

Chaillot Paper

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Pioneering foreign policy

The EU Special
Representatives

Giovanni Grevi



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Giovanni Grevi

Institute for Security Studies

European Union

Paris

The author

Giovanni Grevi

is Senior Research Fellow at the EUISS.

Institute for Security Studies

European Union

43 avenue du Président Wilson

75775 Paris cedex 16

tel.: +33 (0)1 56 89 19 30

fax: +33 (0)1 56 89 19 31

e-mail: info@iss.europa.eu

www.iss.europa.eu

Director: Álvaro de Vasconcelos

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***E**SDP has been substantially fleshed out since its inception in 1999/2000. Functioning ESDP structures have been set up, and successful ESDP missions have spanned from the Balkans to the Democratic Republic of Congo. Eleven missions of various shapes and strength are currently operational, in addition to the predominantly European military operation in the Lebanon. Intra-European divisions over Iraq, however, have projected a fragmented image of the EU in the foreign policy arena, in contrast with relative progress on ESDP. While ESDP is an integral part of the broader Common Foreign and Security Policy, there is nonetheless the feeling that on the whole CFSP has progressed at a slower, more hesitant pace. This is a paradox, since the ESDP is but one of the tools of the EU's CFSP and external action at large.*

Giovanni Grevi's analysis shows that concomitant progress has indeed been made in structuring CFSP. This is not limited to the current function of the EU Special Representatives and to their future possible role once the European External Service is set up, but also includes the progressive creation of stronger, coordinated policy- and decision-making support structures in Brussels. These are geared towards an increasingly holistic approach to the EU's external action, and to enhancing the convergence of the positions of EU Member States around a collective one. In this context, a common appropriation of EU foreign policy is emerging.

This Chaillot Paper reviews in detail the legal underpinnings and the tasks of the EU Special Representatives and the way in which they relate to EU institutions as a whole, thus providing for the first time a comprehensive assessment for those who wish to become acquainted with this original component of CFSP. It fully accomplishes its stated purpose of illustrating 'how the EU engages in crisis situations via the EUSRs, develops its policy approach, and coordinates its different foreign policy instruments', and paves the way for more research in this field.

Back in 1996, Aldo Ajello for the African Great Lakes and Miguel Angel Moratinos for the Middle East peace process inaugurated the model of the EUSRs. Today there are nine such posts, with the further addition of the EUSRs to the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Afghanistan, the South Caucasus, Moldova, Central Asia and Sudan. The purpose of this Chaillot Paper is not to assess the political merit of the EUSRs' activities, but rather to illustrate their distinctive role and tasks. As the author puts it, the Special Representatives stand in the middle of EU foreign policy making, 'at the crossroads between the institutional dynamics of Brussels headquarters, the often heterogeneous priorities of Member States, and the requirements for action in the field.'

Irrespective of their personal commitment, it is clear that the action of the EU Special Representatives is constrained by the same limitations that constrain EU foreign and security policy as a whole. A decisive intervention in the course of events can only occur when the full, coordinated weight of EU institutions and Member States is brought to bear on a given crisis situation. This was clearly the case in the Balkans where, after the tragic divisions of the early 1990s were overcome, an effective and coherent strategy was slowly drawn up and the corresponding array of policy instruments was implemented. It is interesting to note in this respect that the first case of 'double-hatting' of the EUSR and the Commission's representative occurred precisely in the Balkans, for the FYROM. Elsewhere, however, European divisions have continued to be apparent, and it is also true that the key to the resolution of most crises is for the moment in the hands of other players. In the Middle East, no matter how visible and important the action of special envoys, it cannot possibly substitute for the need for a clear definition of where the EU as a whole stands with respect to critical issues such as the attitude to be adopted towards Political Islam, nor can it be brought to bear on the strategies of indispensable players such as the United States and the way they choose to influence conflicting parties.

The Reform Treaty envisages that an integrated EU External Action Service be set up including officials from the Council Secretariat, the Commission, and Member States. In some cases, notably those where double-hatting has been established, EUSRs could become the heads of integrated EU representations abroad. In many other cases, however, the transna-

tional dimension of crises and issues will recommend the direct involvement of the EU foreign policy chief and thus warrant a Special Representative for the sake of high-level coordination and effectiveness of EU diplomatic action.

While coherence between EU institutions and the full panoply of instruments and policies which are available to EU external action, from trade and human rights to the neighbourhood policy and the 'Lisbon agenda', is essential to achieve effectiveness, it is no less important to remember that a large (and often the most relevant) part of what is or is perceived to be the EU's foreign policy is the sum-total of Member States' national policies. The measure of 'coherence between action at the EU level and national policies', as Giovanni Grevi recognises, 'entails far-reaching implications' which transcend, while crucially affecting, the scope and the effectiveness of the EU Special Representatives.

Paris, October 2007

The European Union is in the process of developing a common foreign and security policy. This requires three essential ingredients. First, the progressive convergence of the foreign policies of its Member States. Second, the institutional framework required to foster the process of convergence with adequate input and expertise, and to enable effective decision-making. Third, the instruments to implement the Common Foreign and Security Policy (CFSP) abroad, including the representation of the Union in third countries, the participation in multilateral frameworks, and crisis management. Adequate resources, including diplomatic ones, are necessary to enable progress at the political, institutional and operational level, and to enhance the performance of the Union as a global actor.

EU foreign policy should be regarded as including not only the Common Foreign and Security Policy *stricto sensu*, as first defined in the Maastricht Treaty, but also the external policies of the Community such as political dialogue, development, the external aspects of internal security, and new policy packages such as the European Neighbourhood Policy (ENP). For the purposes of this study, however, the focus lies on CFSP and on the European Security and Defence Policy (ESDP), since EU Special Representatives have been set up as a tool for their implementation within Title V of the Treaty on the European Union (TEU). Other policies, notably the Neighbourhood Policy, are referred to when relevant to account for the work of the Special Representatives, but are not addressed as such.

That said, the strategic perspective of this analysis points to overcoming the legalistic distinction between the inter-governmental and the Community pillar. An integrated EU foreign policy should draw on all available instruments. As the European Security Strategy put it, ‘the challenge now is to bring together the different instruments and capabilities... Diplomatic efforts, development, trade, environmental policies should follow the same

agenda.’ The military and civilian capabilities of Member States, pooled under ESDP, are also included in this overarching approach.

The nine EU Special Representatives (EUSRs) currently in office, whose combined mandates cover critical regions of direct interest and of security concern to the Union, are an important tool of EU foreign and security policy. This *Chaillot Paper* reviews the evolution of this instrument, the performance of the EUSRs and their contribution to foreign policy making and implementation. In other words, this is a study on the making of EU foreign policy, and the role of EU Special Representatives therein.¹ The underlying assumption is that a proper understanding of the functioning of EU foreign policy ‘from within’ is essential to appreciate the performance of the Union on the international scene. External variables, such as the geopolitical interests of great powers, crucially affect the scope and the options for EU foreign policy. However, intra-EU dynamics, in Brussels and on the ground, are a key factor to enable the EU to devise and pursue common policy objectives. From this standpoint, the following questions are addressed. What are the main tasks of the EUSRs? How has their role evolved over time? How do the EUSRs fit and deliver within the EU institutional framework? What could be done to enhance their performance?

As the TEU puts it, the EU Special Representatives are appointed ‘with a mandate in relation to a specific policy issue.’ In practice, the EUSRs have been tasked with crisis prevention, crisis management and conflict resolution, as well as with supporting peace building and political transition, and helping shape the EU approach to countries and regions at risk. Actors of crisis diplomacy under pressing circumstances, the EU Special Representatives have also performed a larger diplomatic and political role, most notably in the Western Balkans. Their mandates are often quite broad, and the complex character of crisis situations demands thorough assessment and comprehensive policy engagement. Interestingly, new profiles of Special Representatives have emerged, or are envisaged, not focussing on specific crises, but on enhancing EU foreign and security policy in key regions (Central Asia) or towards regional partners (the African Union).

The EUSRs are at the crossroads of four critical dimensions of EU foreign policy, namely Brussels-based policy-making, national diplomatic initiatives, relations with third states and parties, and

1. This *Chaillot Paper* only addresses the position of the EU Special Representatives and not the role and activities of the Personal Representatives of the Secretary General/High Representative, namely Annalisa Giannella (Non-proliferation and weapons of mass destruction), Riina Kionka (Human rights in the area of CFSP), and Michael Matthiessen (Parliamentary affairs in the area of CFSP). While performing very important tasks in EU foreign policy making, they are mandated to address functional, horizontal issues, and not specific regions or countries.

coordination with other international organisations. In particular, the active participation of Special Representatives in local, regional and global multilateral frameworks for conflict-settlement and peace-building provides a contribution to promoting effective multilateralism, although the output is not always up to expectations. It is important to acknowledge from the start that, in carrying out their mandates, EUSRs are only one of the many actors of crisis management, and the international politics of any given crisis may considerably affect their activities.

Aldo Ajello, the first EU Special Envoy, was appointed in March 1996 with a mandate to contribute to solving the crisis in the African Great Lakes region. The designation of Miguel Angel Moratinos as the EU Special Envoy for the Middle East peace process followed suit in November. In 1997, the Treaty of Amsterdam consolidated the ongoing practice and introduced the new function of EU Special Representatives at Treaty level, alongside the creation of the post of High Representative/Secretary General of the Council. Since then, EU Special Representatives have grown in number and have expanded their remit. In the course of the last ten years, EUSRs have pioneered the Common Foreign and Security Policy and have helped enhance the Union's profile in the eyes of global partners and local interlocutors. In the field, the EU Special Representatives are a 'face' of the Union, enhancing its visibility, and a 'voice', seeking to put across a single message. At the same time, thanks to extensive networking and in-depth knowledge of the ground, they are the 'eyes' and the 'ears' of the Union, providing Brussels with a regular flow of information and analysis.

