.

Based on the encouragement and assistance from the United States, France played a crucial role during the establishment of ECSC. Jean Monnet was in charge of economic planning for the French government, he soon saw the benefits of taking up the American offer of aid in the context of continental-wide planning⁷. Monnet realized the United States' attempts to rearmament Germany was inevitable, therefore, France should seize the advantage. His primary goal was to reconcile French efforts to contain Germany, economically and politically, with American desires for integration, using supranational management of the Ruhr's coal and steel industries as a model⁸.

The United States hoped that the Britain can take the obligations of Western European integration, but for Britain, who adopted "three circles" diplomatic policy after the World War II, Western Europe was considered less important to face, also the Western Europe was certainly due to the additional economic burden for Britain. The U.S. administration had not given up the idea of European integration and the new Secretary of State Dean Acheson became familiar with the idea that it was more important to achieve European integration within a smaller core group than try to convince Britain to

⁷ Gillingham, J, *Coal, Steel, and Rebirth of Europe, 1945-1955*, (Cambridge: Cambridge University Press, 1991), p. 144.

⁸ Desmond Dinan Ed., *Europe recast: a history of European Union*, (New York: Palgrave, 2004), p. 40.

take the initiative⁹.

On the one hand, France tried to control Germany's economic potential and to direct it along politically determined channels, and no matter the Schuman Plan and ECSC were both the results of efforts. On the other hand, Germany reacted quickly and embraced the Schuman Plan because integration seemed to be the best and most effective means to regain sovereignty¹⁰.

It was Monnet's preparatory which allowed the French Minister of Foreign Affairs, Robert Schuman, to present on May 9th 1950 the first positive French policy toward Germany—Schuman Declaration. "By pooling basic production and by instituting a new High Authority, whose decisions will bind France, Germany and other member countries, this proposal will lead to the realization of the first concrete foundation of a European federation indispensable to the preservation of peace."¹¹ After a long and complex negotiation process, on March 20th, 1951, the Paris Conference ended and on April 18th the six members' foreign ministers committed themselves to the establishment of a new supranational authority—the European Coal and Steel Community (ECSC). In August 1952, after the ratification of the six member parliaments, the ECSC started to function.

There is no doubt that the ECSC could be considered as a milestone for the development of European integration. As Duchene emphasized, the Schuman Plan was 'about turning around the psychology of relations between states and peoples'¹². However, the United States was prepared to strengthen American presence and forces in

⁹ Gerhard Bebr, "The European Defence Community and the Western European Union: An Agonizing Dilemma", *Stanford Law Review* (03/1955), Volume 7, Issue 2, p. 61.

¹⁰ Michael Berger, "Motives for the foundation of the ECSC", *The Poznań University of Economics review* (2013), Volume 13, Issue 3, p. 85.

¹¹ "The Schuman Declaration – 9 May 1950", European Union. Accessed on 4th April, 2015.

http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm

¹² F. Duchene, *Jean Monnet: the First Statesman of Interdependence*, (New York/London: Norton, 1994), p. 224.

Europe by improving the concrete European defence level, also including taking advantage of West Germany military potential to defend against the East, and that was why the United States would not give up the Germany rearmament attempt easily. Just after few weeks announcement of Schuman Plan, the broke out of the Korean War intensified the Cold War and changed the process of European integration profoundly in the last four years.

Once again, led by Schuman and Monnet, France initiated another plan to integrate Western European military forces also into a single institution. On October 24th, 1950, the new French Prime Minister, Rene Pleven, declared the Pleven Plan to establish an integrated European forces among the six members of ECSC, which enlarged the institution of ECSC to the spheres of military and defence. On May 27th, 1952, the six countries' Foreign Ministers signed the Treaty Establishing the European Defense Community and submitted to national parliaments for ratification. However, by mid-1954, the improvements in the two Camps relations lessen the urgency and the original motivation for creating a European army, on the other hand, the concerns of the loss of national sovereignty in security and defense had risen amidst France. Finally, the EDC Treaty was rejected by the French National Assembly on 30th August 1954.

The failure of the EDC was undoubtedly a heavy blow to federalists, the countries also realized that economic integration only occurred when their economic plans and prospects depended on their links with West Germany economy, however, the Pleven Plan in 1950 meant to prevent the rearmament of West Germany and to protect of the back to Schuman Plan, the military and defence integration was not an attractive political option at that time. Cold War's needs and political motives surpassed their realistic development of the integration movements and objectives. Nevertheless, this frustration cleared the way for a further European economic integration. In May 1955 West Germany Sovereignty was restored and the Western European Union came into force, and in June the Messina Talks were held by the six "Little Europe" states to

consider establishing two new communities¹³.

The European Economic Community (EEC) and its political feature

The failure of the Pleven Plan and EDC project and the subsequent creation of WEU implied that from then on military security structures would be Atlantic not European, intergovernmental not supranational¹⁴. After this obstacle, Western Europe started to introspect the future of European integration. On 18 May 1955, Belgium, the Netherlands and Luxembourg adopted a joint memorandum, which set out a plan for reviving European integration by extending the responsibilities of the ECSC in the areas of transport, energy and nuclear energy, and in the economic, social and financial fields. It was examined and discussed during 1st and 3rd July 1955 at the conference of Foreign Ministers of the six ECSC countries held in Messina. It was at this conference that the European integration process was brought back on course firmly.

In Messina the Foreign Ministers expressed their wish to start negotiations at both levels at once: while forms of new, partial integration ---especially in the areas of transport, conventional energy and nuclear energy ---need to be examined, another objective was the creation of a common market¹⁵. On 25th March, 1957, the Treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC) were signed in Rome. And the Treaties of Rome entered into force on 1st January 1958. The outcome of Treaties of Rome was that new communities would share the Common Assembly with the ECSC, as it would with the Court of Justice. However they would not share the ECSC's Council of High Authority. France was reluctant to

¹³ Martin J. Dedman, *The origins and development of the European Union 1945-2008: a history of European integration*, 2nd ed., (New York: Routledge, 2010), p. 81.

¹⁴ Keukeleire, Stephan and MacNaughtan, Jennifer, *The foreign policy of the European Union*, (Houndmills: Palgrave Macmillan, 2008), p. 42.

¹⁵ "From the Messina Conference to the Rome Treaties (EEC and EAEC) ---Full text", *Centre Virtuel de la Connaissance sur l'Europe (CVCE)*, p.6, Publication date: 28/09/2012. Accessed at 7th April, 2015.

http://www.cvce.eu/content/publication/2011/11/24/950e8fdc-263d-4ef1-aae2-bd336cfacb54/publishable_en.pdf

agree to more supranational powers, and so the new Commissions would have only basic powers and important decisions would have to be approved by the Council, which now adopted majority voting. The “common market” seemed to be the brand of EEC. The member countries agreed to eliminate all tariff barriers over a 12-year transitional period¹⁶.

However, the Treaties of Rome was not a comprehensive detailed blueprint for the future, economically or politically, it left almost virtually everything to be done. The European integration still faced several serious problems: whether the European common economic construction should be expanded to political category; what was the United States role in the process and development of integration; and more practically, how the institutions built by Treaties of Rome should operate and coordinate. All of these questions were beyond the economic sphere and linked to the political integration. Actually, the Treaty establishing the EEC reaffirmed their determination to lay the foundations of an ever closer union among the peoples of Europe. In this way, the member States specifically affirmed the political objective of a progressive political integration.

On the other hand, after almost 10 years development and efforts, the Western Europe tended to act as an integrated institution on the world stage. The EEC was granted the components of external trades and also constituting economic agreements with a third country, all of these allowed EEC to evolve as an international actor. The EEC's external competences forced the Europeans to define their relations with the rest of the world and created external expectations about the role of the EU as a major power—which also entailed foreign policy related choices¹⁷. And also with the basis of three Communities, the Brussels Treaty was signed in 8th April 1965 and entered into

¹⁶ About the context of Treaties of Rome, read “The Treaty of Rome”, Accessed at 7th April, 2015. <http://www.eurotreaties.com/rometreaty.pdf>

¹⁷ Keukeleire, Stephan and MacNaughtan, Jennifer, *The foreign policy of the European Union*, (Houndmills: Palgrave Macmillan, 2008), p. 43.

force at 1st July 1967, to streamline the European institutions, Brussels Treaty created a single Commission and a single Council to serve the three Communities, and created the European Communities with the combination of the three Communities (ECSC, EEC, Euratom).

1.2. Founding of EPC in 1970s in the background of Cold War

European Political Co-operation (EPC) is the process by which the Member States of the European Community co-ordinate their foreign policies.....It began in 1970 as a pragmatic way of achieving a foreign policy identity alongside the economic identity of the Communities, avoiding the institutional quarrels which had brought to nothing earlier attempts over a period of twenty years¹⁸. The debate of federalism and intergovernmentalism seemed as the eternal theme in Western Europe and was also still alive even after the strike of EDC. The founding of three Communities in 1950s left aside a political community. After the failure of two major proposals for a common defense policy, member states agreed in 1970 to install a less ambitious consultation framework in foreign affairs¹⁹.

The tensions of Cold War in after the 1960s, which contained the Vietnam War, the Prague Spring and also the Cuba Missile Crisis, reached a peak in 1970s, especially during the Middle East Oil Crisis in 1973. These made Europe realized again that the importance of integration and independence from the two Camps, the merely economic integration within Europe was obviously not enough to play a part in the world stage. In order to enlarge European's influence and its political interests around the world, enhancing political cooperation internally would be the best or even the only choice for European countries. The France, or more specifically, the president of French Fifth Republic, Charles de Gaulle, who took the power in 1958, played a significant role during this period. He led the Fouchet Plan and pursued the intergovernmental organization for foreign and security cooperation on the political basis of EEC. However, the Fouchet Plan hadn't been accepted by other member states, the stagnation and political crisis caused by France were finished by the founding of European Political Co-operation (EPC) in 1970 and the European Integration reached in a new

¹⁸ Simon J. Nuttall, *European Political Co-operation*, (Oxford: Clarendon Press, 1992), p. 1.

¹⁹ Gerald Schneider and Claudia Seybold, "Twelve tongues, one voice: An evaluation of European political cooperation", *European Journal of Political Research* (04/1997), Volume 31, Issue 3, p. 369.

stage.

Charles de Gaulle and Fouchet Plan

Charles de Gaulle backed to power in 1958, with the founding of EEC, he attempted to achieve several long-standing objectives: to place France at the head of cultural European civilization; to maintain allies for French defence; to develop the French economy in a European setting; and to leverage French power globally by carving out a European organization of nation states that would turn to France as its natural leader²⁰. De Gaulle delivered an announcement in 1960 about the political cooperation and integration, he believed that it was necessary to extend the Communities from economy to politics, and the intergovernmental cooperation and coordination were crucial to achieve a “Free Europe”, which should be independent from the United States, both economically and politically. At a summit held in Paris on 10 and 11 February 1961, the six countries agreed to develop political cooperation. With the proposal of independent and intergovernmental Europe, the Fouchet Plan was delivered by France in October 1961. It proposed cooperation, alongside the Community treaties, in the broad areas of foreign policy and defence, science, culture and human rights protection. As for the institutional terms, the Plan provided for the establishment of a Council composed of Heads of State or Government, which would meet three times a year and adopt decisions on the basis of unanimity, a Council of Foreign Ministers would cover the interim period²¹. However, feared French domination of their foreign policies and also the reappearance of Napoleon’s revival with the United Kingdom at European Continent, Netherlands and Belgium rejected this Plan. Although took the Germany advice and modified the Fouchet Plan in 1962, it was not a persuasive proposal for the other

²⁰ Desmond Dinan, *Origins and evolution of the European Union*, (Oxford: Oxford university press, 2006), p. 141.

²¹ About the context of Fouchet Plan I, read the “Draft Treaty — Fouchet Plan I (2 November 1961)”, CVCE. Accessed at 15th April, 2015.

http://www.cvce.eu/en/obj/draft_treaty_fouchet_plan_i_2_november_1961-en-485fa02e-f21e-4e4d-9665-92f0820a0c22.html

member states, therefore, the efforts of de Gaulle to build a political union failed finally.

After the failure of Fouchet Plan, European integration process seemed to suffer a stagnation. Ge Gaulle refused the United Kingdom's first application for membership of the Communities in 1961, and the bilateral agreement between France and Germany on 22nd January 1963 was more strongly resented by the rest of the Six. The rejection from France about the supranational European authority, not matter in foreign policy and the Qualified Majority Voting (QMV) in the Common Agricultural Policy (CAP), led to the Empty Chair Crisis of 1965-66, although finally the Luxembourg Compromise finished this crisis, but it seemed that there would be no advance could be made as long as Charles de Gaulle was still in power. In April 1969, de Gaulle laid down his office and succeeded by Georges Pompidou, French policy turned to be more flexible and the integration process also restarted since 1969.

Luxembourg Report

In the late 1960s, the detente atmosphere within two Camps, as well as the June war in Middle East led the Europe to rethink its pursuit of independent position on international stage. France clearly on the Arab side during the June war in 1967, and France also tried to bring its partners aimed to assert European independence of American policy, this was also supported by Germany because it could thus improve its relations with the Arab world.

Pompidou still insisted Europe needed to develop a foreign-policy capability for contributing to the balance of an international order, and it could be achieved only by free cooperation within the sovereign states in Europe. Following the French initiative, the Heads of State or Government and the Ministers met at The Hague on 1st and 2nd December 1969. The member states "wish to reaffirm their belief in the political objectives which give the Community its meaning and purport, their determination to

carry their efforts”²². One of the most important article was 15, which affirmed the member states “agreed to instruct the Ministers for Foreign Affairs to study the best way of achieving progress in the matter of political unification, within the context of enlargement. The Ministers would be expected to report before the end of July 1970.”²³ Therefore, in October 1970, the foreign ministers concluded their review and issued the Luxembourg Report. It reaffirmed the spirit of Hague Communique and emphasized that “current developments in the European Communities make it necessary for the Member States to step up their political cooperation and, in the initial stage, to provide themselves with ways and means of harmonizing their views in the field of international politics.”²⁴ The Luxembourg Report learned the Fouchet Plan’s lesson. It stressed the intergovernmental cooperation, and this kind of political cooperation only concentrated on the foreign policies without involving the economic affairs of the Community, and also insisted the openness of the Community, which made further enlargement possible.

Another influential aspect was the report specified the objectives and institutions of EPC, including the frequency and levels of the different meetings based on the issues, also clarified the different institutions’ obligations such as the Ministerial meetings, political Committee and the Commission of the European Communities, European Parliament. The Copenhagen Report three years later, which was to be complementary to the Luxembourg Report, also reaffirmed the building of more intensive institutions to support the EPC.

With the EPC as an impetus, Europe had contained the possibility to initiate the common foreign policies to some degree. At least for the rest of the world in 1970s, the

²² Final Communique of The Hague Summit (2 December 1969), article 4. Accessed at 15th April, 2015. http://www.cvce.eu/content/publication/1997/10/13/33078789-8030-49c8-b4e0-15d053834507/publishable_en.pdf

²³ *Ibid*, article 15.

²⁴ Davignon Report (Luxembourg, 27 October 1970), article 10. Accessed at 15th April, 2015. http://www.cvce.eu/content/publication/1999/4/22/4176efc3-c734-41e5-bb90-d34c4d17bbb5/publishable_en.pdf

European Community had been regarded as an integrated entity when considering the foreign affairs with Europe, and this led the Member States' recognition of this kind of external scale effect, and tended to take joint actions to the issues related to common interests and foreign policies.

Paris Summit in December 1974

The Luxembourg Report marked a peak for European Political Cooperation, it enumerated a list of objectives for the possible and desirable joint actions. Based on these objectives, EPC tried to shape the European foreign policy through consultation, coordination and cooperation among member states' foreign policies, one of the most crucial point was the policies and actions' coordination between the Community and Political Cooperation, this omission of Luxembourg Report was made up by the later Paris Summit in December 1974, and also the working mechanisms of EPC were specified and improved. "The Heads of Government of the nine States of the Community, the Ministers of Foreign Affairs and the President of the Commission, meeting in Paris at the invitation of the French President, examined the various problems confronting Europe."²⁵ This summit achieved two significant accomplishments: the creation of European Council, which composed of Heads of States or Governments, put the Summit meetings into a regular round, and justified the coordination and cooperation of EPC policy and Community. According to the Final communiqué of the Paris Summit:

"2. Recognizing the need for an overall approach to the internal problems involved in achieving European unity and the external problems facing Europe, the Heads of Government consider it essential to ensure progress and overall consistency in the

²⁵ Final communiqué of the Paris Summit (9 and 10 December 1974), article 1. Accessed at 16th April, 2015.

http://www.cvce.eu/content/publication/1999/1/1/2acd8532-b271-49ed-bf63-bd8131180d6b/publishable_en.pdf

activities of the Communities and in the work on political cooperation.

3. The Heads of Government have therefore decided to meet, accompanied by the Ministers of Foreign Affairs, three times a year and, whenever necessary, in the Council of the Communities and in the contexts of political co-operation.....

In order to ensure consistency in Community activities and continuity of work, the Ministers of Foreign Affairs, meeting in the Council of the Community, will act as initiators and coordinators. They may hold political cooperation meetings at the same time.

These arrangements do not in any way affect the rules and procedures laid down in the Treaties or the provisions on political co-operation in the Luxembourg Report and Copenhagen Reports.....”²⁶

On the one hand, the setting of European Council built the bridge between European Community and EPC in the highest level, which ensured the authority to operate the more integrated external actions; on the other hand, the meeting of Ministers of Foreign Affairs in the Council of the Community would be together with the political cooperation meetings, the strict boundary between these two institutions was broken and it paved the way for EPC taking advantage of Community to expend its influence.

A further decision taken in Paris was that the commission given to Prime Minister Tindemans of Belgium to prepare a report on European Union, which was the best means of doing this at the present stage of the construction of Europe according to the two Paris Conferences in 1972 and 1974. This report covered a quantity of ambitions: 1. European Community must tend to act in common in all the main fields of our external

²⁶ Final communiqué of the Paris Summit (9 and 10 December 1974), article 2, 3. Accessed at 16th April, 2015.

http://www.cvce.eu/content/publication/1999/1/1/2acd8532-b271-49ed-bf63-bd8131180d6b/publishable_en.pdf

relations whether in foreign policy, security, economic relations or development aid. Our action is aimed at defending our interests but also at using our collective strength in support of law and justice in world discussions; 2. The European Council should decide to put an end to the distinction which still exists today between ministerial meetings which deal with political cooperation and those which deal with the subjects covered by the Treaties: in order to decide on a policy the Ministers must be able to consider all aspects of the problems within the Council; 3. The institutions need to be strengthened including the European Council, the Commission, the Court of Justice and other Community bodies, especially the Council, which should recourse to majority voting in the Council should become normal practice in the Community field²⁷. However, this further report of Paris Summit exceeded the practical basis of political cooperation just at that moment, as well as the Oil Crisis in 1970s worsen the economic situation of Europe even the whole world, therefore, most of the revolutionary proposals and objectives in Tindemans Report weren't implemented.

The development in 1970s triggered by both internal realization and external stimulation. The founding of EPC and then the institutional close coordination and cooperation between EPC and Community, with the additional European Council's setting, all of these improvements laid the firm foundation for the further common foreign policy. Although it seemed to face a deadlock after the Tindemans Report, it also promoted the nine states to pursue a higher level integration and cooperation, after all, the scope of EPC almost limited to the economy aspect, but the level of integration on

²⁷ About the context of Tindemans Report, read “European Union: Report by Mr Leo Tindemans to the European Council.” *Commission of the European Communities*. Accessed at 17th April, 2015.
https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0CDMQFjAC&url=http%3A%2F%2Fbookshop.europa.eu%2Ffen%2Feuropean-union-pbCBNF76001%2Fdownload%2FCB-NF-76-001-EN-C%2FCBNF76001ENC_001.pdf%3Bgclid%3DIqlEkni0.1lSR0OOK4MycO9B0000sDOBX6S2%3Bsid%3Dw_fvM0k3l1HvNx0PyZNxlCsSYTSTY-v0v6c%3D%3FFileName%3DCBNF76001ENC_001.pdf%26SKU%3DCBNF76001ENC_PDF%26CatalogueNumber%3DCB-NF-76-001-EN-C&ei=71k3VZbCN-zU7AbFuICgCA&usq=AFQjCNGklOtm2gOHTUBg0PCVWzE4qZnFAQ&sig2=A3JliBOn_m_4sgo4kyrI9g&bvm=bv.91071109.d.bGO

the common foreign policy and defence were insufficient, which was an impetus for further development.

1.3. From the Treaty of Maastricht to Amsterdam and Nice in 1990s

The events of the 1970s were to presage two further movements which were more significant: firstly, the signature of Single European Act (SEA) in 1986 revised the Treaties of Rome for the first time, in order to complete the single market. The decline of competition in world markets was the main challenge for European countries, and the Commission suggested to generate greater efficiency by the means of scale economies and external competition, without the monetary crisis and the lessons in 1970s, member states might not be able to agree on the SEA; secondly, in 1992 the Maastricht Treaty (or Treaty on European Union) marked the largest leap forward in European integration since the Rome Treaty²⁸.

Apart from the internal lessons and urgencies, the profound changes of international situations also became the great dynamics for European integration revolution. The collapse of Soviet Union meant the Communist threat in the East disappeared, following it were the reunification of Germany and instability in Balkan because of Yugoslavia's split. The geopolitical structure in European continent changed dramatically, also created serious challenges to European countries. European Community caught this precious strategic opportunity founding the European Union, achieving the comprehensive development of European integration, enlarging the cooperation scope from economy to politics, especially enhancing the joint actions in foreign affairs and defence. The Common Foreign and Security Policy, created by the Maastricht Treaty, developed by Amsterdam and Nice Treaty, and reached a peak in the Treaty Establishing a Constitution for Europe with the provision of building European Foreign Ministry, although this Treaty rejected by France and Netherlands, the Lisbon Treaty still inherited most outcome of the Treaty Establishing a Constitution for Europe, with the building of European External Action Service (EEAS), the European Union opened a

²⁸ Desmond Dinan, *Origins and evolution of the European Union*, (Oxford: Oxford University press, 2006), p. 188.

new era in foreign policy and political integration.

Maastricht Treaty and the Common Foreign and Security Policy (CFSP)

Facing the significant changes of international situations, the Europe determined to deepen the level of cooperation and integration. With the Intergovernmental Conference (IGC) on European Monetary Union since 1988 and also the IGC on European Political Union, which initiated by the French President, Francois Mitterand and the Prime Minister of Germany, Helmut Kohl in 1990, the Maastricht Treaty (or Treaty of European Union), absorbed both of the Conference outcome, was drafted on the European Council Summit on December 1991, and officially signed on 7th February 1992. It was the amendment to Treaties of Rome and marked a new stage in the process of European integration.

The Maastricht Treaty created the European Union, led to the creation of the single European currency, and established the three pillars of the European Union: one supranational pillar created from three European Communities which included ECSC, EAEC and EC (replaced EEC); the Common Foreign and Security Policy (CFSP) pillar, and the Justice and Home Affairs pillar. Except the first pillar, the other two were still more intergovernmental in nature, with mostly follow the unanimous of the Council and Committees composed of member states' ministers and officers.

One of the most revolutionary and significant creation was that the Common Foreign and Security Policy (CFSP) considered as one of the pillar of European Union, which meant a great improvement from economic entity to a more cohesive and influential political entity, with the means of creating a common identity and foreign policy on international stage. One of the Union's objectives was "to assert its identity on the international scene, in particular through the implementation of a common foreign policy including the eventual framing of a common defence policy, which might in time

lead to a common defence.”²⁹

Firstly, there was an independent part for the provisions of CFSP in Maastricht Treaty. It included the objectives of CFSP, European Union, member states and the Council. Although it was intergovernmental in nature, the CFSP should be more comprehensive and integrated, its objectives should be “to safeguard the common values, fundamental interests and independence of the Union; to strengthen the security of the Union and its Member States in all ways.”³⁰ “The Member States shall support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.”³¹ And also the further objectives of CFSP was leading to a common defence policy, with enhancing connections with Western European Union (WEU) “the common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence. The Union requests the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications.”³² The Union tried to consolidate the relation with WEU, made it as an external entity for the Union’s defence. This marked a new stage for European integration, and also delivered the message that the Union considered WEU as the backbone and gradually developed the independent security and defence capability on this basis.

²⁹ Council of the European Communities, Commission of the European Communities: *Treaty on European Union*, article B. Accessed at 17th April, 2015.
http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_on_european_union/treaty_on_european_union_en.pdf

³⁰ *Ibid*, Title V: Provisions on a Common Foreign and Security Policy, article J.1.2.

³¹ *Ibid*, Title V: Provisions on a Common Foreign and Security Policy, article J.1.4.

³² *Ibid*, Title V: Provisions on a Common Foreign and Security Policy, article J.4.1-2.

Besides the creation of CFSP, the voting mechanism of CFSP had been stressed as well. The Council shall act unanimously, and when adopting the joint action at any stage during its development, define those matters on which decisions are to be taken by a qualified majority. For the adoption, acts of the Council shall require at least 54 votes in favor, cast by at least eight members³³. The allowance of qualified majority voting engaged more flexibility and was easier to consolidate the joint actions and common foreign policy. It also corresponded with the need that CFSP should strengthen European integration and especially the member states managing their interstate relations under an unstable geopolitical environment.

Thirdly, the CFSP was still under the scope of inter-government. “The European Council shall define the principles of and general guidelines for the common foreign and security policy. The Council shall take the decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines adopted by the European Council”³⁴

With so many revolutionary improvements, however, the most disputable point about the Maastricht Treaty was the principle of subsidiarity. According to the Article 3(b) of Title II: the Community shall act within the limits of the powers upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. This ambiguous article brought about great disputes among the member states. It could be

³³ About the voting mechanism, read: Council of the European Communities, Commission of the European Communities: *Treaty on European Union*, Title V: Provisions on a Common Foreign and Security Policy, article J.3 and article J.8. Accessed at 17th April, 2015.
http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_on_european_union/treaty_on_european_unio_n_en.pdf

³⁴ *Ibid*, Title V: Provisions on a Common Foreign and Security Policy, article J.8.1-2.

explained that the Community would act only constrain to its scale without interference of the competences of member states, only when the Community could act better than member states in some issues. However, most member states worried that the Community would not only act within its competence but also beyond that so long as the Community considered the exclusive competence concerning the interests of Community. There was no clear division between the competences of Community and member states, so member states were afraid that they might suffer the intangible loss on sovereignty. That was the reason of tough process on ratifications among member states.

Amsterdam Treaty, the High-Representative and the improvement on CFSP

Under the background of EU eastward enlargement, the institutional revolutions became increasingly urgent. With the preparation of Corfu Summit and the Reflection group in 1994, and experienced a long discussion from 1996 to 1997, the Amsterdam Treaty was finally signed on the meeting of European Council at Amsterdam at 17th June 1997, and came into force at 1st May 1999. It was also called the Amendment of the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, aimed to improve on the second pillar, the CFSP. Although it didn't deal with the voting mechanism, it made several improvements which set the foundation for further political integration, particularly in the sphere of foreign policy.

One of the most influential provisions in Amsterdam Treaty was the setting of CFSP High-Representative, which inherited and developed in Lisbon Treaty and preserved in European External Action Service (EEAS). "The Presidency shall be assisted by the Secretary-General of the Council who shall exercise the function of High Representative for the common foreign and security policy"³⁵ in order to ensure the

³⁵ Treaty of Amsterdam: Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, article J.8.3. Accessed at 18th April, 2015.
http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf

consistency and effectiveness of Union's foreign policy. "The Secretary-General of the Council, High Representative for the common foreign and security policy, shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties."³⁶The Kosovo Crisis in 1999 exposed the weakness of the common foreign policy, therefore, on the Cologne Summit in June 1999, Javier Solana Madriaga, who used to be the foreign minister of Spain and the NATO Secretary-General, was appointed as the first official High Representative of CFSP as well as the Secretary-General of Council.

Also Amsterdam Treaty added the "common strategies", along with the joint actions, as the instrument of foreign policy, and involved the provision of flexibility to improve the efficiency of decision-making, which meant that member states were allowed and encouraged to have closer cooperation without imperiling the common interests of the Union. Another concentration of this treaty was the development of defence and WEU, with reinforcing relations with WEU and specified the military budget provisions, a more integrated defence cooperation was imperative.

The most direct result of Amsterdam Treaty was the strengthening of the Council's Secretariats, led to stress the intergovernmental nature on CFSP. Nevertheless, we also could observe the transfer from the intergovernmentalism to supranationalism from Amsterdam Treaty, for example, the Schengen Agreement was involved in EU signified the some fields belonged to the third pillar such as political asylum, immigration and frontier control were transferred to the Community's competences, adopting the supranational decision-making mechanism, this was a kind of spontaneous and gradual

³⁶ Treaty of Amsterdam: Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, article J.16. Accessed at 18th April, 2015.
http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf

transform because when the intergovernmental cooperation had reached a certain degree, it could be expended to supranational nature.

Nice Treaty and the perfection of CFSP

The achievements since the founding of CFSP were quite profound, but the Kosovo Crisis exposed the incapability of CFSP on regional disputes resolution, as well as the deficiency of integrated defence policy. This kind of “insult” promoted EU’s introspection on enhancing CFSP. Generally speaking, two directions should be concentrated: the higher institutionalization for the efficiency of decision-making; and the integration and combination of common foreign policy and defence. On 4th December 1998, UK Prime Minister Tony Blair and French President Jacques Chirac published Saint-Malo Declaration, discussed on the common defence issues particularly. They reaffirmed that “the European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam, which will provide the essential basis for action by the Union. It will be important to achieve full and rapid implementation of the Amsterdam provisions on CFSP. This includes the responsibility of the European Council to decide on the progressive framing of a common defence policy in the framework of CFSP.”³⁷ Then on the European Council Cologne Summit on 4th July 1999, the European Council “determined to launch a new step in the construction of the European Union. To this end we task the General Affairs Council to prepare the conditions and the measures necessary to achieve these objectives, including the definition of the modalities for the inclusion of those functions of the WEU which will be necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks.....In that event, the WEU as an

³⁷ EU Institute for Security Studies (ISS-EU): *Joint Declaration Issued at the British-French Summit, Saint-Malo, France, 3-4 December 1998*, article 1. Accessed at 18th April, 2015.
<https://www.consilium.europa.eu/uedocs/cmsUpload/French-British%20Summit%20Declaration,%20Saint-Malo,%201998%20-%20EN.pdf>

organisation would have completed its purpose.....”³⁸ 6 months later, the Helsinki Summit of European Council claimed that “The European Council underlines its determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises.”³⁹ Finally, under the pressure of Eastward enlargement of EU, the Nice Treaty was signed on 26th February 2001, and entered into force on 1st February 2003.