The evolution of the EUSRs' role and tasks can be regarded as a useful indicator, among others, of the consolidation (and the limits) of the EU Common Foreign and Security Policy. Three perspectives can be pointed out in this respect. First, the activities of the EUSRs are linked to the development of the crisis management capacity of the Union, under the so-called second pillar. Second, when a variety of EU actors and instruments are deployed in the same country or region, EUSRs should be regarded as a bridging element between CFSP/ESDP tools and relevant Community policies and programmes.

Third, the function of the EUSRs should be set against the background of the debate on the reform of EU foreign and security policy and external representation, launched with the Convention

and the Intergovernmental Conference (IGC) in 2003/2004. The experience of the EUSRs reflects the achievements of the last few years, and dispenses important lessons with a view to introducing future innovations, as provided for in the mandate of the IGC adopted in June 2007. In short, having situated the role of the EUSRs in the existing institutional and policy framework, a dynamic and not static perspective should be taken on their contribution to a more integrated EU Common Foreign and Security Policy, and on related institutional innovations.

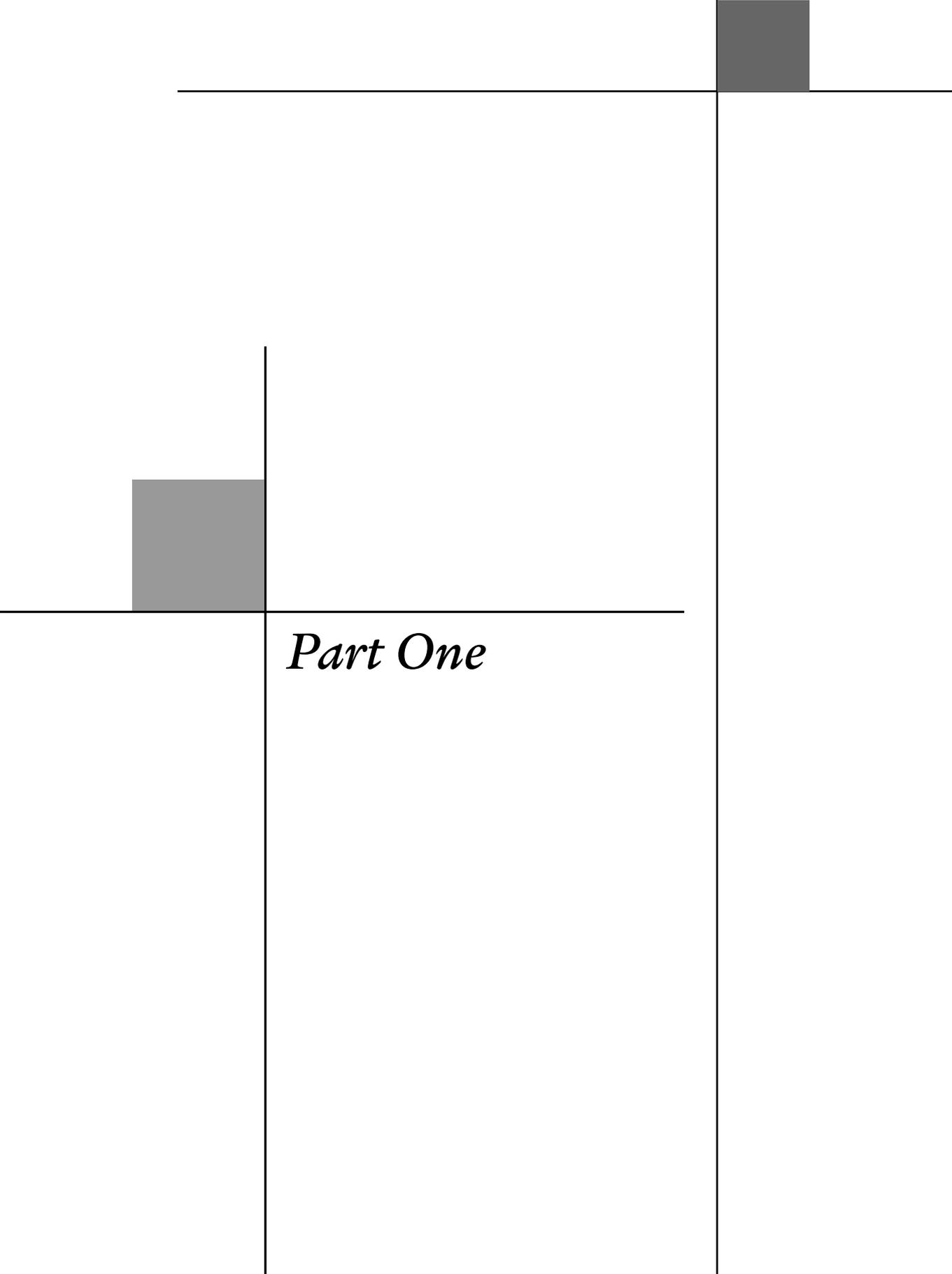
This *Chaillot Paper* is divided into two main parts, respectively addressing the institutional profiles of the EUSR position, and the performance of the nine EU Special Representatives in the field. The chapters included in the first part (One to Three) seek to convey a sense of the evolution of this instrument, so as to illustrate its progressive consolidation and integration in EU policy-making structures. Chapter One addresses the specific legal, administrative and budgetary profiles of this post, as well as the rules concerning their appointment, reporting, and the review of their mandates.

Chapter Two illustrates how EU Special Representatives fit into the EU institutional framework, with a focus on the main features of policy-making under CFSP and a particular reference to crisis management structures and to recent innovations in the context of ESDP. The point is made that the EUSRs should be regarded as one component of a broader system of policy-making. The opportunities and constraints of their function considerably depend on their position, and behaviour, therein. Chapter Three moves on from an institutional perspective to a more policy-oriented one, pointing at the three main 'diplomatic goods' that the EU Special Representatives deliver to the Union, namely representation, information and coordination. In this context, the important, ongoing debate on the 'double-hatting' of the same person as EUSR and Head of the Commission Delegation is presented, including relevant options for the future.

Having analysed the features of the EUSR post, how it fits into the larger EU policy-making framework, and its key 'deliverables', Part One paves the way for the review of the activities of the nine EUSRs in Part Two (chapters Four to Twelve). This overview focuses on the performance of the Special Representatives over the last couple of years (up to spring 2007, except where indicated otherwise). It is meant to provide a sense of their achievements and

shortcomings in the interplay with local political interlocutors, other EU bodies, Member States, and other international actors. Providing an exhaustive picture of the political and security situation specific to each country, region or conflict is clearly beyond the scope of this *Chaillot Paper*. The purpose of this review is rather to illustrate how the EU engages in crisis situations via the EUSRs, develops its policy approach, and coordinates its different foreign policy tools, not least in a comparative perspective.

Part Two provides the foundation for some final remarks on the role played by EU Special Representatives in shaping and implementing EU foreign policy in difficult regions, and on the constraints affecting their activities. In conclusion, some practical measures are suggested to address these constraints, notably concerning the design of the EUSRs' mandates and related resources, better coordination at EU level and closer cooperation between the EU and Member States. Moreover, taking a medium-term perspective, some reflections on how to include the EU Special Representatives within the envisaged External Action Service are presented. A table is included in the annex providing basic data on all EUSRs currently in office in a concise format.



Part One

EU Special Representatives: the legal and budgetary framework

This chapter addresses the legal, budgetary and administrative profiles of the function of EU Special Representative. The analysis of the legal status of the EUSRs, of funding arrangements and of relevant administrative provisions, addresses the conditions that enable Special Representatives to implement their substantive mandate. This review shows some progress towards the consolidation of this instrument, in order to make it more effective. A sharper definition of the EUSRs' mandates, tighter rules for reporting, the development of an administrative toolkit to get the EUSRs up and running, and the expansion of their budgetary resources, reflect this overall trend. The successive documents containing the 'Guidelines on the appointment, mandate and financing of EU Special Representatives' constitute important sources to review progress.

Appointment, legal status and personnel issues

The EU Special Representatives are an instrument of the CFSP. The first EU Special Envoys were appointed in 1996 with a mandate to address, respectively, the crisis in the African Great Lakes and the Middle East Peace Process.² The Treaty of Amsterdam in 1997 codified the emerging practice of appointing EU Special Envoys. Article 18.5 of the TEU stipulated that 'the Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to particular policy issues.' From a legal standpoint, the EUSRs have the status of CFSP Special Advisors.