Broadly speaking, Nice Treaty made a sweeping reform on EU’s institutions, including the position distribution of European Parliament and gave it more power through extending its right of co-deciding legislative acts with the Council, revision of the qualified majority voting in the Council and limiting the size of the Commission, CFSP was not a key point, instead, it reaffirmed the outcomes of Saint-Malo Declaration and two Summits in 1999, legitimated them and stressed the European integration’s spilt-over effect to CFSP. In the space of few years, the military aspect had been a taboo in European integration process since the CFSP became part of EU’s pillars. One of the most significant breakthrough of Nice Treaty was the founding of a Political and Security Committee. “Without prejudice to Article 207 of the Treaty establishing the European Community, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission. Within the scope of this Title, this Committee shall exercise, under the responsibility of the Council, political control and strategic direction of crisis

³⁸ European Parliament: *Cologne European Council 3 - 4 June 1999: Conclusions of the Presidency*, Annex III, article 5. Accessed at 18th April, 2015.

http://www.europarl.europa.eu/summits/kol2_en.htm#an3

³⁹ European Parliament: *Helsinki European Council 10 and 11 December 1999: Presidency Conclusions*, article 25. Accessed at 18th April, 2015. http://www.europarl.europa.eu/summits/hel1_en.htm#b

management operations. The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation, without prejudice to Article 47.”⁴⁰

The formation and legitimation of European Security and Defence Policy (ESDP) in Nice Treaty marked that the European integration has covered all the fields in the legal sense, from economic to foreign policy integration, and even to the high-sensitive aspect of security and defence. ESDP qualitatively changed the nature of CFSP. it alloed CFSP to move from a declaratory foreign policy focused on diplomacy to a more action-oriented foreign policy focused on more proactive crisis management⁴¹. Under the three pillars of EU, CFSP and CSDP were still intergovernmental in nature, member states contained the substantial veto in this sphere, but compared with the bilateral cooperation among member states, the multilateral negotiations and conclusion of common positions, actions and even strategies on the Community level, were the tremendous advances for EU foreign policy. Based on these achievements, EU has become a crucial actor in regional issues, especially in its surrounding areas, and has been recognized by other actors gradually.

The developments and achievements in 1990s were almost the CFSP-center as well as some institutional innovations. All of these improved the credibility of EU and also increased the potential effectiveness of CFSP for dealing with foreign policy issues. Moreover, the original and process of CFSP also act out some features and laid a solid foundation for the future proposal and founding of European Union Foreign Ministry. Firstly, CFSP tended to be Europeanization gradually, not only the lateral dimension

⁴⁰ Treaty of Nice: Amending the Treaty on European Union, the Treaty Establishing European Communities and Certain Related Acts, article 25. Accessed at 18th April, 2015.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12001C&from=EN>

⁴¹ Stephan Keukeleire and Jennifer MacNaughtan, *The foreign policy of the European Union*, (Houndmills: Palgrave Macmillan, 2008), p. 57.

such as the self-enforcement of institutions but also the longitudinal trends, which appeared on the influences of EU to member states and the modification among member states for accommodating themselves into EU's institutions as well. Secondly, the path was followed from allies, institutions, and to recognitions. The treaties such as Brussels Treaty among Western Europe was a behavior of alliance, however, after the founding of EPC in 1970s led the common foreign policy to the institutionalization. The three treaties and the corresponding achievements in 1990s illustrated that the CFSP was a strategic choice of EU instead of an expedient. Finally, EU adopted various instruments for pursuing the integration on common foreign policy including economic, political and diplomatic tools. This comprehensive version was in favor of improving and strengthening EU's identity among European peoples. The high level recognition would boost the ability of EU's action undisputedly.

Nevertheless, the fundamental problem of CFSP was the scattered perspectives and interests among member states, which led it difficult to reach a consensus quickly and effectively, and the final agreements were always deviated from the initial aims. With the rapid changing in 21st century, deepening cooperative institutions was imperative.

1.4. Treaty of Lisbon after the failure of European Constitution

With the development of European integration, the pattern of European institutions, which not only referred to the relations between member states and supranational institutions within EU but also the future developing direction, had gradually attracted attention. With the fast space of enlargement, a lot of urgent and serious problems were exposed, including democracy deficit, poor efficiency in decision-making and also the decentralized foreign representative. These triggered the proposal within the EU that a “European Constitution” would be an efficient way to deepen the integration.

The signing of Treaty Establishing a Constitution for Europe in October 2004 achieved a number of institutional innovations, EU was empowered legal personality and allowed to sign treaties with a third country, moreover, the disadvantage of decentralized foreign representative was solved by integrating almost all the external actions within a comprehensive framework. However, there were two negative referendums in France and Netherlands in 2005 and caused more than the turbulence among member states, but also the stagnation or even crisis of European integration. EU’s intention to strengthen CFSP’s coherence and leadership with the Constitutional Treaty also hit by these two negative referendums.

After two years’ introspection, during the European Council Meeting in June 2007, the member states’ Heads of State and Government agreed on the contours of a new treaty to replace the Constitutional Treaty and proposed another IGC to find an alternative to the constitutional Treaty and to proceed with the reforms. On 18th October 2007, the member states Heads of State and Government reached unanimous on the contexts of Lisbon Treaty, on 13th December, the 27 EU member states signed the new amending Treaty in Lisbon. It entered into force on 1st December 2009 after having been ratified by all Member States, which established European External Action Service and opened a new chapter for the common foreign policies and external actions.

Failed Constitutional Treaty: a rejected leap

In the European Council Meeting of Nice in December 2000, it was unanimously called “for a deeper and wider debate about the future of the EU”⁴². The Laeken Meeting one year later specified the proposals in Nice Declaration, and declared that “the European Council has decided to convene a Convention, with Mr V. Giscard d'Estaing as Chairman and Mr G. Amato and Mr J.L. Dehaene as Vice-Chairmen.”⁴³ Also in the Laeken Declaration, it stressed “The Union needs to become more democratic, more transparent and more efficient.”⁴⁴ For the proposal for a Constitution for European citizens, member states agreed that “In order to pave the way for the next Intergovernmental Conference as broadly and openly as possible, the European Council has decided to convene a Convention composed of the main parties involved in the debate on the future of the Union. In the light of the foregoing, it will be the task of that Convention to consider the key issues arising for the Union's future development and try to identify the various possible responses. The European Council has appointed Mr V. Giscard d'Estaing as Chairman of the Convention and Mr G. Amato and Mr J.L. Dehaene as Vice-Chairmen.”⁴⁵

According to that, the Convention started in February 2002, and completed with a “draft Treaty Establishing a Constitution for Europe”, which merged EU and EC Treaties into a single text and a new European Union with a single legal personality, in July 2003. Soon afterwards, the IGC held meeting on 4th October 2003 at Rome and fifteen member states signed the Treaty Establishing a Constitution for Europe, if it could be ratified by all member states’ parliament, the Constitutional Treaty would come into

⁴² Treaty of Nice - Declaration on the future of the Union (26 February 2001), article 3. Accessed at 20th April, 2015.
http://www.cvce.eu/content/publication/2005/1/11/3ada83cf-5d6f-4c53-ab49-1f229554c6d2/publishable_en.pdf

⁴³ Presidency Conclusions: European Council Meeting in Laeken 14 and 15 December 2001, article 3. Accessed at 20th April, 2015.
https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/68827.pdf

⁴⁴ *Ibid*, Annex I: Laeken Declaration on the Future of the European Union, part II.

⁴⁵ *Ibid*, part III.

force on 1st November 2006.

As a great leap for European integration, the Constitutional Treaty covered a range of issues and topics, and could be summarized as these three directions: firstly, EU was empowered with a single legal personality without the three-pillars structure; secondly, the modifications of institutions, setting the post of Permanent President of European Council to replace the EU presidency. Also the founding and appointment of Union Minister for Foreign Affairs made a significant innovation for European political integration. The European Parliament's power was also enforced; thirdly, changing ways of operation and decision-making of EU's institutions, especially the composition and operation model of Commission of European Union. The Constitutional Treaty aimed at 'One Treaty, One Legal Personality and One Pillar'⁴⁶.

As for the specific concentration on the Common Foreign and Security Policy within the Constitutional Treaty, there were mainly three achievements:

1. Setting the post of Union Minister of Foreign Affairs. "The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the Union Minister for Foreign Affairs.....The Union Minister for Foreign Affairs shall conduct the Union's common foreign and security policy...shall preside over the Foreign Affairs Council...shall be one of the Vice-Presidents of the Commission. He or she shall ensure the consistency of the Union's external action."⁴⁷

2. "Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area"⁴⁸ which supported "one voice" of EU foreign policy and

⁴⁶ Piris, Jean-Claude, *The Lisbon treaty: a legal and political analysis*, (Cambridge: Cambridge University Press, 2010), p. 21.

⁴⁷ Treaty Establishing a Constitution for Europe, Part I, Title I: Definition and Objectives of the Union, article I-28. Accessed at 19th April, 2015.
http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_establishing_a_constitution_for_europe/treaty_establishing_a_constitution_for_europe_en.pdf

⁴⁸ *Ibid*, Article I-16.2.

helped EU to play a more significant role on international stage.

3. The Constitutional Treaty stipulated that “The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security”⁴⁹, and the Part III Title V specified almost all the provisions of external actions, including common foreign and security policy, common security and defence policy, common commercial policy, economic, financial and technical cooperation with third countries and so on. These integrated all the external relations and policies under a comprehensive framework.

According to the requirement of Article IV-447 of Constitutional Treaty, it needed the ratification of all the member states for entering into force. However, the ratification process among member states suffered a great setback. On 29th May 2005, the Treaty Establishing a Constitution for Europe was voted down in France by referendum, several days later, it suffered the same rejection in Netherlands, the other member states refused to defend the Constitutional Treaty worse the situation. At the same time, the member states recognized that ratification of an unchanged Constitutional Treaty was politically impossible, and negotiation and adoption of a new treaty as early as possible.

Lisbon Treaty: a new scheme of EU common foreign policy

The two founding countries' rejections to the Constitutional Treaty seemed to be a political earthquake and also led to introspection of EU, after two European Council Meetings in 2005 and 2006, Heads of State or Government agreed to come back to the issue of the ratification of the Constitutional Treaty in the first half of 2006 in order to make an overall assessment of the national debates launched as part of the period of reflection and to agree on how to proceed. In the Presidency Conclusion of European

⁴⁹ Treaty Establishing a Constitution for Europe, Part I, Title I: Definition and Objectives of the Union, article I-16.1. Accessed at 19th April, 2015.
http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_establishing_a_constitution_for_europe/treaty_establishing_a_constitution_for_europe_en.pdf

Council on 22nd June 2007, “The IGC is asked to draw up a Treaty (hereinafter called the "Reform Treaty") amending the existing Treaties with a view to enhancing the efficiency and democratic legitimacy of the enlarged Union, as well as the coherence of its external action. The constitutional concept, which consisted in repealing all existing Treaties and replacing them by a single text called "Constitution", is abandoned...The Reform Treaty will contain two substantive clauses amending respectively the Treaty on the European Union (TEU) and the Treaty establishing the European Community (TEC).”⁵⁰ Portugal as the Presidency was authorized by European Council to draft the new treaty's context. Although the ratification of existing treaties seemed as a setback compared with the Constitutional Treaty, faced with the stagnation caused by the two founding member states, it would be effective to solve this standstill situation, reopened the building of political and diplomatic integration.

On 13th December 2007, the member states Heads of State or Government signed the Treaty of Lisbon: Amending the Treaty on European Union and the Treaty Establishing the European Community. The ratification process was still tortuous. It was rejected in Ireland referendum on June 2008, in spite of it passed in the second round voting in 2009, this reminded EU that, on the one hand, the divergence and contention between supranational directions, federalism and the inter-governmentalism still exist, on the other hand, the democracy deficit was really a serious problem, and it required EU and its member states to win the European citizens support for deepening integration. On 2nd December 2009, the Lisbon Treaty entered into force and turned over a new scheme for EU common foreign policy.

General speaking, the Lisbon Treaty broadly inspired by the Constitutional Treaty and basically retained the substantial contexts and spirits of it, but with a different form, which was amendment instead of repealing the existing treaties. Due to the increase in number of member states, and also the problem of democracy deficit, the Lisbon Treaty

⁵⁰ Brussels European Council 21/22 June 2007: Presidency Conclusions, Annex I: IGC Mandate, article 1-2. Accessed at 21st April, 2015. <http://ec.europa.eu/research/era/docs/en/council-eu-11.pdf>

amended the rules concerning the composition and decision-making process of EU's institutions, strengthened EU's democracy and transparency. Firstly, the three-pillar structure was canceled and the integrated European Union "shall have legal personality"⁵¹ and further clarified the competences division between EU and its member states;

Moreover, the institutional reform was the core context of Lisbon Treaty and had an all-round influence to EU's institutional framework. 1. The European Parliament, European Council, the Council, the European Commission, the Court of Justice of European Union, the European Central Bank and the Court of Auditors were recognized as the official institutions of EU, especially the post of European Council President replaced the rotating presidency. 2. The compositions of the Council and Commission were also been modified. 3. Extending the scope of Qualified Majority Voting and "The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions"⁵². 4. Establishing the High Representative of the Union for Foreign Affairs and Security Policy for conducting the Union's common foreign and security policy, and also the corresponding European External Action Service (EEAS) for fulfilling HR's mandate. EEAS consolidated the scattered external actions and policies with the Community operational mode, the Lisbon Treaty retained the inter-governmental decision-making on common foreign policy, but it attempted to build coherence and consistency between these two methods by institutional innovations.

Finally, the EU learned the lessons from the rejections of referendums that the democracy and transparency building were crucial for integration. Besides the "provisions of democratic principle" in title II, Lisbon Treaty also strengthened the presence level of national parliaments in EU's operations. It listed several methods for national parliaments contributed actively to the good function of EU in article 8C, and

⁵¹ Treaty of Lisbon: Amendments to the Treaty on European Union and to the Treaty Establishing the European Community, article 46A. Accessed at 21st April, 2015.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12007L/TXT&from=EN>

⁵² *Ibid*, article 9A.

also a protocol on the Role of National Parliaments in the European Union as the annex of Lisbon Treaty.

Revolution on institutional structure, improving the efficiency of decision-making, strengthening the democratic legitimacy, reinforcing the common foreign and security policy (also contained the common security and defence policy), with these innovative achievements, EU was devoted to further strengthen its position and impact on international stage. The deepening integration on sensitive aspects politics such as diplomacy and security defence was not only pursuing the centralized power to the EU's institutions, but also considered it as an instrument for consolidating and balancing the internal institutions of EU, so that EU could better meet the speedy-changed world's challenges, improving the competitive ability.

The prolusion of EEAS: why is Lisbon Treaty?

With several decades' development, European Union has made significant achievements on common foreign policies and actions. From EPC and three revolutionary Treaties, to the setback of Constitutional Treaty, the consistency, efficiency and uniformity are all strengthen. However, not only the speed-changing world, but also the internal weakness, the EU common foreign policy's institutions and operations still face quantity of problems and challenges, including lacking of strategic version, inefficiency of decision-making and poor coordination on foreign actions, these led the foreign policy of EU couldn't reach the same level with its economic power.

From the perspective of external pressure, there are mainly two transformations on international stage since the 21st century. On the one hand, the international power structure is not the unipolar of United States. From 2008 to 2025 it is likely that the world will become truly multi-polar (and dominated by an "oligopoly" gathering the countries of the G8, of the G20, etc., reflecting the new balance of power and the loss of

America's leadership)⁵³. Although the United States and EU are still the dominated economies around the world, the emerging countries in Asia and Africa become more and more powerful, especially after the financial crisis in 2008. The USA-EU-Japan triad will no longer dominate the world and a more balanced distribution will take shape. The emerging and developing countries which accounted for 20% of the world's wealth in 2005 will account for 34% of it in 2025. Also, Asia will be the main destination for the location of business R&D, the EU, and especially some regions succeeds best in the "traditional" scientific fields was decline⁵⁴. The gradual transformation of global power center forces EU to change its external policies and directions.