Technically, Special Advisors are people who are employed to assist one of the institutions of the Communities either on a regular basis or for a specific period of time. More specifically, CFSP Special Advisors are 'entrusted with the implementation of a specific operational action stemming from a Joint Action or from

2. Council Joint Action 96/250/CFSP, 25 March 1996, in relation to the nomination of an EU Special Envoy for the African Great Lakes Region; and Council Joint Action 96/676/CFSP, 25 November 1996, in relation to the nomination of an EU Special Envoy for the Middle East Peace Process.

a decision of the Council implementing a Joint Action.’ EU Special Representatives are thus a sub-category of CFSP Special Advisors, since they are entrusted with a mandate in relation to a particular policy issue as provided for by Article 18.5 TEU.³

The Treaty of Nice extended the application of qualified majority voting to the appointment of EUSRs (Article 23.2 TEU). The appointment procedure has evolved in order to allow for a more thorough evaluation of candidates. The Guidelines of March 2000 envisaged that the Council would call for candidates from EU Member States and that the Political Committee (then replaced in this function by the Political and Security Committee) would examine the candidatures and would have the faculty to give an opinion concerning the appointment. The Council would subsequently adopt a Joint Action including both the appointment decision and the mandate of the EUSR.⁴ This procedure has recently been amended to reflect practical developments. The candidates presented by Member States undergo a series of interviews with a panel including representatives of the Presidency, the Policy Unit and the Council Secretariat, as well as with the SG/HR. Based on these interviews, the SG/HR makes a recommendation to the Political and Security Committee (PSC). Following the political endorsement of the candidate by the PSC, the Council appoints the new EU Special Representative.⁵ In terms of substance, stronger focus has been put on the concrete experience of the candidates in the countries or regions which are the subjects of their mandates.

The Special Representatives are responsible for constituting their team ‘in consultation with the Presidency, assisted by the Secretary General/High Representative, and in full association with the Commission.’⁶ The personnel in the EUSRs’ teams falls into three categories, namely officials seconded from EU institutions or Member States, international contracted staff, and local contracted staff. The EU Special Representative hires international staff and local staff through an employment contract. The details of this contract and of the employment conditions of the EUSRs’ staff were specified in a Communication from the Commission in 2004, which is in the process of being reviewed.⁷

The 2004 Communication specifies that international staff includes EU nationals and citizens of third countries financially

3. The definition of CFSP Special Advisors is provided by the Communication from the Commission on the Specific Rules for Special Advisors of the Commission entrusted with the implementation of operational CFSP actions, COM(2004)2984 final, 6 August 2004.

4. Council Doc 7089/00, ‘EU Special Representatives: Guidelines for appointing procedure and administrative arrangements’, 20 March 2000.

5. Council doc. 11328/1/07, ‘EU Special Representatives: Guidelines on appointment, mandate and financing’, 24 July 2007.

6. Council doc. 7089/00, *op. cit.* in note 4. The same formulation can be found in all successive Joint Actions appointing EUSRs.

7. Communication from the Commission COM(2004)2984 final, *op. cit.* in note 3. The Communication also includes the detailed description of the different categories of EUSR personnel, their rights and obligations, and their levels of remuneration.

contributing to the operational action, who do not reside at the place of the EUSR's employment (Brussels or the field). Their contract is subject to the labour law of their country of citizenship. Local staff are those whose contract, regardless of their citizenship, is subject to the labour law of the place of the EUSR's employment. The level of remuneration, and the criteria to define it, have been fixed by the Commission. On the basis of their professional experience, the EUSR decides therefore on the grade of international contracted staff against a pre-established classification. Expenses related to all contracted staff are provided for under the financial reference amount indicated for each operation within the CFSP budget. The seconding Member State or institution, on the other hand, covers the salaries of seconded staff (their travel expenses and related daily allowances being charged to the EUSR budget).

This framework posed two problems to EUSRs in forming their teams. First, the salary levels foreseen in the 2004 Communication did not prove competitive and sometimes made the recruitment of the best qualified personnel, as international contracted staff, more difficult. Second, staff seconded to EUSRs' teams did not receive *per diems*, with the exception of travel allowances. That led to unequal treatment compared to staff seconded to ESDP operations, whose *per diems* are charged to the CFSP budget. The new Communication from the Commission, due to be finalised soon, introduces three main innovations. First, the levels of remuneration for EUSRs and their staff are adjusted so as to make them competitive with respect to comparable contracts with other international organisations. Second, EUSRs, who are responsible to the Commission for the management of their budget, will hereinafter be covered by a full financial liability insurance for all damages caused in the course of the mission, and for any other controversy which might arise from the contracts signed in the exercise of their mandate. In addition, high risk insurance will cover seconded staff as well, which was not previously the case. Third, EUSRs are given more flexibility in the grading and classification of the personnel that they hire, so as to leave room for a personal assessment in agreement with the Commission.

The question of the human resources in support to EUSRs has also been addressed in the context of the civilian capability gener-

8. Action Plan for the Civilian Aspects of ESDP, adopted by the European Council, 17-18 June 2004.

9. Council Doc. 15836/04, 7 December 2004, Civilian Headline Goal 2008. The Feira European Council Conclusions indicated police, rule of law, civil administration and civil protection as the four priority areas for the development of EU civilian crisis management.

10. Council Doc. 10462/05, 23 June 2005, Civilian Headline Goal 2008, General Secretariat Document: 'Multifunctional Civilian Crisis Management Resources in an Integrated Format – Civilian Response Teams'. The document clarified that, when deployed in support of EUSRs, the Civilian Response Teams would work under his or her authority.

11. General Budget of the European Union for the financial year 2007, 2007/143/EC, Euratom, *Official Journal* L 077, 16 March 2007. The remarks included in the EC budget 2007 concerning budget line 19.03.06 explain that the appropriation for Special Representatives 'covers expenditure on the salaries of EUSR and on setting up their teams and/or support structures, including staff costs other than those relating to staff seconded by Member States or EU institutions. It also covers the costs of any projects implemented under the direct responsibility of an EUSR.'

12. See the standard Joint Action appointing EU Special Representatives, in Council Doc. 13833/03, 'EU Special Representatives: Guidelines on appointment, mandate and financing', 28 October 2003.

13. 'Commitment appropriations cover legal commitments made to spend funds over one or more years. These commitments are then honoured by payment appropriations each year.' Press release IP/06/1810, 14 December 2006.

ation process – the Civilian Headline Goal (CHG) 2008. The June 2004 Action Plan for Civilian Aspects of ESDP envisaged that 'Generic support functions for an EUSR's office will be developed to allow for flexibility of deployment and as a support to a civilian ESDP mission.'⁸ Consequently, the CHG 2008 stated that, in addition to the four priority areas for civilian crisis management agreed at Feira, the EU should be able to conduct monitoring missions and to provide support to EUSRs.⁹ In developing the new format of Civilian Response Teams it was foreseen that, among other functions, these rapidly deployable teams of national experts could be deployed to reinforce existing EU mechanisms in response to urgent needs, 'notably under the auspices of a EUSR function.'¹⁰ Subsequent progress reports and civilian capabilities improvement conferences have not focussed on this specific dimension of capacity building. Although Member States have formally identified personnel to carry out this function, support to EUSRs has not attracted the same attention as the identification of key profiles and personnel for police or rule-of-law missions. Arguably, however, the pre-selection of national experts with experience in horizontal tasks, such as office administration for field-based EUSRs and media relations, or relevant geographic expertise, could facilitate the speedy recruitment of required personnel.

Funding and relations with the European Parliament

All the expenditure resulting from the activities of Special Representatives (administrative and operational) is charged to the CFSP chapter of the EC budget (budget line 19.03.06).¹¹ The standard Joint Action appointing Special Representatives provides that 'the EUSR shall be accountable to the Commission for all expenditure' and 'the management of the expenditure shall be subject to a contract between the EUSR and the Commission.'¹² The EUSRs therefore enter a contractual relationship with the Commission, which is responsible for administering all CFSP funds.

The amount of commitment appropriations¹³ covering EUSRs' expenditure has been growing steadily, while remaining relatively stable as a share of the whole CFSP budget since 2005, as the table below indicates.

	Number of EUSRs	Budget line 19.03.06 (EUSRs)		Chapter 19.03 (CFSP)		EUSRs % CFSP budget (final commitments)
		Initial commitments	Final commitments	Initial commitments	Final commitments	
2004	6	3,100	3,530	62,600	63,347	5.6%
2005	9	6,500	9,368	62,600	73,173	12.7%
2006	9	7,500	11,060	102,600	103,705	10.8%
2007*	9	14,000		159,200		8.8%**

Source: Council Doc. 5685/07, CFSP Budget Report – State of Play on 31 December 2006, 25 January 2007. Figures are expressed in thousands of euro.

* General Budget of the European Union for the financial year 2007, 2007/143/EC, Euratom. OJ L 077, 16 March 2007. Final commitments are of course not available yet.

** EUSRs' share of initial commitments under the CFSP chapter of EC budget for 2007.

The rapid increase of the cost of EUSRs is due to three main factors: the sheer proliferation in their number, the establishment of support teams in the field attached to some Special Representatives, and security requirements. These insights also explain the considerable difference between commitment appropriations at the beginning and at the end of the budgetary year. Sometimes, decisions intervening in the course of the year entail important financial implications. In some cases, better planning could help foresee upcoming costs. In others, changing requirements can hardly be anticipated. For example, the decision was taken in July 2005 to establish a support team attached to the (then) EUSR Heikki Talvitie for South Caucasus.¹⁴ Talvitie being a travelling EUSR, the 2004 budget stood at a modest €396,000, whereas the following year the cumulative expenses for the EUSR South Caucasus and his new Team climbed up to €2,300,000.¹⁵ The tighter policy provisions concerning the security of EU personnel deployed abroad will continue to entail higher costs, including for example adequate security training for the EUSRs and their staff.

The European Parliament (EP) has taken issue with the growing costs of EUSRs and their offices. From the Parliament's standpoint, the Special Representatives pose a problem of democratic accountability since the Parliament has no voice in their appointment and their activities escape regular parliamentary scrutiny. More specifically, the EP has raised regular questions in the context of the Joint Consultation Meetings on the methodology of

14. Council Joint Action 2005/582/CFSP, 28 July 2005. For the background to the creation of this EUSR support team, see below pp. 53-4.