On the other hand, the multilateral trend also led to the transformation of international structure. Besides the increasing number of international multilateral organizations, the importance of regional non-governmental actors also improved. Of course, EU is one of the excellent example to demonstrate this trend, meanwhile, it requires the EU to pursue a higher level of integration to play a more decisive role and protect the benefits of all the member states.

But the internal causes are more decisive compare with the external pressures, the disadvantages of EU's common foreign policy are not only its incapability of integrated political will, but also the problematic institutional setting. To be specific, there are also two aspects desiderated modifications, or even revolutions.

For one thing, the institutional design, especially the three pillars forced the coordination problem, improved the possibility of random and hindered the institutionalization on this sphere. Firstly, although the Commission is the leader of community scope and affairs, the European Council and its general secretariat is the substantial dominance of CFSP. This division between the first and second pillar led to

⁵³ The European Commission: *the world in 2025: Rising Asia and Socio-ecological Transitions*, Luxemburg, 2009. Accessed at 5th May, 2015.
http://ec.europa.eu/research/social-sciences/pdf/the-world-in-2025-report_en.pdf

⁵⁴ About the context and statistics, read The European Commission: *the world in 2025: Rising Asia and Socio-ecological Transitions*, Luxemburg, 2009.

the overlapping and even competition between the Commission and European Council, such as the crisis management and disarmament, both of the institutions had the competences, which brought about more than the revival between supranational and inter-governmental model, also the lack of coordination when these two institutions making policies. Secondly, the unbalanced distribution of diplomatic resources became a problem. For example, the general secretariat of European Council, which only had 390 staff who were responsible to the external policies, was the institution of drafting and implementation policy, whereas, the Commission had more than 2260 staff and also the missions overseas. Thirdly, the decision-making was also ineffective because of the two pillars' different models. Specifically the CFSP adopted the unanimous decision-making, only a few issues were applied to qualified majority voting. This hindered the EU of timely reflection to the changing international situations.

Another factor of internal challenge came from the Rotating EU Presidency, which reduced the consistency of EU's common foreign policy. The half year tenure of every member state made it difficult to build a stable relations with other countries around the world, and every member state held varieties of national diplomatic focuses, the international community might doubt the credibility of EU. Moreover, the Kissinger's famous "call to whom" reflected the problem of multi-representatives of EU. The President of Commission and the Head of EU Presidency were both could represent EU externally, as well as the EU Presidency's foreign minister and the High Representative. This made other countries difficult to recognize who should they contacted with when the bilateral negotiations or communications were needed.

Based on these serious challenges, the Lisbon Treaty seems quite imperative. The new status of "The High Representative of the Union for Foreign Affairs and Security Policy, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the decisions adopted by the European Council and the Council. The

High Representative shall represent the Union for matters relating to the common foreign and security policy”⁵⁵. The lack of integrated external representative as well as the inconsistency resulted from the EU Presidency were all solved to some degree. Moreover, “In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States”⁵⁶. The establishment of EEAS opens a new age for EU’s common foreign policy, the HR led it on EU level to deal with the global issues on the name of EU instead of any other member states or EU institutions. This achievement made by Lisbon Treaty set the institutional foundation for further comprehensive EU diplomacy, and pave the way for realization the authentic common foreign policy.

⁵⁵ Treaty of Lisbon: Amendments to the Treaty on European Union and to the Treaty Establishing the European Community, article 10A. Accessed at 5th April, 2015.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12007L/TXT&from=EN>

⁵⁶ *Ibid*, article 13A.3.

Chapter 2: The role of EEAS and its internal composition

1.1 Founding process and legal basis

The European External Action Service (EEAS) was first proposed at the European Convention about establishing a joint European External Action Service in order to support the EU Minister of foreign affairs on the European Convention in 2002. This proposal was fixed in the Constitutional Treaty in the Article III-296(3): “In fulfilling his or her mandate, the Union Minister for Foreign Affairs shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States”⁵⁷. And the Constitutional Treaty annexed a Declaration on Article III-296 that “The Conference declares that, as soon as the Treaty establishing a Constitution for Europe is signed, the Secretary-General of the Council, High Representative for the common foreign and security policy, the Commission and the Member States should begin preparatory work on the European External Action Service”⁵⁸. Although the negative referendums in France and Netherlands rejected the Constitutional Treaty, the Treaty of Lisbon later inherited most of the context of Constitutional Treaty with amending treaties instead of repealing or replacing them, including this “European Ministry of Foreign Affairs”. However, the ratification process was still suffered some circuitous situations. In France, the Constitutional Council claimed that the Lisbon Treaty was incompatible with the French Constitution on several points, and finally ratified Lisbon Treaty by Constitutional amendments; In the United Kingdom, the debate about the Lisbon Treaty in both Houses experienced a long term, and finally approved in June 2008; The most

⁵⁷ Treaty Establishing a Constitution for Europe, Part I, Title I: Definition and Objectives of the Union, article III-296.3. Accessed at 19th April, 2015.
http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_establishing_a_constitution_for_europe/treaty_establishing_a_constitution_for_europe_en.pdf

⁵⁸ *Ibid*, “Declaration on Article III-296”.

tough one happened in Ireland, after a failed referendum again and with European Council conclusions' modification, the second referendum in Ireland on 2nd October, 2009 passed the Lisbon Treaty with a minimal advantage. At last, as the Czech's President signed the ratification, the 27 ratifications enabled the Lisbon Treaty to enter into force on 1st December 2009.

Obviously, the Lisbon Treaty is the founding treaty of EEAS and also the most basic legal foundation with an attempting to integrate the different parts and simplification of the design of EU external actions. Also at the same day of Lisbon Treaty came into force, Catherine Ashton was appointed officially as the High Representative of the Union for Foreign Affairs and Security Policy by the European Council, with the consent of President of Commission, and she need to operate the preparatory work of building EEAS with the support from other EU institutions.

The creation of the EEAS seemed more like the outcome of an inter-institutional bargaining struggle which went hand in hand with the ratification process. Finally with the Council Decision 2010/427/EU on July 26, 2010, the EEAS was founded, which opened a new era for the EU external actions.

The Treaty of Lisbon: basic treaty of EEAS

In the Treaty of Lisbon, the Article 27(3) is the first and only one reference to the European External Action Service: "In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining

the consent of the Commission”⁵⁹.

We could find that the EEAS is the service of the High Representative of the Union for Foreign Affairs and Security Policy, in order to support the “triple-hatted” High Representative for his or her wide range of responsibilities and functions. Therefore, all the operations and functions of EEAS pivots to the High Representative, which in the Treaty of Lisbon was clear and well-defined. In the Treaty of Lisbon, the articles about the High Representative also mean the same rule to the EEAS to some degree. However, the nature, structure, function and competence of EEAS was more specified in the Council Decision 2010/427/EU, which was reported by Catherine Ashton on 26th July 2010.

Although there is only one article referred to EEAS in the Treaty of Lisbon, it is inevitable to be the basic and founding treaty of EEAS. It exposed the undivided connection between the High Representative and EEAS, the EU foreign minister need a cohesive and institutionalized foreign ministry to support the operations of external actions. Nevertheless, the provision grossly understate the difficulties in working out an EEAS, the precise reach, structure and incorporation are totally left open⁶⁰.

Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU)

Before the Treaty of Lisbon entered into force, the Swiss Presidency sent a report to the European Council and the Council about the European External Action Service. “The Presidency, the Member States, the Commission and the Council Secretariat undertook preparatory work on the EEAS. The present document sets out the results of this work as European Council guidelines for the High Representative in the preparation of the

⁵⁹ Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty Of Lisbon, Article 27(3). Accessed at 24th May, 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

⁶⁰ Stefan Griller and Jacques Ziller (eds.), *The Lisbon Treaty: EU Constitutionalism without a Constitutional Treaty?* (Wien;New York: Springer, 2008), p. 156.

draft Council decision on the organization and functioning of the EEAS”⁶¹. According to this report, “the EEAS should be a service of a *sui generis* nature separate from the Commission and the Council Secretariat”⁶², and its “should also assist the President of the European Council and the President as well as the Members of the Commission in their respective functions in the area of external relations as well as closely cooperate with the Member States”⁶³. But the competences of enlargement, trade and development policy still should remain in responsibility of the European Commission.

In March 2010, the High Representative proposed her draft Council decision establishing the organisation and functioning of the European External Action Service to the Council. And the European Parliament was also involved in this process. With the European Parliament legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organization and functioning of the European External Action Service, the European Parliament passed this decision with an overwhelming voting. On 26th July 2010, the Council decision 2010/427/EU officially entered into force.

The Decision is the fundamental document of EEAS, differentiated from the Treaty of Lisbon concentrated more on the High Representative, the Decision specified almost all the crucial factors of EEAS, including the nature, scope, functioning, responsibilities, structure, staff in both the central administration and the Union delegations, budgetary and so on. We could summarize the empowerment of the Decision to the EEAS from the following aspects:

1. The first and foremost significance of the decision concerns the nature of EEAS, which also stated its legal position. Article (1) stated that “the purpose of this Decision is to establish the organization and functioning of the European External Action

⁶¹ Council of the European Union: Presidency report to the European Council on the European External Action Service, 14930/09 (public). POLGEN 163. 23 October 2009. Accessed at 23rd May, 2015. <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014930%202009%20INIT>

⁶² *Ibid*, Article 16.

⁶³ *Ibid*, Article 3.

Service”⁶⁴, different from the “*sui generis* nature” from the Presidency report, it defined the EEAS as “a functionally autonomous body of the European Union, separate from the General Secretariat of the Council and from the Commission with the legal capacity necessary to perform its task and attain its objectives”⁶⁵. In this way, the EEAS could support the High Representative in fulfilling her “triple-hatted” mandates, as well as assist the President of the European Council, the President of the Commission and the Commission in the exercise of their respective functions in the area of external relations, especially in the area of enlargement, trade and development.

2. The Decision gives power to the High Representative to lead the EEAS with more detailed and centralized competences. According to the Article 4(1): “the EEAS shall be managed by an Executive Secretary-General who will operate under the authority of the High Representative”⁶⁶. To be more specific, the High Representative has been empowered in these 7 dimensions:

- 1) Designate the chairpersons of Council preparatory bodies that are chaired by a representative of the High Representative, including the chair of the Political and Security Committee; (Article 4(4)).
- 2) The decision to open or close a delegation shall be adopted by the High Representative, in agreement with the Council and the Commission; (Article 5(1)).
- 3) The Head of Delegation shall receive instructions from the High Representative; (Article 5(3)).
- 4) The High Representative shall adopt rules under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise; (Article 6(3)).

⁶⁴ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article (1). L201. 3 August 2010, p.30. Accessed at 23rd May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁶⁵ *Ibid*, Article 1(1), p.32.

⁶⁶ *Ibid*, Article 4(1), p.33.

- 5) The High Representative shall establish the selection procedures for EEAS staff; (Article 6(8)).
- 6) The High Representative shall adopt the internal rules for the managements of the administrative budget lines. (Article 8(1)).

In general, just like stressed in the Treaty of Lisbon, the most fundamental mandate of High Representative “shall ensure overall political coordination of the Union’s external action, ensuring the unity, consistency and effectiveness of the Union’s external action”⁶⁷. We could observe from the emphasis from both the Treaty of Lisbon and this Council Decision endowed really high expectation to the High Representative and EEAS. And the review of EEAS and this Council decision by the High Representative in 2013 was mentioned and stressed again and again in both of these two fundamental documents.

3. The rules and principles about budgetary and the staff of EEAS are also incorporated in the Decision, also shall apply without prejudice to the Staff Regulations of Officials of the European Communities and the Financial Regulation. Both aspects emphasize the importance of autonomy, and these two Regulations also modified in accompany with the Council decision.

Concerning about the staff arrangements, balance and autonomy are two basic principles. On the one hand, “when the EEAS has reached its full capacity, staff from Member states should represent at least on third of all EEAS staff at AD level. Likewise, permanent officials of the Union should represent at least 60% of all EEAS staff at AD level”⁶⁸. Meanwhile, “Recruitment to the EEAS shall be based on merit whilst ensuring

⁶⁷ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 9(2). L201. 3 August 2010, p.36. Accessed at 23rd May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁶⁸ *Ibid*, Article 6(9), p.35.

adequate geographical and gender balance”⁶⁹. Of course, the staff of the EEAS shall carry their duties solely with the interests of the Union, which implies kind of supranational nature of the EEAS in principle. On the other hand, the operational expenditure of EEAS should remain within the Commission section of the budget as well as coordinated with the general budget within the Financial Regulation. “In order to ensure budgetary transparency in the area of external action of the Union, the Commission will transmit to the budgetary authority a working document presenting all expenditure related to the external action of the Union”⁷⁰. Especially in the Financial Regulation, the Union Delegations is given more budgetary autonomy.

Overall, the Decision mainly concentrate more on the structure of EEAS, aiming to construct an integrated and efficient EU foreign ministry, meanwhile, the cooperation with the Member States’ diplomatic services is necessary to be highlighted. The Article 3 of the Decision underlined the EEAS obligations to cooperate with the Member States, consult with the Commission and General-Secretariat of the Council, particularly, the position and importance was stressed in Article 3(4). This Article was incorporated with the mandates of High Representative, also the responsibility of EEAS as mentioned before.

Although the EEAS is not recognized as the official institutions of European Union according to the Treaty of European Union Article 13(1), the Decision in the Article (8) stated that “For the matters relating to its staff, the EEAS should be treated as an institution within the meaning of the Staff Regulations and the CEOS”⁷¹. In this perspective, the EEAS is also as the same position as an EU institution to some degree.

With the Treaty of Lisbon as the firm basis, the Council decision 2010/427/EU as the

⁶⁹ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 6(6). L201. 3 August 2010, p.35. Accessed at 23rd May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁷⁰ *Ibid*, Article 8(5), p.36

⁷¹ *Ibid*, Article (8), p.30.

founding decision of EEAS, along with the modified Staff Regulation and Financial Regulation, all of these set solid legal foundation for EEAS.

1.2. Personnel and department structure

Basic on the implementation of these legal documents, the EEAS formally launched on 1st January 2011. As a total new service in EU, the transitional period is inevitable, and the whole structures, departments and provisions would be completed as the gradual development of EEAS with the efforts of High Representative as well as all the staff from EEAS and European Union. How to manage all these huge amount and complex things is not only the challenge to the High Representative and other EU institutions, but also influences whether the new EU foreign ministry is effective or not.

EEAS department structure

After the Treaty of Lisbon, the work of Foreign Affairs Council and Political and Security Committee are all transferred under the authority of the High Representative, which means a cohesive arrangement on the department structure of EEAS is urgent and necessary. According to the Council decision 2010/427/EU, the EEAS is generally consisted of a Central administration and Union Delegations, as well as nine EU Special Representatives (EUSR) until now⁷².

Most of the daily work at the EEAS's headquarters is overseen by its Corporate Board⁷³. It is the center of EEAS which composes with Executive Secretary General, Chief Operating Officer and two Deputy Secretary Generals with the direct leadership from the High Representative, these five people control the general operations of the whole EEAS. Until now, there are five institutions within the EEAS are under the direct leadership of the High Representative: strategic communication; EU special representatives (EUSR), Chair European Union Military Committee (EUMC); Managing Director (MD) of Crisis Response and Operational Coordination; and

⁷² About the structure of EEAS institutions and organizations, see the Europa: European External Action Service Graphic presentation. Accessed at 26th May, 2015.
http://eeas.europa.eu/background/docs/organisation_en.pdf

⁷³ Europa: European External Action Service: structure and organisation. Accessed at 26th May, 2015.
http://eeas.europa.eu/background/organisation/index_en.htm

Foreign Policy Instruments Service (FPI – Commission service) which is the Commission Service but reporting directly to the High Representative.

The Executive Secretary General is a quite significant position, which according to the Council decision 2010/427/EU that it “shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management...shall ensure effective coordination between all departments in the central administration as well as with the Union Delegations”⁷⁴. Also the Chief Operating Officer holds the equal status with the Executive Secretary General, but these two posts have some kind of overlapping competences, which leads the EEAS internal operations were not so fluent at the beginning stage, the main point is that both of them were empowered the rights to manage the administrative affairs of EEAS. With the later adjustment, their work have a clear division: the Chief Operating Officer particular emphasis the administrative aspect to guarantee the smooth running of the EEAS, while the Executive Secretary General is given more political nature, for example, the Secretary General should behalf the High Representative when she couldn’t present on the European Parliament discussion about EU’s external policies.

As for the two Deputy Secretary Generals, whose responsibilities are supporting the Executive Secretary General’s work, are in charge of political affairs and inter-institutional affairs of EEAS separately. One of them is Political Director and leads the Political and Security Committee, as well as the Director of the Political Affairs Department. The other takes charge of Security Policy and Crisis Prevention as well as the Principle Advisor.

Underneath them, a “Policy Board” would encompass a number of specialized DGs,

⁷⁴ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 4(1). L201. 3 August 2010, p.33. Accessed at 23rd May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

each led by a Managing Director (MD)⁷⁵. To more specific, there are five large geographic directorates that cover different areas of the world – Asia-Pacific, Africa, Europe and Central Asia, the Greater Middle East and the Americas. The directorates include departments specializing on regions and countries within those areas. Another three thematic ones directorates cover global and multilateral issues, responses to crises, and administrative and financial matters.

The Corporate Board and the Policy Board are the core institutions of EU's external policies, especially the CFSP and CSDP. Not only it provides the tools and resources for the High Representative coordinates the external policies and actions, but also an institutional guarantee for the operations of EU level diplomacy. The most significant influence of this designing is connecting the Council and the Commission along with the EEAS. On the one hand, all the geographic businesses of EU are consolidated under the leadership of EEAS, thus the Directorates Generals (DG) are able to execute the external policies within the framework of CFSP, moreover, the Commission need to relay on the geographic DGs to provide the information support when it carries out its own external competences except the CFSP aspect. This bridges the tight cooperation between the Commission and the EEAS to a certain extent. On the other hand, the Foreign Affairs Council, especially the Political and Security Committee, which used to be the core institution for CFSP under the Council, was transferred to EEAS, "the High Representative shall designate the chair of the Political and Security Committee"⁷⁶. Therefore, the chair of the Political and Security Committee could lead the Council work on CFSP within the framework of EEAS by virtue of his special position between the EEAS and the Council.

⁷⁵ Antonio Missiroli, "The New EU 'Foreign Policy' after Lisbon: A Work in Progress", *European Foreign Affairs Review*, Volume.15, 2010, p.439. Accessed at 25th May, 2015.
<http://www.jhubc.it/DOCUMENTS/amissirolioct2010.pdf>

⁷⁶ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 4(4). L201. 3 August 2010, p.33. Accessed at 23rd May, 2015.
http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

The creation of the European External Action Service (EEAS), changed the EU's functioning not only in Brussels, but also around the world⁷⁷. Following the Treaty of Lisbon, the European External Action Service is responsible for running 139 EU Delegations and Offices operating around the world, representing the European Union and its citizens globally. The EU Delegations play a key role in presenting, explaining and implementing EU's foreign policies. They also analyze and report on the policies and developments of their host countries and conduct negotiations in accordance with given mandates⁷⁸. With the Council decision 2010/427/EU, the composition, nature and obligations are further clarified. Each Union Delegation shall be placed under the authority of a Head of Delegation, and he shall receive instructions from the High Representative and the EEAS⁷⁹. Before the founding of EEAS, the Delegations of the Commission more concentrated on the external development assistance without the political or security competences, which executed by the Presidency country's embassies. As the Union Delegations under the EEAS, their competences are extended to the CFSP and also the Head of Delegation following not only the instructions of the High Representative, but also the ones from Commission in some case. However, the intern-governmental nature of the Delegation system is not changed by the Treaty of Lisbon, which means the Delegations still need to enforce the cooperation with the Member States' embassies in order to reach a common position.

Also the EU Special Representatives shouldn't be ignored, who promote the EU's policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law. They play an important role in the development of a stronger and more effective CFSP and in the Union's efforts to

⁷⁷ Edith Drieskens, "What's in a Name? Challenges to the Creation of EU Delegations", *The Hague Journal of Diplomacy* (2012), Volume 7, Special Issue, P.51.

⁷⁸ See Europa: European External Action Service: EU Delegations. Accessed at 27th May, 2015.
http://eeas.europa.eu/delegations/index_en.htm

⁷⁹ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 5(2)-(3). L201. 3 August 2010, p.35. Accessed at 23rd May, 2015.
http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

become a more effective, more coherent and more capable actor on the world stage. They provide the EU with an active political presence in key countries and regions, acting as a “voice” and “face” for the EU and its policies⁸⁰. Until now, there are nine EUSRs cover the following countries or regions: Central Asia, Middle East Peace Process, Afghanistan, Bosnia and Herzegovina, Kosovo, the South Caucasus and the crisis in Georgia, Horn of Africa, Human Rights and the Sahel.

Staff arrangement of the EEAS in central administration and Union Delegations

The EEAS will play a pivotal role in assuring the consistency, coherence and effectiveness of EU external relations⁸¹, thus the staff arrangement is another complex but crucial aspect in the founding process of EEAS, it needs to balance the proportion from the Member States and EU institutions, and the inter-institutional balance within EU institutions is also a big challenge. According to the Annual Activity Report 2013, there are 3374 staff working in EEAS in total, while 1498 in Headquarters and 1876 in Union Delegations, in addition there are about 3500 Commission staff members working in EU Delegations⁸². Such a huge amount of human resources empower the High Representative and the EEAS to play a much more influential role on international stage, however, if the EEAS could manage the staff arrangement orderly affects the coordination and effectiveness within the EEAS, further influences its capacity to perform as an integrated and strong actor globally.

1. The staff composition of EEAS is clearly defined in the Treaty of Lisbon, stated that “this service shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national

⁸⁰ See Europa: European External Action Service: EU Special Representatives. Accessed at 27th May, 2015. http://eeas.europa.eu/background/eu-special-representatives/index_en.htm

⁸¹ Nanar Hadeshian, “European Union’s External Relations: More Consistency?”, *Yearbook of Polish European Studies* (2010), p.116. Accessed 18th March, 2015. http://www.ce.uw.edu.pl/pliki/pw/y13_hadeshian.pdf

⁸² See European External Action Service: Annual Activity Report 2013. Annex 4: Human Resources. Accessed at 27th May, 2015. http://eeas.europa.eu/background/docs/annual_activity_report_2013_en.pdf

diplomatic services of the Member States”⁸³, and specified Council Decision 2010/427/EU, “when the EEAS has reached its full capacity, staff from Member States should represent at least one third of all EEAS staff at AD level. Likewise, permanent officials of the Union should represent at least 60% of all EEAS staff at AD level, including staff coming from the diplomatic services of the Member States who have become permanent officials of the Union in accordance with the Staff Regulations...in principle, all EEAS staff shall periodically serve in Union delegations”⁸⁴. According to the Annual Activity Report 2013, there has been a very good level of progress towards the objective of reaching the 1/3 target for temporary agents from Member State national diplomatic services in AD posts...Overall, as at 31st December 2013, there were 298 diplomats from the Member States in the EEAS⁸⁵. The gender and geographical balance principle in the Council decision also satisfied, especially the proportion of women staff increased from 10% to 31% according to the Annual Activity Report 2013. This kind of distribution reflects a kind of staff-originated balance within the EEAS, ensuring the Member States could effectively take part in the EEAS no matter directly or through the ones from the Council.

Besides the staff in central administration and Union Delegations, there also exist the other resources of staff. For example, the EEAS may have recourse to a limited number of specialized seconded national experts in some specific cases.

2. Regarding the appointment and recruitment procedures of EEAS staff, most crucial posts are designated by the High Representative, in agreement with the Council and the Commission. “The High Representative shall establish the selection procedures for

⁸³ Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 27(3). Accessed at 27th May, 2015.

⁸⁴ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 6(9)-(10). L201. 3 August 2010, p.35. Accessed at 27th May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁸⁵ European External Action Service: Annual Activity Report 2013. Part 1: Achievements, p.8. Accessed at 27th May, 2015. http://eeas.europa.eu/background/docs/annual_activity_report_2013_en.pdf

EEAS staff...Representatives of the Member States, the General Secretariat of the Council and of the Commission shall be involved in the recruitment procedure for vacant posts in the EEAS”⁸⁶. Specifically, in the central administration, based on the transitional provisions in the Council Decision 2010/427/EU, many relevant departments in the General Secretariat of the Council and in the Commission were transferred to the EEAS, therefore, the High Representative should assign each official to a post in his or her function group which corresponds to that official’s grade. In fact it is the extension of the composition system of the EEAS staff. The Council, the Commission and the Member States continue their participations and, sometimes tight control of the EEAS, and also it is a way to maintain a long-run balance among these three parts.

The same procedure happens in the appointment of Union Delegations. According to the Article 5(1) of the founding Council decision of the EEAS, the decision to open or close a delegation shall be adopted by the High Representative, in agreement with the Council and the Commission. Furthermore, there also exist a kind of moving down of power in the Union Delegations because the Head of Delegation is endowed with the authority over all staff in the delegation, whatever their status, and for all its activities⁸⁷.

Finally, what is worthy to be mentioned is the reform of EU Special Representatives by the Treaty of Lisbon. The EU Special Representative are as an instrument of CFSP⁸⁸. In the Treaty of Lisbon, the Article 31(2) and the Article 33 stated clearly that The Council may, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy, appoint a special representative with a mandate in relation to particular policy issues by acting qualified majority. The special representative shall carry out his

⁸⁶ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 6(8). L201. 3 August 2010, p.35. Accessed at 27th May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁸⁷ About the Head of Delegation and the Union Delegations, see *ibid*, Article 5, p.34.

⁸⁸ Giovanni Grevi, *Pioneering foreign policy: The EU Special Representatives*, (European Union Institute for Security Studies: Chaillot Papers: 10/2007), p.17. Accessed at 27th May, 2015.

<http://www.iss.europa.eu/uploads/media/chai106.pdf>

mandate under the authority of the High Representative. The EUSRs became the important policy tool of the High Representative, because they are nominated and leaded directly under the authority of the High Representative, as a matter of fact, the substantial power of appointment of EUSRs are transmitted from the Council to the hand of the High Representative. This reform enforced the power of the High Representative and brought the EUSRs system into the framework of EEAS officially.

3. As the responsibility of the EEAS staff, what is emphasized twice in the Council decision 2010/427/EU is that “the staff of the EEAS should carry out their duties and conduct themselves solely with the interest of the Union in mind”⁸⁹. Of course, all three categories of personnel will be treated equally, including as concerns their eligibility to assume all positions under equivalent conditions. Staff from Member States will be granted the same opportunities, rights and obligations as EU officials⁹⁰.

The compositions and provisions of EEAS staff fully embodies the fusion of two guiding concepts originated since the very beginning of European integration—the supranational and national mechanisms. The staff from the Council, the Commission and the Member States bring their difficult political cultures and backgrounds, which means the coordination and fitness among these staff would count for much during the operating process of EEAS. Furthermore, the joint training processes of these staff would make sense for much more professional diplomatic skills and knowledge on the one hand, the formation of a kind of common political culture of EEAS is even more crucial. Just like the first High Representative Catherine Ashton describe, Europe needs to shape up to defend better our interests and values in a world of growing complexity and fundamental power shifts and we can now move forward to build a modern,

⁸⁹ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article (2) and Article 6(4). L201. 3 August 2010, p.31 and p.35. Accessed at 27th May, 2015.
http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁹⁰ Jean-Claude Piri, *The Lisbon treaty: a legal and political analysis*, (Cambridge: Cambridge University Press, 2010), p. 254.

effective and distinctly European service for the 21st century⁹¹.

Triple-hatted High Representative and its corresponding obligations

“The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the High Representative of the Union for Foreign Affairs and Security Policy”⁹². The Treaty of Lisbon covers a wide range of provisions and articles about the High Representative. According to the Article 26(2), “the Council and the High Representative of the Union for Foreign Affairs and Security Policy shall ensure the unity, consistency and effectiveness of action by the Union”⁹³, this means that the High Representative should have an integrated and cohesive role within the EU external actions on the one side, also the corresponding competences and authorities for operations. Therefore, the Treaty of Lisbon empowered this post with “triple-hatted” identity, in the sense that it covers the tasks which used to be attributed by the former Treaties to three individuals, it is not only the High Representative of the Union for Foreign Affairs and Security Policy, but also the President of Foreign Affairs Council and Vice-Presidents of the Commission. The main purpose of this new arrangement is to inject more visibility and stability into the external representation of EU on external matters and actions, as well as more consistency among different sectors of EU’s external action. Firstly, the High Representative shall conduct the common foreign and security policy, “any Member State, the High Representative of the Union for Foreign Affairs and Security Policy may refer any question relating to the common foreign and security policy to the Council and may submit to it initiatives or proposals as appropriate”⁹⁴, this legitimates the High Representative’s rights to propose and implement; secondly, “the High Representative shall preside over the Foreign Affairs

⁹¹ Council of the European Union, “Council establishes the European External Action Service”, 12589/10, PRESSE 218, 26 July 2010. Accessed at 28th May, 2015.

https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/115960.pdf

⁹² Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 18(1). Accessed at 25th May, 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

⁹³ *Ibid*, Article 26(2).

⁹⁴ *Ibid*, Article 30(1).

Council”⁹⁵, the preparatory work and the Conference president of the Foreign Affairs Council are all transferred from the rotating Presidency to the High Representative, which improved the consistency and continuity of EU’s external actions dramatically; the last but not the least, “the High Representative shall be one of the Vice-Presidents of the Commission”⁹⁶, The HR/VP is a full member of the European Commission and is expected to generate policy coordination and coherence not only within the College – albeit under the control of President Barroso – but also at Directorate-General (DG) level⁹⁷. All these identities and competences concentrate on one person, the challenge of this post is to coordinate and balance all these institutions within one framework, so that the one voice EU could be achieved.

Considering the wide range of functions which authorized by the Treaty of Lisbon, it marked a great improvement for the former scattered external actions and policies of EU, and made the High Representative become a significant policy actors within EU. The major competences or functions of the High Representative could be summarized in these following factors:

1. Initiative rights in some crucial sectors, and this competences are mostly carried out under the Foreign Affairs Council. “The Foreign Affairs Council shall elaborate the Union’s external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union’s action is consistent”⁹⁸. Not only in the CFSP and CSDP spheres can the High Representative share the initiative power with any member state, also in the appointment and management of special representative. “The Council may, on a proposal from the High Representative of the Union for Foreign Affairs and

⁹⁵ Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 18(3). Accessed at 25th May, 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

⁹⁶ *Ibid*, Article 18(4).

⁹⁷ Antonio Missiroli, “The New EU ‘Foreign Policy’ after Lisbon: A Work in Progress”, *European Foreign Affairs Review*, Volume.15, 2010, p.432. Accessed at 25th May, 2015.

<http://www.jhubc.it/DOCUMENTS/amissirolioct2010.pdf>

⁹⁸ Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 16(6). Accessed at 25th May, 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

Security Policy, appoint a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his mandate under the authority of the High Representative”⁹⁹. If the High Representative could take good advantage of this initiative rights, he or she could actually act a leader in EU’s external actions in some sense.