15. Council Doc. 5685/07, 'CFSP Budget Report – State of Play on 31 December 2006', 25 January 2007.

16. European Parliament, Committee on Foreign Affairs. Report on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Communities (point H, paragraph 40, of the Interinstitutional Agreement of 6 May 1999), 2005. Rapporteur: Elmar Brok. Final, A6-0130/2007, 4 April 2007. Paragraph 58. On matters related to the parliamentary scrutiny of CFSP and to the financing of CFSP/ESDP, see also paragraphs 41 to 48 and 49 to 66.

17. Interinstitutional Agreement (IIA) between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, 17 May 2006, *Official Journal C* 139, 16 June 2006. This Agreement replaces the previous IIA of 6 May 1999, *Official Journal C* 172, 18 June 1999.

18. European Parliament report on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, op. cit. in note 16. See in particular paragraphs 44 and 57. This argument was taken on board by the Finnish Presidency, which, in an exchange of letters, agreed to provide the EP with 'timely information on planned individual CFSP/ESDP actions and decisions.' See reference in Dietmar Nickel and Gerard Quille, 'In the shadow of the Constitution: Common Foreign and Security Policy/European Security and Defence Policy Adapting to a Changing External Environment', *Jean Monnet Working Paper*, no. 2, 2007, p.32.

19. Opinion of the Committee on Budgets for the Committee on Foreign Affairs on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Communities (point H, paragraph 40, of the Interinstitutional Agreement of 6 May 1999), 2005. Draftsman: Antonis Samaras. 28 February 2007.

20. See Council Doc. 11328/1/07, op. cit. in note 5.

appointment, the identification of objectives, and the absence of clear benchmarks for assessing progress. The EP has also focused on the implications of the EUSRs' activities for the role of the delegations of the Commission abroad. In its annual Report on CFSP, the Parliament stressed that a proliferation of EUSRs should be avoided, and that they 'should be nominated only in respect of special cases and should not weaken the role of the Commission's delegations on the ground.'¹⁶

The budgetary dimension should be set in the context of this wider political debate. Following the entry into force of the new Inter-institutional Agreement (IIA) on budgetary discipline and sound financial management on 1 January 2007,¹⁷ the Foreign Affairs Committee and the Committee on Budget insist on the full application of points 42 and 43 concerning the financing of CFSP. These paragraphs contain new requirements concerning the annual report on CFSP that the Council has to transmit to the EP. The latter has to be submitted by mid June, needs to be a forward-looking document and needs to include an evaluation of the measures undertaken in the previous year. In short, as argued in the annual EP Report on CFSP, the Parliament should not only receive extensive information *ex post*, but also be consulted *ex ante* on future choices and priorities of CFSP, with a view to promoting a structured dialogue between the two institutions.¹⁸

More specifically, in an Opinion attached to this report, the Committee on Budget recalled that EUSRs 'fall under the CFSP budget and that all relevant provisions of Point 42 of the IIA also apply as regards the financial consequences of the extension of their mandates.'¹⁹ In addition, the Opinion calls for establishing more stringent criteria for the appointment and evaluation of EUSRs, including an assessment of their added value, and for timely access to their evaluation reports. Progress in this direction has been made with the adoption by the Council of the latest guidelines on EUSRs.²⁰

The Parliament highlights that, at the end of successive budgetary years, the amount of commitment appropriations has regularly been well above the original level allocated to EUSRs. On the other hand, most of the additional appropriations result from the reimbursement of unspent funds from other ESDP missions or budget lines within the CFSP chapter. Budgetary rules allow for internal transfers to be operated by the Commission when need be, and the latter has proven quite cooperative in allowing residual

funds to match unfolding policy priorities. In other words, thanks to a fair bit of brinkmanship (and, occasionally, the contribution of Member States in different forms), the growing costs of EUSRs have not entailed a deficit in the CFSP budget. The EP, however, is unhappy with budgetary recuperations that it regards as based on unsatisfactory budgetary planning in the first place.

The question of the democratic accountability of EUSRs and CFSP at large goes far beyond the scope of this study and is of considerable political relevance. This issue can be addressed from other angles as well, considering for example the accountability of the CFSP actors to Member States' governments, in particular through the PSC and other Council working groups. Also, arguably, confidentiality and flexible responsiveness to events are rather typical features of crisis diplomacy in its various applications. That said, it is clear that the larger the role of EUSRs, and the more salient the political issues that they address, the more accountable they will be expected to be to the EP. For the record, suffice here to recall that, in the course of 2006, EUSRs took part in relevant parliamentary hearings eleven times.²¹ Their participation is coordinated by the Personal Representative of the SG/HR for relations with the European Parliament, Michael Matthiessen, appointed in January 2007.

Administrative support

EU Special Representatives and their advisors have often complained that, once parachuted into the job, they have been left alone to deal with it. In other words, EUSRs lacked proper administrative support and found it quite hard to fit into the structure of the Council Secretariat and understand its functioning. No standard induction training was foreseen. Many EUSRs felt burdened with unnecessary tasks, which delayed the proper launch of their political mission. These included, for example, drafting the job descriptions to recruit their advisors and setting staff rules – a process that was not only time-consuming and relatively inefficient, but also not very transparent. On a range of rather important issues, such as relations with the press or security matters, EUSRs did not know who to talk to and, even if then did, support was not always timely. Moreover, the scattering of EUSRs and of their advisors across different offices and different buildings did not help smooth

21. Council Doc. 7358/07, Summary of the appearances by the Council in the European Parliament in the field of CFSP/ESDP in 2006, 14 March 2007. According to this recollection, officials from the Austrian and the Finnish Presidency, as well as senior officials from the Council Secretariat, have briefed the EP on matters related to CFSP/ESDP on 142 occasions. The SG/HR himself has appeared before the EP six times.

communications between their teams as well as between EUSRs' staff and the various interlocutors in the Council Secretariat.

The idea was floated in summer 2005 to set up 'Office establishment teams', notably to help field-based EUSRs with heavy administrative requirements.²² Since then, a process of progressive rationalisation has been launched, with the Coordination Unit of DG E in the Council Secretariat seeking to provide better, standardised support to the Special Representatives. In the autumn of 2006, an 'administrative toolkit' was prepared including all relevant information to get started, such as rules on the recruitment of personnel and guidance on communications, media relations, relationship with specific units, confidential documentation and security issues. Moreover, a one-week induction training course is now envisaged for all EUSRs and their staff. Since early 2007, moreover, one official has been appointed in the Coordination Unit to become the first contact point for all EUSRs and their advisors on administrative matters – a sort of focal point to ensure the proper management of the EUSR system. Contact points for specific sets of issues, from relations with the media to security matters, have also been identified. Active consideration is currently being given to the option of setting up a 'support cell' – a single administrative support team serving the EUSRs, which would include all relevant personnel. This would help centralise relevant expertise and harmonise administrative and budgetary practices.

Mandates, reporting and evaluation

The duration of the EUSRs' mandates, the frequency and quality of their reporting, and the procedures to evaluate their performance are three closely interrelated issues. Essentially, it is a matter of establishing if the Special Representatives are fulfilling their mandates, whether the latter need updating, or whether their missions should be terminated. Significant innovations have been introduced over the years to sharpen this process of evaluation and review. This is a primary dimension of the relationship between Special Representatives and their interlocutors at Headquarters (HQ) in Brussels, notably the Council working groups competent by geographic or functional domain, the RELEX Counsellors and the PSC. The mandate of the EUSRs is prepared by the relevant

22. This and various other proposals directed to establishing a better link between EUSRs and the Council Secretariat emerged at the first lessons learned seminar involving all Special Representatives at the invitation of the SG/HR, held on 29 June 2005. For a broader illustration of the innovations introduced or envisaged to better frame EUSRs in the CFSP machinery, see below pp. 31-3.

regional working party, in so far as the policy objectives and tasks are concerned, and by the RELEX Counsellors when it comes to the legal, institutional and financial aspects. Final endorsement lies with the PSC, before the mandate is submitted to the Council for the adoption of the Joint Action.²³

Originally, Special Representatives were appointed for a renewable period of six months. It was felt that the short duration of the mandates would allow for more flexibility in terminating them, once the objectives were achieved. The standard Joint Action included in the March 2000 Guidelines provided that the EUSR ‘shall submit regular reports on the implementation of his/her political mandate, on his/her initiative or when requested, to the Council through the SG/HR.’²⁴ It was foreseen that the implementation of the Joint Action itself ‘shall be kept under regular review, taking into account notably the development of, and coherence with, other EU contributions to the region.’ More specific guidance on the evaluation and review of the mandate of EUSRs was provided three years later, by addressing instructions to both the Special Representatives and the relevant Council Working Groups.²⁵ The point was to ensure that a thorough evaluation of EUSRs’ mandates would be completed before the annual review of the priorities for the deployment of EUSRs carried out by the PSC in consultation with the SG/HR.

Special Representatives were instructed to submit a comprehensive written report on the implementation of their mandates. The report had to include an outline of the actions undertaken (with a focus on measures to ensure coordination with other EU and international actors), an evaluation of the results attained and obstacles encountered, and an indication of key challenges for the future. The subsequent Working Group’s report was supposed to provide an overall assessment of the adequacy of the mandate and a more specific evaluation of the EUSR’s activities. Importantly, this included a focus on the EUSR’s input to policy formulation, and an assessment of the coordination between the activities of the EUSR and those of other EU actors. The relevant Working Group was also expected to deliver recommendations to the PSC concerning the extension or termination of the mandate and eventual amendments to it.