2. External representation and negotiating rights. Although the President of the Commission still share the external representation with the High Representative, the major operational role is still in the hand of High Representative. According to the Treaty of Lisbon, “the High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue with third parties on the Union’s behalf and shall express the Union’s position in international organisations and at international conferences”¹⁰⁰, also “when the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union’s Position”¹⁰¹. From these clear provisions, we could observe that in the minister level, the High Representative is the only voice about the CFSP on the Union sphere, whilst below the minister level, the EEAS, Union Delegations and EU special representatives carry out their works under the leadership of the High Representative, which ensures an integrated and constituent external representation of the EU.

3. Policy implementation. The Treaty of Lisbon authorized the High Representative conducts, puts into effect and carries out the CFSP, as well as ensuring implementation of the CFSP policies from European Council and the Council¹⁰². Although the Member States and the Council are still in the core position within the CFSP, the High

⁹⁹ Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 33. Accessed at 25th May, 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

¹⁰⁰ *Ibid*, Article 27(2).

¹⁰¹ *Ibid*, Article 34(2).

¹⁰² See *Ibid*, Article 18, 23 and 27.

Representative actually control much diplomatic resources including the EEAS, the Union Delegations and the EU special representations, which give the High Representative a huge room of flexibility when setting out external policies and operating external actions.

The High Representative is the core of EEAS and the whole EU's external actions, this triple-hatted designing and its corresponding responsibilities actually are the operational spheres of EEAS. How the High Representative could makes use of her diplomatic resources and significant role directly influence the meaning and the effectiveness of the EEAS.

In general, a common and integrated institution could meet the demand of a common mission, the institutional designing and building is the basis for further development. The Treaty of Lisbon and the Council decision 2010/427/EU on 26th July 2010 adhered to the spirit that reforming the EU external institutions in the Constitutional Treaty, and put it into implementation: reorganizing the High Representative institution and building the EEAS for the purpose of assisting the High Representative. Actually the institutional reconstruction is a very sensitive topic, especially concerns about the CFSP and CSDP, thus the EU institutions and the Member States are all attempt to construct the EEAS accord to the most beneficial way for themselves.

The EEAS absorbed the institutions from the General Secretariat of the Council and the Commission, and combined the staff from the relevant departments from the Council, the Commission and the Member States. These led the co-existence of supranational and intergovernmental culture in the EEAS during its transitional period. The institutional construction still need to be completed so that the High Representative and the EEAS could build a more effective and continuant EU external policies and actions.

1.3. Interactions between the EEAS and other EU institutions

The EEAS enjoys a particular position within the European Union, as the functionally autonomous body, it is empowered by the Treaty of Lisbon and the Council Decision 2010/427/EU on 26th July 2010 and belonged neither to the Commission nor to the Council. But the CFSP and CSDP are really two sensitive parts for every Member State as well as for EU institutions, it is impossible for the EEAS to get a full control in external actions. At the beginning period of the EEAS, it was dominated by the competitions among the EU institutions. Moreover, the Article 3 of the Council decision stated that the EEAS shall support, and work in cooperation with the diplomatic services of the Member States, the Commission, and appropriate support and cooperation to the other institutions and bodies of the Union¹⁰³. Therefore, how the EEAS interacts with these crucial institutions influence the effectiveness of the whole EU's external policies.

European Council and its President

The Treaty of Lisbon set up the President of European Council by qualified majority, chairing the European Council and driving its work, endeavoring to facilitate cohesion and consensus within the European Council. According to the Treaty of Lisbon, “the President of the European Council shall 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”¹⁰⁴. The High Representative is not a member of European Council, but he or she should “take part in its work”. At the same time, just like mentioned before, the EEAS

¹⁰³ See Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 3. L201. 3 August 2010, p.32-33. Accessed at 29th May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

¹⁰⁴ Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 15(5). Accessed at 29th May, 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

shall appropriate support the other institutions of the Union, when the President needs to fulfill his competences in CFSP, the EEAS should provide the information and services of consultation. In another word, the President needs to rely on the EEAS to some degree so that he could promote the work process of European Council on external policies.

As well as the special identity of the President of the European Council, who is always called the “EU President”, implies that he should get support from the EEAS. When he represents the EU on international stage or meets with the Heads of State or Government from a third country, he needs the EEAS provides policy consultation as well as some preparatory work.

The Council of the European Union

The relation and interaction between the EEAS and the Council is much closer than much of other institutions. Firstly, the Council played an unreplaceable role since the very beginning of the establishment of the EEAS. In December 2004, the European Council decided that the President of the Council held the concurrent post of the High Representative, along with the Presidency country and the Commission, this three parts initiated the preparatory work of establishing the EEAS, from which we could observe that the Council played a crucial part in the whole founding process. On 26th July 2010, the Council passed the decision of Establishing the Organisation and Functioning of the European External Action Service;

Secondly, the Council is the major resources of EEAS staff and departments. According to the Council decision 2010/427/EU, the General Secretariat of the Council transferred several departments to the EEAS¹⁰⁵. The policy unit and the Directorate-General E all

¹⁰⁵ See Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Annex: Departments and Functions to be transferred to the EEAS. L201. 3 August 2010, p.39-40. Accessed at 29th May, 2015. http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

belong to the EEAS now;

Thirdly, the High Representative is also an important part of the Council, with the identity of the President of Foreign Affairs Council. The High Representative carries on the work of Foreign Affairs Council, the EEAS will support the High Representative in his/her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council¹⁰⁶. In another word, if the Council want to operate the work on external relations, they need to rely on the EEAS, not only for the implementation of common foreign policies, but also the EEAS could help the Council coordinate with other EU institutions with CFSP, which is much more sensitive than other topics. Besides, the EEAS and the General Secretariat cooperate to ensure the cohesion of the EU's external policies, moreover, the corresponding guarantee between external actions and other sector policies is also their responsibility.

Finally, the Political and Security Committee (PSC), which set up by Nice Treaty and belongs to the Council before the founding of EEAS. After the implementation of the Council decision, the PSC transfers to the EEAS, its president is designated directly by the High Representative, led by the Deputy Secretary General, and now is one of the core institutions in EU security and defense policy. This reform changed the institutional design that the rotating Presidency as the President of PSC, which means the High Representative could control more resources to ensure the consistency, efficiency and uniformity of the EU common external actions without being limited and controlled by the other institutions.

Actually, this institutional design between the EEAS and the Council enhances the power of the High Representative and weakens the limitation from the Council to the EEAS, significantly, the work of EEAS and the Council is linked together closely.

¹⁰⁶ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article (3). L201. 3 August 2010, p.30. Accessed at 29th May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

The European Union Commission

The Commission always adopts the “Community model”, it is the most important participator of EEAS. Since preparatory period, the Commission attempted to install the EEAS as one of its belonging department, but suffered the strong opposition from other EU institutions as well as the Member States. As the compromise, the EEAS becomes a functional autonomous body. But the Commission still control and influence the EEAS in a wide range issues, sometimes even exists competitions.

Just like the Council, the Commission is also a vital part when established the EEAS, it is the major resource of EEAS staff, institutions and competences about the CFSP. However, many other important sectors of the EU external policies, such as the trade, energy, enlargement and humanitarian assistance policies are still in the hand of the Commission.

In general, the EEAS is limited by the Commission in two aspects. On the one hand, most external instruments and programming of the EEAS still belong to the Commission. In the Council decision, the management of the Union’s external cooperation programmes is under the responsibility of the Commission, all proposals and decisions will be prepared by following the Commission’s procedures and will be submitted to the Commission for adoption. Moreover, with regard to the European Development Cooperation Instrument, any proposals shall be prepared jointly by the relevant services in the EEAS and in the Commission under the responsibility of the Commissioner responsible for Development Policy and shall be submitted jointly with the High Representative for adoption by the Commission¹⁰⁷. This illustrate that the EEAS neither control the proposal rights but also the implementation power, which limit the EEAS with operating actions on cooperation and development fields. In this

¹⁰⁷ About the external action instruments and programming provisions, see Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 9. L201. 3 August 2010, p.36-37. Accessed at 29th May, 2015. http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

sense, the High Representative and the EEAS act much more as a driver instead of a leader, in fact, it damages “functional autonomous” nature of the EEAS.

On the other hand, the budgetary dependency to the Commission makes much more difference for the EEAS. Although the EEAS holds internal autonomy budget, but “operational expenditure shall remain within the Commission section of the budget”, “when drawing up estimates of administrative expenditure for the EEAS, the High Representative will hold consultations with respectively, the Commissioner responsible for Development Policy and the Commissioner responsible for Neighbourhood Policy regarding their respective responsibilities”, “in order to ensure budgetary transparency in the area of external action of the Union, the Commission will transmit to the budgetary authority a working document presenting all expenditure related to the external action of the Union”¹⁰⁸. Furthermore, the Executive Secretary General of the EEAS is responsible for internal budget audit and evaluation, but actually the EEAS has no independent financial budget department, thus they need to take use of the audit department of the Commission, strengthening the Commission’s control to the EEAS virtually.

Even in the Union Delegations, which transferred to the EEAS totally, the staff are not all from the EEAS, in the spheres of trade, enlargement and agriculture for example, are all originated from the Commission, and the Heads of Delegation also have the obligations to follow the instructions from the Commission, the Heads of Delegation have authority over all staff in the delegation, so on the implementation process, the EEAS has no too much control to the Delegations.

Broadly speaking, the European Commission continues to play a leading role, much (but not all) of the Commission’s external relations staff and competences have been

¹⁰⁸ See Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 8(1),(3) and (5). L201. 3 August 2010, p.36. Accessed at 29th May, 2015.
http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

moved to the EEAS, making coordination with the Commission on the other external policies (such as trade, development) essential¹⁰⁹.

The European Parliament

The European Parliament is always seen as the big winner of the Lisbon institutional reform, it gradually gets shared powers about staff, legislature and financial supervision. The relationship between the EEAS and the European Parliament can be seen as a cornerstone for the Parliament to gain more oversight in those fields of EU external relations where the European Parliament lacks proper powers¹¹⁰.

Before the Treaty of Lisbon, the appointment of the High Representative could take effect without the permission of the European Parliament. In the Treaty of Lisbon, the organization and functioning of the European External Action Service shall be established by a decision of the Council, the Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission¹¹¹. This states that the European Parliament become one of the core participators during the establishment period of EEAS.

What is more influential is the European Parliament's role on the legislative and consultation, the budgetary arrangement and staff appointment. The Treaty of Lisbon empowered it with the jointly legislative and budgetary functions. "The High Representative of the Union for Foreign Affairs and Security Policy shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and inform it of how those policies evolve. He

¹⁰⁹ Rosa Balfour and Kristi Raik (eds.), *The European External Action Service and National Diplomacies*, European Policy Centre (EPC) Issue Paper No.73 (03/2013), p.1. Accessed at 29th May, 2015. http://www.epc.eu/documents/uploads/pub_3385_the_eas_and_national_diplomacies.pdf

¹¹⁰ Kolja Raube, "The External Action Service and the European Parliament", *The Hague Journal of Diplomacy*, Volume 7, Special Issue, 2012, P.65.

¹¹¹ Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 27(3). Accessed at 29th May, 2015. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament”¹¹². With the treaty basis, the European Parliament actively takes part in the work and operation of the EEAS, strengthens its presence in CFSP sphere. As for the budgetary function, the Parliament has obtained scrutiny not only (as expected) over the EEAS’ operational budget but also – albeit to a lesser extent – over its administrative budget proper¹¹³. Both of these two factors count for so much for almost every institution, needless to say the new EEAS, which really need the support from many aspects.

As a whole, the European Parliament has gained a frontline by involving in the key decisions about the EEAS, even if it remains outside from the CFSP affairs, it still could take use of its powers over the budget for external relations and the administrative budget of the EEAS to maximize its influence.

All these EU institutions contain really close relations and interactions with the EEAS, to some extent, the EEAS is originated from them. Although they are trying to control the EEAS directly or not, they still hold a common view about the necessary and urgent to form a more integrated and effective EU-level foreign policy so that the EU could play a more considerable role on international stage, better promote the peace, its values and the well-being of its peoples. But the ultimate power about the construction and development of the EEAS, to more broadly speaking, the whole process of European integration, is in the hand of Member States.

¹¹² Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 36(1). Accessed at 29th May, 2015.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

¹¹³ Antonio Missiroli, “The New EU ‘Foreign Policy’ after Lisbon: A Work in Progress”, *European Foreign Affairs Review*, Volume.15, 2010, p.441. Accessed at 29th May, 2015.

<http://www.jhubc.it/DOCUMENTS/amissirolioct2010.pdf>

1.4. The EEAS and member states: national diplomacy within the supranational framework

The Member States recognized the importance of integration since the 1950s, with the globalization process and the EU's role in international politics is being challenged both politically and economically, the urgency and significance of institutional construction in EU external relations emerging gradually. However, each Member States has supported the idea of the EEAS in theory, they view it – and seek to engage with and utilise it – in different ways¹¹⁴. Intergovernmental will still remain as the main mode of foreign policy decision-making, this also reflects in the Treaty of Lisbon and the Council decision 2010/427/EU, in which are some compromises to the Member States. For example, the EEAS must contain the autonomous operations instead of being involved with the Commission. In the Article 24 of Lisbon Treaty, there is the concrete provision about the relations of Member States and the EEAS. it stated that the Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, and the Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. However, at the same time, this Article also claimed that the common foreign and security policy is subject to specific rules and procedures, which shall be defined and implemented by the European Council and the Council acting unanimously, also it shall be put into effect by the High Representative of the Union for Foreign Affairs and Security Policy and by Member States¹¹⁵. As a matter of fact, this Article ensures the final word of CFSP is controlled by the Member States directly or through the European Council, which comprises with the Heads of State or Government of the Member States.

¹¹⁴ Nicholas Wright, "Co-operation, co-optation, competition? How do Britain and Germany interact with the European External Action Service?", *UACES 43rd Annual Conference*, University of Leeds. UK, 2nd – 4th September 2013, p.1. Accessed at 28th May, 2015. <http://uaces.org/documents/papers/1301/wright.pdf>

¹¹⁵ See Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 24. Accessed at 29th May, 2015. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

At the same time, the Treaty of Lisbon and the Council decision give further guarantee to the Member States that, the 1/3 proportion staff composition on the one hand, and the EEAS's coordinating duty to the Member States, which promotes the communication and coordination among their positions in CFSP. This duty of EEAS is reflected obviously in the Union Delegations.

In the transforming and operations of Union Delegations, the EEAS and the Member States keep a balance of mutual assistance, in spite of the Member States have maintained their pre-eminence whereas the EEAS has been seen more as a secretariat for national foreign ministries and embassies. One of the controversial points among the Member States is whether the Union Delegation should hold the consular protection power. Some countries, especially the smaller ones, support the EEAS holding the consular protection actively, because of their limited diplomatic resources. However, some great powers such as Britain believes that the consular protection contains the potential meaning of sovereignty, so they never want to transfer this power to the EEAS. Finally, there reached a compromise in the Council decision 2010/427/EU: the Union Delegations shall, upon request by Member States, support the Member States in their diplomatic relations and in their role of providing consular protection to citizens of the Union in third countries on a resource-neutral basis¹¹⁶. Of course, the Union Delegations should act in close cooperation with Member States' diplomatic and consular missions, which is ensure by the Treaty of Lisbon. The EEAS took over the work of Foreign Affairs Council, which used to belong the Presidency country, but it doesn't command the decision-making power of CFSP, only providing the service of policy suggestion and implementations to the Member States. Nevertheless, with the gradual perfection on the institution construction and staff recruitment, the EEAS officials believe that member states will be happy to hand more diplomatic duties to the

¹¹⁶ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 5(10). L201. 3 August 2010, p.34. Accessed at 29th May, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

EEAS – with its foreign aid budget and access to global markets – in future, as austerity measures and budget constraints force countries to scale down their own individual embassies abroad¹¹⁷.