Accordingly, the October 2003 Guidelines on the appointment of EUSRs envisaged a more detailed formulation of the mandate of the various EUSRs, and more specific requirements for

23. Council Doc 11328/1/07, op. cit. in note 5.

24. Council Doc. 7089/00, op. cit. in note 4.

25. Council Doc. 6436/03, ‘EU Special Representatives – review of mandates’, 14 February 2003.

reporting and evaluation.²⁶ First, the overall policy objectives of the EU needed to be spelt out so as to situate the mandate in a broader political perspective. Second, the EUSRs would report in person to the SG/HR and to the PSC and may report to the relevant Working Group, as well as directly to the GAERC on the recommendation of the SG/HR and the PSC. Regular written reports would also be circulated to the SG/HR, Council and Commission. The Guidelines required that evaluation reports from the EUSRs to the SG/HR be submitted twice a year, by mid-May and mid-October respectively. The subsequent evaluation would build on recommendations from the Working Groups and the SG/HR to the PSC. Eventually, the Council would take decisions on the extension of the EUSRs' mandates in June and December.

In April 2005, the Policy Unit submitted a paper concerning various issues surrounding the evolution of the EUSR instrument. In particular, it was felt that the evaluation processes needed to become more effective, based on more clearly specified objectives and benchmarks. The question was also raised of whether six-month evaluation periods were appropriate, as opposed to longer intervals permitting a more balanced assessment. In parallel, the issue of the duration of mandates was tackled, envisaging that longer ones might be required. At a subsequent 'lessons learned' seminar involving all EUSRs, held in June 2005, the important point was made that, when possible, the review and the evaluation of different EU instruments in a given country or region should be carried out simultaneously, so as to enhance coherence. As a result of these debates, the decision was taken in June 2005 to extend the duration of the EUSRs' mandates to one year, while preserving the necessary flexibility to respond to the needs on the ground. It was also envisaged that EUSRs would submit two major reports – a progress report before the end of June, and a comprehensive mandate implementation report by mid-November each year.²⁷ The 'Guidelines' document approved in July 2007 makes further strides towards establishing a tighter process of drafting, review and renewal of EUSRs' mandates. In particular, the role of the RELEX Group is enhanced and it is envisaged that, in principle, the tenure of office of EUSRs would not exceed four years.²⁸

26. Council Doc. 13833/03, *op. cit.* in note 12.

27. The new provisions were incorporated in the standard Joint Action with Council doc. 7223/06, 'Guidelines on appointment, mandate and financing of EU Special Representatives', 10 March 2006.

28. Council Doc. 11328/1/07, *op. cit.* in note 5.

Security issues

Following the adoption of the new EU policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the TEU, EU Special Representatives have been given considerable responsibilities to ensure the security of the personnel under their authority.²⁹ EUSRs have long argued for better security arrangements to provide for their protection, safe transportation and measures to evacuate them and their teams if need be.

The new policy mainstreams the security dimension through all stages of the planning, deployment and conduct of ESDP operations and of EUSR missions, designs a process involving all relevant players and attributes clear responsibilities and tasks regarding the security of personnel, but also of equipment and information. Following a risk assessment conducted by the Joint Situation Centre of the General Secretariat of the Council and a security assessment carried out by the Security Office, appropriate protection measures will be adopted. These include, among others, arrangements to grant a protected status to deployed personnel, the application of a mission-specific security plan, a system for the management of the movement of personnel, provisions for medical care and evacuation, adequate training, security handbooks and required insurance coverage. Incident and consequence management also need to be addressed, and procedures established for the evacuation of personnel.

In this context, EUSRs are expected to ‘take all reasonably practicable measures, in conformity with his or her mandate and the security situation in his or her geographical area of responsibility, for the security of personnel under his or her direct authority.’³⁰ As provided for in the new standard Joint Action appointing EUSRs, they must issue a mission-specific security plan including the protection measures outlined above, and ensure that all personnel are covered by high-risk insurance and have received appropriate training. In addition, they need to ensure the implementation of the recommendations made as a result of regular security assessments, and include security issues within their written reports.

29. Council Doc. 9490/06, ‘Policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union’, 29 May 2006.

30. *Ibid.*

The Joint Action also foresees that EUSRs ensure, within the limits of their mandate and as part of the chain of command, that the approach to the security of personnel across all EU crisis management instruments on the ground be coherent. The new policy provides that the costs entailed by the implementation of security recommendations are to be borne by the EUSRs' budgets.

The institutional environment of EU Special Representatives

EU Special Representatives are one element of a broader institutional and policy framework. This chapter is dedicated to the institutional environment where EUSRs operate, with a focus on the main features of policy-making under CFSP/ESDP. The basic argument here is that the deepening of the institutional foundations of CFSP and the evolution of the instrument of EU Special Representatives carry mutual implications. Before addressing the main substantive tasks fulfilled by the EUSRs, presented in Chapter Three, it seems useful to illustrate how they fit into the machinery of CFSP and, more specifically, ESDP. As such, Chapters Two and Three should be regarded as closely connected in describing the function of EU Special Representatives.

Following a founding stage in 1999-2001, when new structures were set up and new working methods tested, CFSP and ESDP went through a period of fast and sometimes troubled growth in 2002-2005. The Iraq crisis triggered a major conceptual innovation – the European Security Strategy – that would become the roadmap for considerable policy developments, from crisis management to supporting the UN and regional organisations in the pursuit of effective multilateralism. In particular, creative pragmatism and highly empirical policy-making drove the European Security and Defence Policy, with the latter increasingly reaching out from Brussels to the field through a set of new instruments. The launching of 19 civilian and military missions was accompanied by the rapid expansion of the network of EU Special Representatives, from two in 1999 to nine in 2005. The role of EU Special Representatives has been growing wider and more diverse in parallel to the broadening geographical and functional scope of the EU foreign and security policy.

Since 2005, CFSP has entered a new stage of consolidation, aiming to anchor future activities on more solid institutional and policy grounds. Priorities include increased and better-adapted capabilities, larger financial and human resources, and a stronger

institutional framework to sustain the burden of multiple crisis management operations, and to deliver a more coherent foreign policy. Strengthening the management of the EUSRs and enhancing their contribution to joint policy-making is yet another priority in this context. At the end of 2005, the Hampton Court process was launched, aiming to improve crisis management procedures and envisaging the set-up of new layers of functional coordination. A more detailed set of proposals was tabled by the SG/HR in June 2006 as a follow-up to the Hampton Court mandate.³¹ The measures introduced at the end of 2006, and directed to better framing EUSRs in the policy-making structure of the Council Secretariat, are therefore the by-product of a broader reform exercise. Lastly, important innovations were adopted in June 2007 with a view to setting up a stronger capability for the planning and conduct of civilian crisis management operations. These innovations carry considerable implications for the role of the EUSRs in crisis management.

CFSP/ESDP policy-making: the main structures

Assessing the role of EU Special Representatives requires situating them in the complex policy-making framework that has been taking shape over the last few years. EUSRs have been confronted with new interlocutors, new demands and with the development of a distinctive crisis management culture. EU Member States have been pooling together national expertise and resources, and setting up a credible capacity for joint policy-making and implementation within the EU, while preserving the authority to take final decisions themselves. In other words, Member States have progressively established at the European level the institutional means to foster the convergence of their foreign policy interests and priorities, so as to define and achieve shared goals.

The policy-making framework underpinning CFSP/ESDP includes five key institutional bodies, namely the European Council, the General Affairs and External Relations Council (GAERC), the rotating Presidency, the SG/HR and the Political and Security Committee (PSC). This framework has been the subject of comprehensive review elsewhere, which should be consulted for further details.³² It may suffice here to briefly recall the key responsibilities that the Treaty on the European Union attributes to

31. Letter of SG/HR Javier Solana to the President of the European Council on the Hampton Court follow-up, 13 June 2006, Annex on Adjustments to strengthen coherence and to strengthen the assessment, planning and implementation capacity within the Secretariat.

32. See, among others, Antonio Missiroli, 'ESDP – How it works', in Nicole Gnesotto (ed.), *EU Security and Defence Policy – The first five years* (Paris: EUISS, 2004); International Crisis Group, 'EU Crisis Response Capability Revisited', *Background Report*, 17 January 2005; Jolyon Howorth, *Security and Defence Policy in the European Union* (London: Palgrave MacMillan, 2007), pp. 61-91.

different players. These are the ground rules of the ‘formal constitution’ of CFSP. The European Council defines the principles and basic guidelines for CFSP, on the basis of which the GAERC takes decisions for defining and implementing policy (Article 13 TEU). The rotating Presidency represents the Union in CFSP matters and is responsible for the implementation of the relevant decisions. The SG/HR assists the Presidency in these functions as well as the Council at large in CFSP matters ‘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.’ (Articles 18 and 26 of the TEU). The PSC, where senior Member States’ representatives sit, is entrusted with monitoring the international situation, contributing to the definition of policies by delivering opinions to the Council, and overseeing policy implementation. Moreover, the PSC ‘shall exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations’ (Article 25 TEU).