As a whole, the Member States promote and project their interests, preferences and policy ideas to the EU institutions through bottom-up processes, thus playing a proactive rather than adaptive role by ‘uploading’ policy preferences, intergovernmentalism remains the preferred decision-making framework for EU foreign policy, even if it is rarely resorted to formally¹¹⁸. With the division of work between the EEAS and Member States, especially the double-position of the High Representative (the President of Foreign Affairs Council and the Vice-President of the Commission), it implies that the EEAS is not a replacement of national ministries of foreign affairs and consular missions, but an institution enhancing the coherence and consistency of EU external policies by close cooperation with the Member States’ foreign ministries. The Member States operate their diplomatic actions within the framework of the EEAS would also strengthen their position on international stage as members of a more powerful and cohesive EU.

¹¹⁷ Dean Carroll, “Catherine Ashton for a second term at the EEAS?”, September 6, 2011. Accessed at 29th May, 2015.

<http://www.boulevard-exterieur.com/Catherine-Ashton-for-a-second-term-at-the-EEAS.html>

¹¹⁸ Rosa Balfour and Kristi Raik (eds.), *The European External Action Service and National Diplomacies*, European Policy Centre (EPC) Issue Paper No.73 (03/2013), pp. 3-5. Accessed at 29th May, 2015.

http://www.epc.eu/documents/uploads/pub_3385_the_eeas_and_national_diplomacies.pdf

Chapter 3: the main problems of EEAS in 5 years

Since the establishment of the EEAS in 2011, As the Council decision 2010/427/EU stated that the EEAS is a functional autonomous body and independent of the Council and the Commission. However, these two institutions constituted all the components of the EEAS from staff to departments and Union Delegations. As for the operational principles, the Council is composed of national ministers with negotiating and adopting legislative acts competence, of course it adopts the intergovernmental principles, whereas the Commission tend to follow the Community model, its President is proposed and elected by the European Parliament, and the President-elect selects the rest of 27 Commissioners with the suggestions of Member States. Actually, many emerging problem in these 5 years as the initiative and transitional period are pillared to these two principles, along with other competence divisions with other EU institutions and Member States. In general, the main problems could be divided as internal and external factors:

1.1. Internal difficulties on coordination

The main function of the High Representative and the EEAS is coordination the multi-level foreign actions of European Union actors, horizontally and vertically. The difficulties are existing in these complex and scattered pieces. The Lisbon Treaty establishes the responsibilities of the High Representative, combining the tasks previously held by the Foreign Minister of the Member State with the Rotating Presidency, the High Representative/Secretary General of the Council Secretariat and the former Commissioner for External Relations, with the benefits of combining the jobs are clear, experience has clearly shown that this concentration of responsibilities in a single post generates a huge and relentless workload for one person¹¹⁹. In general, the internal problems could be concluded in these three following aspects: syncretic

¹¹⁹ European Union External Action: EEAS Review. P.13. Accessed at 8th June, 2015.
http://eeas.europa.eu/library/publications/2013/3/2013_eeas_review_en.pdf

institutional construction; insufficiency of diplomatic resources and tools; and co-existence of two decision-making mechanisms.

Syncretic institutional construction

At the initiative period of establishing the EEAS, the combining of multi-levels foreign departments from different EU institutions as well as Member States brought a big challenge to the EEAS. Just like the first Secretary General of the EEAS Pierre Vimont said, “we are building a new institutional framework that is neither council nor commission, but a mixture of both”¹²⁰. This means the EEAS is a totally new service without any precedent for referring.

Before deciding the Triangle Building as the EEAS Headquarter, EEAS’s departments separated in the Berlaymont Building, which is the Commission’s Headquarter, and the European Council’s Headquarter Justus Lipsius Building. This neither promoted the cooperation and coordination among EEAS’s departments, nor revealed the so called “functional autonomous” position of the EEAS, which should be independent from both the Commission and the Council.

Also the staff combination is not so easy to integrate. The EEAS was established by means of a bloc transfer of staff from the Commission and Council Secretariat (Annex I of the EEAS Decision) supplemented with a small allocation of new posts to allow for the recruitment of national Diplomats from Member States¹²¹. Also the Council Decision 2010/427/EU specified clearly that the staff from the Member States should be less than 1/3 of the total percent. How to consolidate these three different kind of working cultures would be a problem for the EEAS. The Commission adopts the Community model, or we should say the supranational culture, the Council follows the

¹²⁰ Dean Carroll, “Catherine Ashton for a second term at the EEAS?”, September 6, 2011. Accessed at 8th June, 2015. <http://www.boulevard-exterieur.com/Catherine-Ashton-for-a-second-term-at-the-EEAS.html>

¹²¹ European Union External Action: EEAS Review. P.4. Accessed at 8th June, 2015. http://eeas.europa.eu/library/publications/2013/3/2013_eeas_review_en.pdf

intergovernmental culture, whereas the Member States contain much more kinds of different working cultures and styles. This is an existing hindrance for the EEAS, and would influence other aspects.

Insufficiency of diplomatic resources and tools

The Lisbon reform empowered the EEAS with participation in humanitarian aid, cooperation and development, and neighborhood factors with the lead of the Commission, for the purpose of ensuring these tools could serve for the comprehensive external aims. This relates to a complex decision-making process. In one example, if the EEAS wants to release up to €20 million in emergency funds the decision must go through Ashton's secretary general, her private office, the FPI, "relevant" commission services and the Political and Security Committee (a group of EU countries' ambassadors)¹²². It seems that the EEAS shall refrain from taking any measures on issues which fall under commission competence. Ashton proposes CFSP projects, but a commission office -- the Service for Foreign Policy Instruments (FPI) -- writes the assessment study used by EU countries to decide which ones go forward and writes the final blueprint. Not only the tools and competences of the EEAS would be limited by the Commission, but also the competences under the Commission are also strictly controlled by the Commission, the EEAS is in the driver's seat in terms of spending strategies, while the Commission does budget implementation.

One shortage on EEAS's competence is its role in other external sections such as trade, energy and environment. There is no clear and concrete legislation about how the High Representative should play her coordinative character in these sections. Also, the insufficiency diplomatic resources reflects in High Representative's incapability to integrate the national diplomatic resources. Just like I have mentioned, in horizontal level, the budgetary power is mostly in the hand of the Commission, and the EEAS is

¹²² Andrew Rettman, "Commission still pulls the strings on EU foreign policy", *Euobserver.com*. 6th February 2012, 18:28. Accessed at 8th June, 2015. <https://euobserver.com/institutional/115145>

not empowered by specific legislation about the rights to take use of Member States diplomatic resources in vertical level. These two constraints limit the EEAS ability utilization severely. Without sufficient tools and resources, it would be difficult to fulfill the High Representative's role both internally and internationally.

Co-existence of two decision-making mechanisms

After the primary complement of the EEAS establishment, EU's inherent co-existence mechanisms would further hamper the development of CFSP. Although the EEAS accomplished the integration of external policies, within the EEAS, there still exists two models of decision-making. In the spheres of CFSP and CSDP, the intergovernmental model is still the dominance, with unanimous agreement¹²³, and the external policies relate to the Commission follow the supranational principle. As a matter of fact, this problem is a kind of competence between the Commission and the Council, or we say the intergovernmentalism and supranationalism in rhetoric, both of them want to become the dominance of the EEAS.

The Commission's influence reflects on the external assistance might be the most obvious example. With the Lisbon institutional reform, all the geographic departments transferred under the authority of the High Representative and became the component of the EEAS. The Commission's Directorate-General of International Cooperation and Development (DEVCO) works closely with the European External Action Service and Commission services on external action, so as to facilitate and help ensure a consistent approach, but this is only the drafting step, because the Commission controls the executive power of the external assistant policies. The EU Delegations, which transferred from the Commission, are composed of two groups of staff, one is from the EEAS, the other is the executive group consists with the Commission staff. But

¹²³ In the Article 31(2) of the TEU revised by Lisbon Treaty, there are four special situations which shall act by qualified majority. See Foreign and Commonwealth Office (London): Consolidated Texts of the EU Treaties as Amended by the Treaty of Lisbon, Article 31(2). Accessed at 8th June, 2015. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

according to the EEAS Decision, each Union Delegation shall be placed under the authority of a Head of Delegation, and the Head of Delegation shall receive instructions from the High Representative and the EEAS¹²⁴. Obviously this kind of difference within the EU Delegations goes against the requirement and the promise of ensuring the consistency and coherence of EU external policies and actions. In the Ashton's report to the European Parliament, the Commission and the Council, "the mandate for this report highlights the challenge for delegations in receiving instructions from both the High Representative and the EEAS as well as directly from the Commission in areas of Commission competence. The important principle here is that all staff in delegation work under the authority of the Head of Delegation, who can refer issues back to headquarters for further discussion if necessary (eg in the case of conflicting instructions from the EEAS and the Commission). Equally it is important that any instructions from Commission services are routinely copied to the responsible geographical desk in the EEAS, given their responsibility to have an overview of relations with the country in question"¹²⁵. This provision reveals the problem between the EEAS and the Commission's competence, on the one hand, it is the disadvantage of structural arrangement, on the other hand it shows that the EEAS and the High Representative are limited by the Commission in a way.

Regarding the Council, which is made up by the national ministers of EU Member States, follows the intergovernmental decision-making model. Thus in the CFSP sphere, the EEAS must rely on the consensus of all the Member States, just like Ashton's report, "its success depends on the sustained political support and collective commitment from Member States and the EU institutions"¹²⁶. The major example is the EU's reaction in

¹²⁴ Official Journal of European Union: Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), Article 5(2), (3). L201. 3 August 2010, p.34. Accessed at 8th June, 2015.

http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

¹²⁵ European External Action Service: Report by the High Representative to the European Parliament, the Council and the Commission. 22nd December, 2011. Article 18, p.7. Accessed at 8th June, 2015.

http://www.eeas.europa.eu/images/top_stories/2011_eeas_report_cor_formatting.pdf

¹²⁶ *Ibid*, Article 1, p.1.

Arab Spring, especially in Libya and corresponding military intervention. The United Nations Security Council published the Resolution 1973 (2011), established the non-fly zone in order to protect civilians. However, this Resolution caused a heated debate among EU Member States. France and UK emphasized the importance of military intervention, along with the United States, and took actions before a consolidated decision achieved within the EU. On the contrary, Germany objected the military intervention to Libya and abstained from the United Nations voting about this Resolution. This severe divergence made it impossible for the High Representative and the EEAS took part in the Libya situation in the name of an integrated European Union. The High Representative and the EEAS were criticized because of the delayed responses to the crisis and failure to manage the common external military actions. If we considered the different attitudes to Gaddafi regime as a coordination challenge to the EEAS in CFSP, this non-fly zone is the test of EEAS's capability in CSDP. The intergovernmental decision-making within the European Council as well as the Council hindered the efficiency of the EEAS's reaction to the crisis around the world, moreover, the EEAS would suffer doubts from other countries about the credibility and authority of representativeness.

1.2. External dilemma: Divergence between the EEAS and Member States—reflections and actions of the EEAS in Arab Spring

One of the most momentous mission of the EEAS is ensuring the consistency, effectiveness and coherence of EU external actions with “one voice”, improving the EU action capacity. Besides the Member States struggled in the staff arrangement, they still operate in the national diplomacy instead of EU-level diplomacy through the EEAS in most cases. Lacking the explicit and common external policies means the absence of common actions. Since the Arab Spring in 2010, which might be the first challenge and test to this new Service, the EEAS’s responses and hysteretic “common” actions exposed the divergence between the EEAS and Member States, as well as the supranationalism and intergovernmentalism. From which we could observe that EU’s big powers could influence and even control the EU diplomacy.

Tunisia and Egypt as the opening of Arab Spring: delayed “common” position

Arab Spring broke out in Tunisia for overturning the Ben Ali’s regime revolution, the self-burning of a Tunisia young man provoked strong protest among Tunisia, and spread throughout the countries of Arab League and its surroundings. Influenced by the Tunisia, a wide-range protest happened in Egypt on 25th January 2011, for the serious economic situation and called for the resignation of President Mubarak. On 11th February 2011, Mubarak regime was overturned and he was exiled to Saudi Arabia.

Since the first protest in Tunisia in December 2010, many Member States responded quickly even took military actions without considering the common actions as members of European Union. To some degree, the EEAS was totally ignored at the very beginning. French Prime Minister Francois Fillon confirmed this week that the government had authorized a shipment of tear gas grenades to Tunisia on Jan. 12, two

days before Tunisia President Zine el Abidine ben Ali was toppled from power¹²⁷. And the same thing happened during the Egypt revolution, with chaos enveloping Egypt, it has been revealed that in October, France trained Egyptian police officers in crowd control. Protesters in Cairo have accused police, both in and out of uniform, of attacking them. France as the first major trade partner of Tunisia and concentrated more on its national interests, ignored the significance of concrete front in EU-level diplomacy and external actions.

Moreover, the Egypt domestic conditions and the President Mubarak had become the core of debate within the EU Member States during the process of protests and demonstrations. When the EU was hesitated, and tended to stop the violence within the Egypt, France had took solo engagement. And the Mubarak regime also become the focal point. After the US President Obama's statement about calling for the urgent resignation of Mubarak, UK Prime Minister David Cameron pushed for tougher language against attempts by Mubarak to remain in power, as tens of thousands of demonstrators continued to gather in several Egyptian cities demanding his immediate resignation. However, Italian Prime Minister Silvio Berlusconi believed that Egypt's transition to democracy should take place without breaking with Mubarak. Also French President Nicolas Sarkozy said the role of the European Union was not to intervene in Egypt's transition to democracy, adding that it was up to the people of Egypt to decide on their leaders¹²⁸. Member States always acted in their own ways made it almost impossible to reach a common position to the chaos in Middle East. And Ashton as the High Representative was much more like an executer or follower of Member States, without as an authoritative identity of EU diplomatic leader during the whole process. For example, although the High Representative Catherine Ashton and the President of

¹²⁷ Kim Willsher, "France rocked by news of aid to Tunisia and Egypt", *Los Angeles Times*, February 5, 2011. Accessed at 5th June, 2015.

<http://articles.latimes.com/2011/feb/05/world/la-fg-france-scandal-20110205>

¹²⁸ About the different opinions of EU countries, see "EU leaders shy away from demanding Mubarak resignation", *EurActiv*, published: 04/02/2011 - 21:20. Accessed at 5th June, 2015.

<http://www.euractiv.com/global-europe/eu-leaders-shy-away-demanding-mu-news-501940>

European Council Herman Van Rompuy believed at first that Mubarak could be a shield to the extreme Islamism, which meant Mubarak's resignation was not a necessity during this revolution, the High Representative and the EEAS actually failed to control and coordinate the Member States opinions, thus only an unserviceable statement by the High Representative was published and stated that "the demands and expectations of the Egyptian people must be met. It is for them to judge whether the steps announced by President Mubarak fulfil their expectations and aspirations. President Mubarak has not yet opened the way to faster and deeper reforms. We will pay close attention to the response by the Egyptian people in the coming hours and days"¹²⁹. As a matter of fact, the EU hadn't concluded a common and unified front to the Middle East situations.

Not until 8th March 2011, when Ben Ali and Mubarak had left their positions, the High Representative, along with the European Commission, had published a Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions with the title of A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean. The Communication stressed the importance of cooperation between the EU and Southern Mediterranean countries, and provided the humanitarian aid to their democratic transitions. As the immediate response, the EU would provide EUR 30 million as the humanitarian aid; facilitating consular cooperation and evacuation; drawing on the EUR 25 million EU External Borders Fund and European Refugee Fund; High Representative/Vice (HR/VP) visits to Tunisia and Egypt; hold the international co-ordination meeting in Brussels and support for democratic transition¹³⁰. In general, all the Member States agreed on the humanitarian aid and democratic transitional assistance under the coordination of EEAS, and emphasized the importance of peaceful

¹²⁹ European Union: Statement by EU High Representative Catherine Ashton on Egypt following the speech of President Mubarak, Brussels, 10 February 2011 A 051/11. Accessed at 5th June, 2015. http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/119255.pdf

¹³⁰ About the EU immediate response, see European Commission: A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, Brussels, 8.3.2011. COM (2011) 200 final, p.3. Accessed at 5th June, 2015. http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf

solutions. “The EU will continue to offer its commitment and support to the peaceful resolution of disputes within and between States in the region. The Partnership should be underpinned by enhanced political dialogue”¹³¹.

Reviewing the whole initiating period of Arab Spring, the Joint Communication published by the High Representative was quite far behind from people’s anticipation to the EEAS.

On the one hand, it was so difficult to reach a common front to the Middle East crisis. Member States contained diverse opinions, which originated from their own national interests, to the same case without compromise and discussion. Even in the summit about the crisis, the disagreements among EU countries couldn’t conclude a unified and cohesive policy. The long-term and complex arguments among Member States hindered the quick and timely response to regional crisis, thus further decreased the effectiveness of EEAS.

On the other hand, Member States, especially big Member States were still put their national diplomacy as the priorities, neglected the High Representative and the EEAS and their responsibility to the contribution of integrated EU external actions. The EEAS was more like an executive agency with the first mission of service for the Member States diplomatic policies rather than an EU foreign ministry with the authority to manage and integrate the overall actions. This kind of neglecting would deteriorate the reputation of the High Representative and the new EEAS on international stage. The High Representative had no capability to consolidate the European Union, of course it would be more difficult to be recognized by international community. Of course, the delayed “common” front was suffered criticizes among both the European people and EU institutions.

¹³¹ European Commission: A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean, Brussels, 8.3.2011. COM (2011) 200 final, p.5. Accessed at 5th June, 2015.
http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf

Libyan National Transitional Council (NTC) and non-fly zone: difficulties in both CFSP and CSDP

As one of the most important part of Arab Spring, Libya's anti-government protests began on 15th February 2011. The difference was the leader of Libya-- Saif al-Islam Gaddafi held a very strong attitude to the protestors. He used mercenaries for repressing citizens, he warned the protestors that their country could descend into civil war. The rising death toll, numbering in the thousands, drew international condemnation and resulted in the resignation of several Libyan diplomats, along with called for the government's dismantlement. On 5th March 2011, the Libyan opposition established the National Transitional Council (NTC) and declared itself as the sole legitimate representative of Libya.

Soon after the broke out the crisis, the United Nation declared the Resolution 1970 (2011) on 26th February 2011 that Libyan authorities should act with the utmost restraint, respect human rights and international humanitarian law. What most important was the arms embargo decision in this Resolution. "Decides that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories¹³²". Also, the Resolution added the asset freeze and travel bans to Gaddafi and his families. Two days later, European Union published the Council Decision 2011/127/CFSP about the concerning UN

¹³² United Nations Security Council: Resolution 1970 (2011), 26 February 2011. Article 9, p.3. Accessed at 5th June, 2015.

[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970\(2011\)&referer=http://www.un.org/en/sc/documents/resolutions/2011.shtml&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970(2011)&referer=http://www.un.org/en/sc/documents/resolutions/2011.shtml&Lang=E)

Resolution and measures in view of the situation in Libya. Besides the context of UN Resolution, “in view of the seriousness of the situation in Libya, the EU considers it necessary to impose additional restrictive measures”¹³³. With the conformation of UN Resolution in the Article 1(1), the Council Decision further stated that “it shall be prohibited to provide, directly or indirectly, technical assistance, training or other assistance, including the provision of armed mercenary personnel, related to military activities or to the provision, maintenance and use of items referred to in paragraph 1, to any natural or legal person, entity or body in, or for use in, Libya; (it shall be prohibited to) provide, directly or indirectly, financial assistance related to military activities or to the provision, maintenance and use of items referred to in paragraph 1, to any natural or legal person, entity or body in, or for use in, Libya”¹³⁴.

Faced with continued violence and a deteriorating humanitarian situation, the UN Security Council Resolution 1973 (2011) adopted on 17th March 2011. The Resolution established a non-fly zone over Libya, “Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians”¹³⁵ and authorized the member states “to take all necessary measures to enforce compliance with the ban on flights”¹³⁶. Moreover, the Resolution stressed the enforcement of the arms embargo, and the priority of protection of civilians. Although the reaction of international community was always timely and forceful, the EU could only declare a general and delayed statement, which originated from the unilateral actions of Member States.

As early as the beginning of the Libya crisis, on 20th February 2011, the High

¹³³ Official Journal of European Union: Council Decision of 28 February 2011 concerning restrictive measures in view of the situation in Libya (2011/127/CFSP), Article (4). L58/53. 3 March, 2011, p.53. Accessed at 5th June, 2015.

¹³⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0137&from=EN>

¹³⁵ *Ibid*, Article 1(2).

¹³⁶ United Nations Security Council: Resolution 1973 (2011), 17 March 2011. Article 6, p.3. Accessed at 5th June, 2015.

http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110927_110311-UNSCR-1973.pdf

¹³⁶ *Ibid*, Article 8.

Representative on behalf the EU published a declaration, condemning Gaddafi regime for using massive violence and called for the respect of human rights, emphasized the urgency of humanitarian assistance¹³⁷. However, just at the same day, the Italian Prime Minister Berlusconi expressed that he had not called Mr. Gaddafi because he did not want to "disturb" him during the revolt¹³⁸. Italy was horrified at the possible loss of a close ally. Foreign minister and ex-EU-commissioner Franco Frattini was trying to convince other European states that Mr Gaddafi had promised constitutional reforms and that the bloc should allow him to make good. "Italy as you know is the closest neighbour of both Tunisia and Libya so we are extremely concerned about the repercussions on the migratory situation in the southern Mediterranean." At the same time, Czech foreign minister Karel Schwarzenberg said the EU should not get involved too much and that high-minded EU appeals would only serve to prove our own importance. "If Gaddafi falls, then there will be bigger catastrophes in the world. It's no use for anyone if we intervene there loudly, just to prove our own importance"¹³⁹. As contrast with these non-interference countries, France took an obvious divergence with EU Member States, as well as the High Representative and the EEAS. When Germany, Britain, Italy and others were discussed about the illegitimized position, France recognized the NTC as Libya's sole legitimate representative on 10th March 2011. "We cannot unilaterally rush into recognising groups," said a spokesman for Catherine Ashton, the EU's foreign affairs chief. On 11th March 2011, the European Council only recognized the NTC as a, and not as the sole political interlocutor, full recognition on behalf of the EU only followed in September 2011, after most of the member states had

¹³⁷ About the context of High Representative Declaration, see European Union: Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya, Brussels, 20 February 2011. Accessed at 6th June, 2015.

http://europa.eu/rapid/press-release_PESC-11-33_en.htm?locale=en

¹³⁸ Reuters, "Berlusconi won't 'disturb' Gaddafi amid bloodshed". *ABC News*. Posted 20 Feb 2011, 9:32pm. Accessed at 6th June, 2015.

<http://www.abc.net.au/news/2011-02-21/berlusconi-wont-disturb-gaddafi-amid-bloodshed/1949932>

¹³⁹ Leigh Phillips, "Italy and Czech Republic back Gaddafi despite bloodbath". *EU Observer*. Posted 21 February 2011, 09:28. Accessed at 5th June, 2015. <https://euobserver.com/news/31842>

already paved the way¹⁴⁰.

What was more challengeable was the field of CSDP, which provoked by the UNSC Resolution 1973 (2011) about the non-fly zone. In the vote on UNSC Resolution 1973 (2011), non-permanent UNSC member Germany took the abstention vote, because Germany always objected to the military intervention to Libya. To the contrary, after two days of the UNSC Resolution, a multi-national military forces led by the United States, France and UK started their air campaign against Gaddafi regime forces. Under this severe divergence among Member States, it was almost impossible for the EU, especially the High Representative and the EEAS concluded a comprehensive approach to conflict prevention and crisis management. In the Council conclusions on Libya, which published on 21st March 2011, there were only general provisions about EU's humanitarian assistance and civilian protection responsibilities to Libya, although "the EU is ready to provide CSDP support to humanitarian assistance in response to a request from OCHA and under the coordinating role of the UN. Such actions will fully respect the UN guidelines on the use of military and civil defence assets (MCDA)"¹⁴¹, the facts were the distinctive attitudes and actions long before the reaction the High Representative. For example, on the Foreign Affairs Council meeting about the military interference and NATO's role, member states held different attitudes. Italy believed their actions should only limited to the humanitarian assistance and civilians protection, whereas Bulgaria stated it was the oil-oriented action, we needn't to take risk, besides, this action had no clear objectives and means, thus Bulgaria would not take part in this military intervention. Of course, just before EU Member States' discussion, France and UK had taken unilateral military actions along with United States. To some extent, this meeting made not so much sense. Obviously, many EU Member States were walking far

¹⁴⁰ Nicole Koenig, "Libya and the challenges of post-Lisbon crisis coordination". In Doris Dialer, Heinrich Neisser and Anja Opitz Eds., *EU's External Action Service: Potentials for a one voice Foreign Policy*, (Innsbruck: Innsbruck University Press, 2014), p. 169.

¹⁴¹ Council of the European Union: Council conclusions on Libya. Brussels, 21 March 2011. Article 5. Accessed at 6th June, 2015.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/120065.pdf

ahead of the High Representative because of the priorities of their own national interests. For instance, Britain and France were the positive advocates of this military intervention. France always considered the Mediterranean as the traditional sphere of influence, especially Libya occupied the major region of French national defence. Britain claimed that Libya was important to them, and this military action was totally in the interest of Britain.

Someone might argue that Ashton's limited role in the operations of EU-level diplomacy was due to a lack of personal influence and high prestige in both EU Member States and international stage. It might make some sense but not the key of the problem. The EU Member States with sovereignty were clearly in the driving seats in the areas of diplomacy and defence, they might not, or hardly, think of the High Representative and her service when they faced diplomatic issues or external crisis. Furthermore, Member States could hardly compromise themselves in order to achieving a comprehensive and effective EU external actions, not to speak of the military and defence sectors, which are usually considered as the high sensitive sphere and, to some degree, one of the symbols of state's sovereignty.

The Arab Spring could be the first challenge and crucial test to the High Representative and the EEAS, as well as for the Union's promise to construct a more coherent and effective external actions. The negative acts of the EEAS exposed the Union's inherent weakness as a foreign policy actor, with the Member States' dominant position, the comprehensive approach would be really tough. It is not a problem of Member States' determination but the actions and recognition. EU Member States never deny the significance an integrated and comprehensive EU level diplomacy, particularly in the globalization, the EU's relative weakening on international influence. But they still couldn't get out of the national and sovereignty identities, and their unilateral national diplomacy hindered the EEAS's work internally as well as damaged the reputation and admissive degree of the High Representative and her service internationally.

Conclusion

The EEAS is something new and unique that brings together all of the policies and levers as at the EU's collective disposal and allows them to be focused on building influence and delivering results across the world to promote EU values and interests¹⁴². Following the successful ratification of the Treaty of Lisbon, the EEAS is being established under the leadership of High Representative. Since the 1st January 2011, when the EEAS was officially launched, EU's common external policy opened a brand new stage. According to the 2013 EEAS Review, presented by the High Representative, as well as along with the initial spirit of the EEAS founding Council decision, the EEAS was created for ensuring "effectively and timely delivery of the EU foreign policy" as well as for providing "strong and effective coordination of EU external policies, including development and other global issues like energy security, climate change and migration"¹⁴³. I do believe that the EEAS is relevant until now because it marks the implementation and achievement of a permanent secretariat, separated from the existing EU institutions, to better coordinate the interests of Member States. Moreover, under the authority of the High Representative, the EEAS is constructed with the transferred departments and staff from the relevant parts of the EU institutions. EU Member States decided to establish the EEAS because they want to pool resources, consolidate the EU's existing external policy responsibilities and improve efficiency, but were wary of further empowering the Commission to act in the external policy domain, this led to the creation of a new bureaucratic actor, over which Member States, the Commission and the European Parliament have tried to establish controls¹⁴⁴. In this sense, the EEAS establishment not only achieved the EU diplomatic resources consolidation, assured the continuity, but also promoted some kind of balance among the EU institutions and

¹⁴² European Union External Action: EEAS Review. P.3. Accessed at 8th June, 2015.

http://eeas.europa.eu/library/publications/2013/3/2013_eeas_review_en.pdf

¹⁴³ See *ibid*, p.3.

¹⁴⁴ Mark Furness, "Who controls the European External Action Service? Agent autonomy in EU external policy", *European Foreign Affairs Review* (02/2013), Volume 18, Issue 1, p. 123. Accessed 18th March, 2015. <http://www.kluwerlawonline.com/document.php?id=EERR2013006>

Member States within the process and institutional arrangement of the EEAS. Last but not the least, the EEAS is constructed as an EU foreign ministry identity, which means the unified and integrated representation of the EU is built in international sense. It replaced the traditional problem, proposed by the Henry Kissinger, that when I want to contact the EU, who shall I call. Additionally, with the 2013 Review, the EEAS has recognized its own problems and disadvantages with a kind of self-criticized process, and has made some achievements in a number of areas, for example, the High Representative with the EEAS established a leading position in the negotiations with Iran, and brought Member States to agreement on sanctions on Syria. Therefore, we shouldn't deny the achievements and relevance of the EEAS.

However, it does exist severe problems both internally and externally. Just like mentioned and explained in the third chapter, the multilateral responsibilities and institutional divergence within the EEAS created great difficulties on coordination. Because of integration of personnel from three distinct sources of recruitment, merging different styles of organisation and 'internalising' different institutional logics¹⁴⁵, the same situation happened in the departments' construction. Adding with the competing of the Commission and the Council for more presences in the EEAS, the effectiveness is damaged by this internal factor. Furthermore, with the case study of Arab Spring, the root cause is exposed: the Member States limited the sufficient autonomy and capability of the High Representative and her service. The EEAS is the outcome of a series of political compromises between the EU institutional and the member states rather than the result of a grant design¹⁴⁶. It is unlikely to be given sufficient autonomy to represent EU members on the world stage because the serious lack of concrete strategic objectives the Service should pursuit and the appropriate division of responsibilities between the

¹⁴⁵ Thomas E Henökl, "How do EU Foreign Policy-Makers Decide? Institutional Orientations within the European External Action Service", *West European Politics* (2015), Volume 38, Issue 3, p.700. Accessed 12th March, 2015.

<http://www.tandfonline.com/doi/abs/10.1080/01402382.2014.1000652#.VQqeEYd0yUk>

¹⁴⁶ Christian Lequesne, "The European External Action Service: Can a New Institution Improve the Coherence of the EU Foreign Policy?", in Frederik Ponjaert and Mario Telò(eds.), *The EU's foreign policy: what kind of power and diplomatic action?* (Farnham, Burlington: Ashgate, 2013), p.86.

EEAS and Member States bilateral activities and national diplomacy. The Member States should get out of the traditional nature and identity of sovereignty nation, with clarifying what is the original attempting to establish the EEAS, it aims to add value to the effectiveness of EU external policies, and ensure the continuity, consistency and coherence of EU's external actions.

Of course, the EEAS is just launching and operating no more than five years, it is still in the process of further construction, with little experience and learning gradually. We should believe its potential as well as the EU's determination and capability, but it is still too early to judge this service. We could have anticipations for the future development direction, it is not the proper and mature time to judge the EEAS.

In summary, I believe the EEAS is relevant now and also in the future. In the long term, there is much to be gained by better used of EU's diplomatic resources globally, more based on the EEAS as well as the support of the Member States and other joint efforts of EU institutions. The common and consolidate EU-level foreign policies and actions would not be an impossible task.

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