A broader set of non-Treaty level institutional structures needs to be included in this review. The Directorate General (DG) E of the Council Secretariat, responsible for foreign and security policy and for crisis management, includes DG E IX, looking after civilian crisis management, DG E VIII, tasked with political-military affairs, and other departments with a geographical or functional remit. The EU Military Staff (EUMS), directly attached to the SG/HR, is mandated with early-warning, situation assessment and strategic planning. Two other distinctive bodies are attached to the SG/HR – the Policy Unit and the Joint Situation Centre. A range of Brussels-based inter-governmental committees support the work of the PSC, notably including the EU Military Committee (EUMC), the Committee on civilian crisis management (CIV-COM), the Political-Military Group (PMG) and the RELEX Counsellors’ Group. Dozens of other committees meet periodically in Brussels to address developments in specific geographical or functional areas and to prepare the meetings of the PSC and of the Council.

Following this brief overview of the relevant institutional arrangements, one should proceed to uncovering the ‘material’ constitution of CFSP/ESDP. In other words, its *acquis* of institutional practice and experience. Over the last few years, Brussels-

based policy-making in this domain has undergone considerable change, and developed innovative features which affect the interaction between the EUSRs and these institutions.³³ First, the supply of policy input and informal initiative from EU bodies has been expanding, not least to meet the growing demand by Member States and enhance the convergence of their positions. Information and expertise play a critical role in supporting policy initiatives. Second, intensive exchanges within Brussels-based bodies entail permanent networking and the progressive socialisation of national diplomats and EU officials. While plenty of shortcomings can be pointed out, a result-oriented negotiating style has nevertheless progressively emerged, with a view to forging common solutions. What follows is a short illustration of these features of cooperation under CFSP/ESDP, and of their implications for EU Special Representatives.

CFSP/ESDP policy-making: innovative features

The capacity to submit policy options and proposals to Member States has been steadily growing, thereby enhancing deliberation and bargaining in the Council working groups. In 2000-2003, the Policy Unit (PU) attached to the SG/HR pioneered this proactive style of policy-making. The PU was mandated to support the SG/HR in his contribution to the formulation, and not simply the implementation, of foreign policy.³⁴ The PU included senior national diplomats but worked under the responsibility of the SG/HR. Therefore, it combined a strong link to national capitals, and to respective national sensitivities, with a mandate to serve the Common Foreign and Security Policy. In 2004/2005, a restructuring of the Council Secretariat was launched, leading to a progressive (and partial) merger of the Policy Unit with the pre-existing geographic desks of DG E. Today, the Council Secretariat has established itself as an important player in the making of CFSP. Policy papers and options papers, sometimes written jointly with the Commission, often provide the basis for the proceedings of the PSC and other committees.³⁵

The PSC, for its part, is supposed to define and oversee the EU's response to a crisis and to 'propose to the Council the political objectives to be pursued ... and to recommend a cohesive set of options.'³⁶ Given its additional prerogative of political control

33. This analysis builds on a number of interviews conducted by the author in the course of 2005/2006 with members of the PSC and other Brussels-based CFSP committees, as well as with officials from DG E and the Policy Unit in the Council Secretariat.

34. At the outset, the mandate of the then Policy Planning and Early Warning Unit included monitoring foreign policy developments, assessing EU foreign policy interests and identifying issues for future action, ensuring early warning and timely analysis of situations with implications for CFSP, and producing policy option papers as a contribution to policy formulation. See Declaration 6 attached to the Treaty of Amsterdam.

35. See, for example, the joint paper on an integrated strategy for security sector reform in DRC Congo.

36. Council Decision 2001/78/CFSP setting up the Political and Security Committee, 22 January 2001, *Official Journal* L 27, 30 January 2001.

and strategic direction of crisis management operations, the PSC is entrusted with a considerable range of responsibilities, including policy recommendation, direction, monitoring and evaluation. As such, the PSC performs a highly political task in striking deals and submitting policy initiatives, or options, to the GAERC for final agreement. At whatever level it is exercised, the function of policy input and initiative requires appropriate, timely information and political advice.

Information and expertise matter because they shape perceptions. The definition of the states' interests and positions is (also) a function of the way in which policy-makers 'frame' reality. The pooling of expertise and information happens at different levels. Relevant expertise to plan and conduct crisis management operations has been accumulating in the EUMS and in DG E IX, as well as in the committees advising the PSC – the EUMC, CIVCOM and the PMG. Members of these structures and committees underpin policy decisions with technical advice and have acquired common patterns of thinking. While larger structures exist in some Member States, the unique selling point of Brussels-based bodies is that they apply expertise directly at the European level, to support joint policy-making upstream.

In the case of foreign policy, however, information needs to be collected from the field, in third countries and regions. From this standpoint, the role of EU Special Representatives and of their staff is particularly appreciated, as illustrated in Chapter Three. EUSRs deliver relevant information both on political developments and on the performance of the EU and its different instruments on the ground. In turn, this information enables necessary policy adjustments. The more complex the decisions at hand, the more those possessing relevant knowledge are valued. Among others, therefore, EU Special Representatives play a significant role in fuelling policy initiative at EU level, in the interplay with the Council Secretariat, the PSC and relevant working groups.

Moving on to another important feature of CFSP/ESDP policy-making, the permanent interaction between national diplomats and EU officials in Brussels slowly produces a sense of belonging to a common enterprise, and shared ownership of foreign policy initiatives. This insight applies to the national officials seconded to the various departments of the Council Secretariat, but also to those serving in Brussels-based committees. Clearly,

this evolution is uneven, subject to recurring tensions, and highly dependent on the personality of key players. The habit of meeting several times a week, however, produces a distinctive diplomatic environment where hard bargaining is paralleled by joint policy formulation. Intensive interaction is considered an added value by CFSP policy-makers. The members of Brussels-based committees acquire a sense of the scope for compromise and of the terms of the agreement that is unavailable elsewhere. Thus, the permanent balancing act required to take common positions and actions is, at least in part, conducted jointly.

The participants in Brussels-based CFSP policy-making feel committed to making it work. Clearly, the more political the level of the discussion, the more alternative considerations enter the equation. Also, looking at the approaches and priorities of different actors in the institutional framework, the insight holds valid that ‘where you stand depends on where you sit.’³⁷ And yet, the way in which most officials in Brussels define ‘success’ is when common, effective action is undertaken. After all, the whole point of the CFSP structures established over the last ten years is to enable foreign and security policy-making. In a policy area that does not lend itself to regulation, this result-oriented approach has generated a very pragmatic style of policy-making, often questioned as chaotic but nevertheless quite effective in delivering progress over the years. The EU Special Representatives (notably those based in Brussels and travelling to respective regions) belong to this particular policy-making environment. Most of the political advisors to EUSRs, within the Council Secretariat, are involved in this constant path of interaction. The EUSRs are therefore an additional tool in both shaping and implementing policy, and delivering results.

Two broad considerations can be drawn from this review of policy-making in the domain of CFSP. First, the overall institutional context defines the role and relevance of its constituent parts. For example, Brussels-based governmental committees benefit from the analytical and entrepreneurial capacity of the Council Secretariat and, conversely, the latter requires permanent dialogue with national representatives in technical committees as well as in the PSC to perform its tasks. The second consideration goes back to the evolutionary nature of this framework. Progress is incremental, with successive steps building on previous ones. Member States’ decisions are clearly central to this process.

37. Graham Allison and Philip Zelikow, *Essence of Decision. Explaining the Cuban Missile Crisis* (New York: Longman, 1999), p. 307.

Besides their decisions, however, developments are also affected by the interplay of new institutional structures, new concepts and new working habits, as well as by concrete requirements. This dynamic perspective, which applies aptly to the consolidation of the crisis management capacity of the Union, should also be adopted when considering the role of EUSRs in the broader CFSP/ESDP framework.

Fitting EU Special Representatives into the Council Secretariat

The function of the EUSR developed in a rather *ad hoc* fashion over the years, responding to emerging crises. When the first EU Special Envoys were created in the mid-1990s, the position of the SG/HR had not been established yet, which made it much harder for EUSRs to fit into the Council Secretariat and provide constructive input into policy-making. In other words, the EUSRs operated in a relative institutional void. The considerable build-up that has taken place since 1999 has set the stage for EUSRs to operate more effectively. Growing crisis management expertise in the Council bodies and a fledgling European strategic culture provided a favourable environment to receive and process the EUSRs' input.

The question was how to promote a structured dialogue, and working relationship, between the EUSRs and their new interlocutors in Brussels. On the one hand, it was a matter of building capacity and defining responsibilities within the Council Secretariat in order to provide Special Representatives with clear instructions, stable contact points and ready support in case of emergency. On the other hand, EUSRs needed to understand the way in which the EU works, and suitably adapt to it. That required a considerable effort for most EUSRs, some of which did not show much willingness to adjust to a complex, and sometimes confusing, working environment in Brussels.³⁸ As EUSRs grew in number and their mandate expanded to broader policy issues than crisis management *stricto sensu*, their management posed a growing challenge. In the absence of a framework of rules governing their relations with the Council Secretariat, each EUSR tended to develop his own personal working style, and tensions inevitably emerged between different actors.

38. Another essential aspect of the interface between EUSRs and Brussels-based structures concerns their relation with the inter-governmental committees, such as the PSC. This dimension is addressed more extensively in Chapter Three. See below pp. 40-2.

In autumn 2006, the SG/HR took the initiative to address the problems related to the management and responsibilities of EU Special Representatives. Notably, provision was made to set up an 'EUSR Management Committee' involving all relevant services, namely the Private Office, DG E regional desks and the Policy Unit, the Joint Situation Centre, the press service and DG A, responsible for personnel matters. The committee, coordinated by an official from the High Representative's Private Office, was supposed to streamline the relationship between the Secretariat and EUSRs and also, if need be, perform as a trouble-shooter to avoid institutional bottlenecks. In practice, the committee has not been established as such, but two top officials – the Director General of DG E and the Director of the Policy Unit – have been designated as the main contact points for the EUSRs.

Tighter rules were also laid down concerning specific operational instructions to the EUSRS, within the mandate given to them by the Council. The Council Secretariat was tasked with producing operational instructions, which were approved by the Private Office of the SG/HR. Taking a broader perspective, these steps were essentially directed at achieving a better interaction not only between the Special Representatives and the Council Secretariat, but also among different services within the latter. As such, these measures should be regarded as one aspect of the larger Hampton Court reform process.

Following the informal meeting of Heads of State and Government in Hampton Court in November 2005, the British Presidency asked SG/HR Javier Solana to submit a range of proposals to enhance the EU's performance in crisis management, addressing the consolidation of crisis management structures among other issues. In June 2006, the SG/HR delivered an important report on the follow-up to the Hampton Court mandate, including innovations to strengthen the Council Secretariat crisis management capacity with a focus on assessment, planning and implementation. In addition to a Crisis Management Board presided by the SG/HR himself, the paper envisaged the setting-up of four layers of functional coordination, respectively dealing with situation and risk assessment, providing policy options to the PSC, planning, and better implementation of crisis management.³⁹ In short, it was a matter of involving all relevant departments of the Council Secretariat in decision-making, while preserving their respective competences and responsibilities.

39. Letter of SG/HR Javier Solana, 13 June 2006, *op. cit.* in note 31.

EU Special Representatives were not explicitly mentioned in this context but a more integrated framework for policy-making would facilitate mainstreaming the EUSRs' contribution, and would support the Special Representatives with clear political guidance. The implementation of the Hampton Court agenda has proved to be complicated and controversial, but practical steps in the right direction have been taken to enhance inter-service coordination. In particular, task forces including officials from all relevant bodies (often including the Commission) and the EUSRs' advisors, have been set up and meet regularly, focussing on specific countries or regions such as Bosnia and Herzegovina, the Great Lakes, Sudan and Afghanistan. Among other assignments, these task forces are in the position to establish a stable working relationship with Special Representatives, and enhance the coherence and effectiveness of EU action in the field.

EU Special Representatives and civilian crisis management

The post-Hampton Court agenda has delivered substantial innovation in so far as the planning and conduct of civilian crisis management operations is concerned. From this standpoint, an important transition is underway with the creation of the new post of Civilian Operation Commander within the Council Secretariat. A brief outline of the background to this decision should be provided here, with a view to assessing its implications for the role of the EU Special Representatives.

Under the current arrangements, EUSRs are supposed to provide 'local political guidance' to the Heads of Civilian Mission, and 'advice' to the Force Commanders of military operations. This translates into a variety of tasks such as interventions at the political level to unlock stalemate in pursuing given reforms, joint *démarches* by the EUSRs and the Heads of Mission, and recommendations on how to maximise coordination between EU actors on the ground. While ESDP missions operate under the political control and strategic direction of the PSC, therefore, EUSRs provide another layer of political coverage, closer to local dynamics, better suited to respond to emerging needs and more readily available.

As for the operational direction of ESDP civilian missions, under the heading 'chain of command' Joint Actions currently in

force (but in the process of being revised) stipulate that the SG/HR gives guidance to the Head of Mission through the EUSR. Conversely, the Head of Mission reports to the SG/HR through the Special Representative. In short, EUSRs perform as an interface to streamline the two-way flow of information between the field and headquarters. In addition, different tasks are foreseen for EU Special Representatives depending on circumstances on the ground. The accent can be put, for example, on promoting the visibility of ESDP operations, and on providing an interface with other major international actors in the field, such as the UN, the OSCE and NATO.

However, the precise division of labour between EUSRs and the personnel of DG E IX in providing operational guidance to the Head of Mission, notably in emergency situations requiring urgent advice, was never clearly defined. In other words, the EUSRs were *de jure* and *de facto* in the chain of command, but the specific delineation of tasks between them and the relevant bodies in the Council Secretariat proved controversial. In order to overcome this ambiguity and to consolidate the EU civilian crisis management structures, the case has been made for setting up the new position of Civilian Operation Commander.

The Council Secretariat presented a paper in June 2007 foreseeing the creation of new crisis management and early warning structures. In particular, a new 'capacity' responsible for drafting the civilian and the military strategic options and the Concept of Operations, as well as for supervising the drafting of the Operation Plan, is envisaged. Crisis management documents will be drafted in close cooperation with, respectively, the Operation Commander for military operations, and the new Civilian Operation Commander for civilian missions.

This 'capacity' includes the existing EU Military Staff and the new Civilian Planning and Conduct Capability (CPCC), headed by the Civilian Operation Commander. The CPCC, which is being progressively set up and whose precise features are being defined, will effectively provide a civilian operation headquarters capacity. Notably, as is the case for the Director General of the Military Staff, the new position of Civilian Operation Commander responds directly to the SG/HR and is not part of DG E.

In other words, the military chain of command is henceforth paralleled by a more solid civilian chain of command. The two lines of command are bridged at two levels. First, the Civil Military

Cell will contribute to integrated civil-military planning when need be. Second, an upgraded watch-keeping capability will monitor crisis areas in permanent touch with both military and civilian operations. With the new crisis management architecture, the distinction between ‘political’ guidance and the ‘operational’ chain of command is therefore better defined, at least on paper. Under the political control and strategic direction of the PSC and the responsibility of the SG/HR, the EUSRs (in cooperation with the relevant departments of the Council Secretariat) will provide political guidance. On the other hand, the Civilian Operation Commander will exercise command and control at the strategic level and provide instructions to the Head of Mission.

Clearly, permanent consultation will be required between the EUSR, the Operation Commander and the Head of Mission in any given theatre, so as to avoid counter-productive segmentation of decision-making. Respective competences have been spelt out to set cooperation on firmer grounds. In practice, the workability of the new arrangements will depend on the clear and coherent definition of respective tasks (included in specific operational instructions) on the requirements in the field and, last but not least, on the personal chemistry between different EU crisis management actors. Broadly speaking, however, recent innovations point to a non-operational role for EU Special Representatives with a view to civilian ESDP missions. EUSRs will therefore be more flexible and, arguably, dispose of more time to fulfil their central political and diplomatic roles of representation, reporting and coordination.

The contribution of EU Special Representatives

EU Special Representatives are appointed because there is a problem that needs urgent addressing. This short formulation hides, of course, a more complex process. First, in a Union of 27, there needs to be a collective agreement that a given crisis poses a problem for the EU. Second, even if it does, some may feel that the EU is not the best-positioned actor to intervene. Third, if there is consensus that the EU should play a role, there comes the biggest challenge, namely the definition of a common policy. This is a vital step in terms of the function and performance of EUSRs. The appointment of EUSRs as ‘substitutes for policy’ has not been an uncommon practice. Clearly, the absence of appropriate guidelines undermines the performance of Special Representatives.

From a Brussels perspective, EUSRs form a network of senior policy-makers underpinning the functions of the SG/HR and multiplying his outreach. Looking at their role from the field, EUSRs are a sort of *avant-garde*, pioneering EU foreign and security policy ‘in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives as set out in Article 11’ of the TEU.⁴⁰ Having situated the EUSRs in the larger CFSP institutional framework in Chapter Two, with a focus on the Council Secretariat and civilian crisis management under ESDP, this chapter addresses the main functions carried out by the Special Representatives. In this context, the relations of EUSRs with Brussels-based institutions and, notably, inter-governmental committees, are explored further.

The functions fulfilled by EUSRs are not essentially different from those traditionally carried out by senior national diplomats and special envoys in unstable regions or countries. Their role is, however, distinctive when set in the context of the fledgling EU foreign and security policy machinery. CFSP is in chronic shortage of human and financial resources (although the budget has been growing significantly over the last couple of years). Recruiting EU Special Representatives provides CFSP with a pool of experienced

40. As mentioned in the preamble of the Joint Actions appointing EUSRs.

people to act as senior diplomats, and with the additional budget to support their activities. For EU foreign policy-makers, EUSRs are an important tool in an expanding toolbox.

EU Special Representatives carry out three major tasks in the service of EU foreign policy, namely representation, information and coordination. In other words, EUSRs provide the basic ‘diplomatic goods’, in the absence of which there can be no credible European foreign policy. Their added value should be assessed against three basic requirements: the representation of the Union in crisis areas and the political oversight of crisis management operations; the progressive convergence of national positions within the EU; and the coordination of the EU instruments on the ground. First, the Union is normatively committed to making multilateralism work in addressing conflicts and crises. Second, shaping EU foreign policy requires not only the definition of the best policy course, as it is the case for any country, but crucially engaging Member States in the pursuit of common action. Third, while some countries and international organisations can deploy a variety of instruments in the field, the EU prides itself on the vast panoply of foreign policy tools at its disposal. That entails a particular focus on their coordination and synergy so as to maximise the foreign policy output.

Representation

According to Javier Solana, EU Special Representatives ‘are the visible expression of the EU’s growing engagement in some of the world’s most troubled countries and regions.’⁴¹ By deploying EUSRs, the EU shows its commitment and signals its priorities. EUSRs convey the EU’s views and positions to local interlocutors, who perceive them as a ‘face’ and a ‘voice’ of the common foreign policy, and become a point of reference for local and international stakeholders. The authority and credibility of EU Special Representatives lies in the very fact that they are entrusted with carrying the message of all the Member States. The launching of uncoordinated national initiatives, fragmenting or at least blurring the common front that EUSRs are supposed to present, lowers their profile and damages EU foreign policy. Occasionally, EUSRs have felt uncomfortable with unexpected visits by national representatives, including at the political level, in the field, without prior con-

41. Opening remarks by Javier Solana, EU High Representative for CFSP, Seminar with EU Special Representatives, Brussels, 29 June 2005, S239/05.

sultation or even information. On these occasions, meeting EU Special Representatives has not always appeared to be a priority for national delegations, which has weakened the common message. Clearly, no fixed rule can or should be established, not least because the engagement of individual Member States can be very helpful to strengthen the EU position on sensitive issues. The point is rather to further *ex ante* coordination, so as to ensure synergy and to make the best use of EUSRs' experience.

In representing the Union abroad, Special Representatives rely on what could be defined the 'S' option, or the possibility to trigger a diplomatic escalation by directly involving the High Representative Solana when faced with serious difficulties. More generally, Solana's visits in relevant regions represent the tipping point of the patient work of Special Representatives, in the run-up to the visit and by way of follow up, so as to make the best use of the political capital invested by the High Representative. Likewise, EUSRs participate in the meetings in Brussels involving leaders from the regions or the countries of their competence. While, in the past, some EUSRs have been left at the margins of high-level visits, these exceptions do not undermine the rule. In fact, the guidelines adopted at the end of 2006 with a view to more effectively connecting the work of the Special Representatives with the Council Secretariat provide that they should be 'systematically' involved in both visits abroad and meetings in Brussels, including in their preparation through oral and written briefings.

On the ground, EUSRs carry out, depending on the circumstances, mediation, confidence building, conciliation, and what has been defined as 'transition diplomacy', which entails a close involvement in the domestic politics of the country in question.⁴² In critical situations, the personal profile of the EUSRs is crucial. Mediation requires a mix of knowledge of the field and of the relevant actors, an acknowledged track record in managing these processes, and appropriate negotiating skills. Particular consideration needs to be given to these factors in the process of selecting the right individuals for the job, and their senior advisors.

EU Special Representatives are also relevant players of multilateral crisis diplomacy. As such, they help fulfil the EU commitment to support effective multilateralism, in permanent interaction with other global players and international organisations. The work of the EUSR for the Middle East Peace Process in supporting the Quartet is a case in point. A number of Special Repre-

42. R.P. Barston, *Modern Diplomacy* (London: Pearson Higher Education, 2006), p.11.

sentatives, however, take part in fora for conflict settlement, peace negotiations, confidence building and the implementation of major international agreements or ‘compacts’. In addition, EUSRs represent the EU, together with the Commission, at the coordination meetings of the international community in different countries or regions.

The presence of the EU Special Representatives on the ground, whether field-based ones or those frequently travelling to respective regions, also contributes to enhancing the visibility of the Union and addressing the much-lamented deficit of public diplomacy. In foreign policy, and notably in crisis areas where a number of local and international stakeholders operate, being ‘out of sight’ soon entails dropping ‘out of mind’. It is a common refrain that the EU is under-performing in getting political credit out of its considerable involvement as a major donor in supporting institution and state building. The long-term impact of the discreet transformative action of the Union in, for example, neighbouring countries, should not be underestimated. But the fact should not be neglected either that the poor visibility of EU efforts buys less political influence to push through key agreements or reforms.

Information and initiative

Sound foreign policy making crucially requires that appropriate information on third countries and regions is available. EU Special Representatives feed the information that they collect in the field back to Brussels headquarters through different channels. On a regular basis, the Brussels-based EUSR political advisor/liaison officer interacts with colleagues in the Council Secretariat and ensures the regular flow of information at a working level. EUSRs submit frequent reports from the field on ongoing developments or emergencies requiring urgent focus. These reports are sent to the SG/HR and to the relevant instances in the Council Secretariat and are circulated to all Member States and to the representative of the Commission in the PSC. As noted in Chapter One, the EUSRs are also expected to submit a progress report by the end of June, and a comprehensive mandate implementation report by the end of November each year.

Written reports are complemented by reporting in person to the SG/HR and to the PSC. In practice, personal exchanges with

Javier Solana have proven difficult because of the workload of the SG/HR and the challenge of coordinating respective engagements and travelling. Some EUSRs argued that more access to the SG/HR would have benefited their work and better informed policy-making. Others, however, felt comfortable with few direct exchanges with Javier Solana, assuming that a degree of burden-sharing was inevitable and that their input could be channelled to the SG/HR and to Member States through the Council Secretariat and the PSC.

On the whole, national representatives to the PSC are quite appreciative of the contribution of EU Special Representatives to their debates. In the past, the point was often made that EUSRs should take part in PSC meetings more frequently and be more accountable to this body. Over the last couple of years, Special Representatives have intensified their participation in PSC meetings and reported extensively both in writing and orally. While the largest Member States dispose of extensive information drawing from national services, the knowledge and experience of EUSRs is especially valued to establish a level playing field and a common basis for discussion in the PSC and other committees or Council working groups. For many of the smaller countries, moreover, EUSRs are the main authoritative source of information concerning developments in remote areas beyond their sphere of traditional interest and their limited diplomatic capacity.

It has been stressed that EUSRs' reporting would benefit from less detail, more synthesis, and more directly actionable policy proposals. Different reports, however, may serve different purposes. Geographic working groups, units and desk officers, both in the Council Secretariat and in national ministries, have a clear interest in following developments on the ground as closely as possible. Hence, the precise description of EUSRs' exchanges with local interlocutors, and their consequent analysis of local dynamics, can be of considerable help. A political body like the PSC requires a different sort of briefing, more policy-oriented and operational. In this perspective, PSC briefings should be scheduled so as to provide timely information to shape policy decisions. Importantly, PSC members insisted that a clear understanding of the way in which the EU works, and of what it can or cannot possibly do, should inform the way in which reporting is packaged. Undoubtedly, reporting to a collective international actor like the EU, including so many recipients at the European

and national levels, is a sensitive and difficult task. But this is also the reason why EUSRs' reports are valued in Brussels.

While the contribution of EUSRs may prove occasionally controversial, on the whole PSC members feel that (among other factors) the briefings of the Special Representatives help trigger the evolution of diverse respective positions towards a common one. In this perspective, it is important that the input of the EUSRs is perceived as a genuine effort to shape European initiatives, and not as a channel to foster the agenda of any individual country. Expertise and impartiality are two key building blocks for international entrepreneurship. In a decision-making framework based on cooperation and involving a growing number of players, the niche for international entrepreneurship is growing given the demand for reliable information and for ideas that can facilitate the quest for a common position. In short, the larger and the more heterogeneous the group, the stronger the need for a common input, or else the machine gridlocks.

PSC members work as transmission belts of information and policy options towards national capitals. Hence, the input of EUSRs does not stop at Brussels but circulates more widely across the Union. The impact of their reporting is, of course, very uneven depending on different capitals and different issues. There is an opportunity, however, to factor 'EU-made' analysis and information into national decision-making. In turn, that may facilitate the coordination efforts carried out by EUSRs in the field.

Coordination and double-hatting

EU Special Representatives can enhance coordination and coherence at four levels. First, between different ESDP missions in the same country. Second, between ESDP actors and other EU foreign policy tools on the ground, namely the Commission delegations. Third, between the activities carried out by the EU and the initiatives undertaken at the national level. Fourth, between EU policies and those pursued by other international actors, including international organisations. The extent to which the EUSRs develop into hubs for coordination varies, depending on four key factors: the very definition of their mandate and powers, the division of competence between CFSP and Community instruments in different theatres, the specific national interests or strategies that

Member States intend to pursue bilaterally and the personal chemistry between EUSRs and other EU and national representatives on the ground.

While all these variables can affect the performance of EUSRs, it can be argued that the wider the mix of EU instruments deployed on the ground, the more valuable the coordination role of the EUSR could be. The Joint Actions appointing the EUSRs stress the requirement for overall consistency of the external action of the EU. The coordination of the EUSRs' activities with those of the SG/HR, the Presidency and the Commission is envisaged, and it is foreseen that the EUSRs provide regular briefings to Member States' missions and Commission delegations. In addition, the Presidency, the Commission and the Heads of Mission are requested to make the best efforts to assist the EUSRs in the implementation of the mandate. The record on the ground, however, is mixed.

EUSRs have generally been very appreciative of the logistical support received from EC delegations, for example in terms of facilitating travel and accommodation. In some cases, EUSR teams or personnel are co-located with Commission delegations, such as in Skopje, Chisinau and Kiev. When it comes to effective policy coordination between the EUSRs and the Commission, however, there is definitely scope for progress: inter-pillar feuding has often hampered synergy between different EU actors. It should be noted, however, that practical cooperation on the ground, in response to pressing requirements, has often been smoother than coordination at Brussels headquarters, where legal and political arguments tend to take the forefront.

Consultation and above all coordination between EUSRs and national missions is sub-optimal as well. While the inclusion of Special Representatives in the proceedings of the Council Secretariat has been making progress, their precise role and potential added value is not always appreciated by national colleagues in foreign capitals and on the ground. The establishment of formats for regular briefings and dialogue in third countries can certainly be of help, but the problem is not a procedural one. Two factors seem to play a role, namely the traditional reluctance by senior national diplomats to acknowledge the development of a distinctive EU diplomatic presence abroad and, sometimes, sub-optimal coordination within national services themselves.

The acute awareness of the need to enhance coordination and

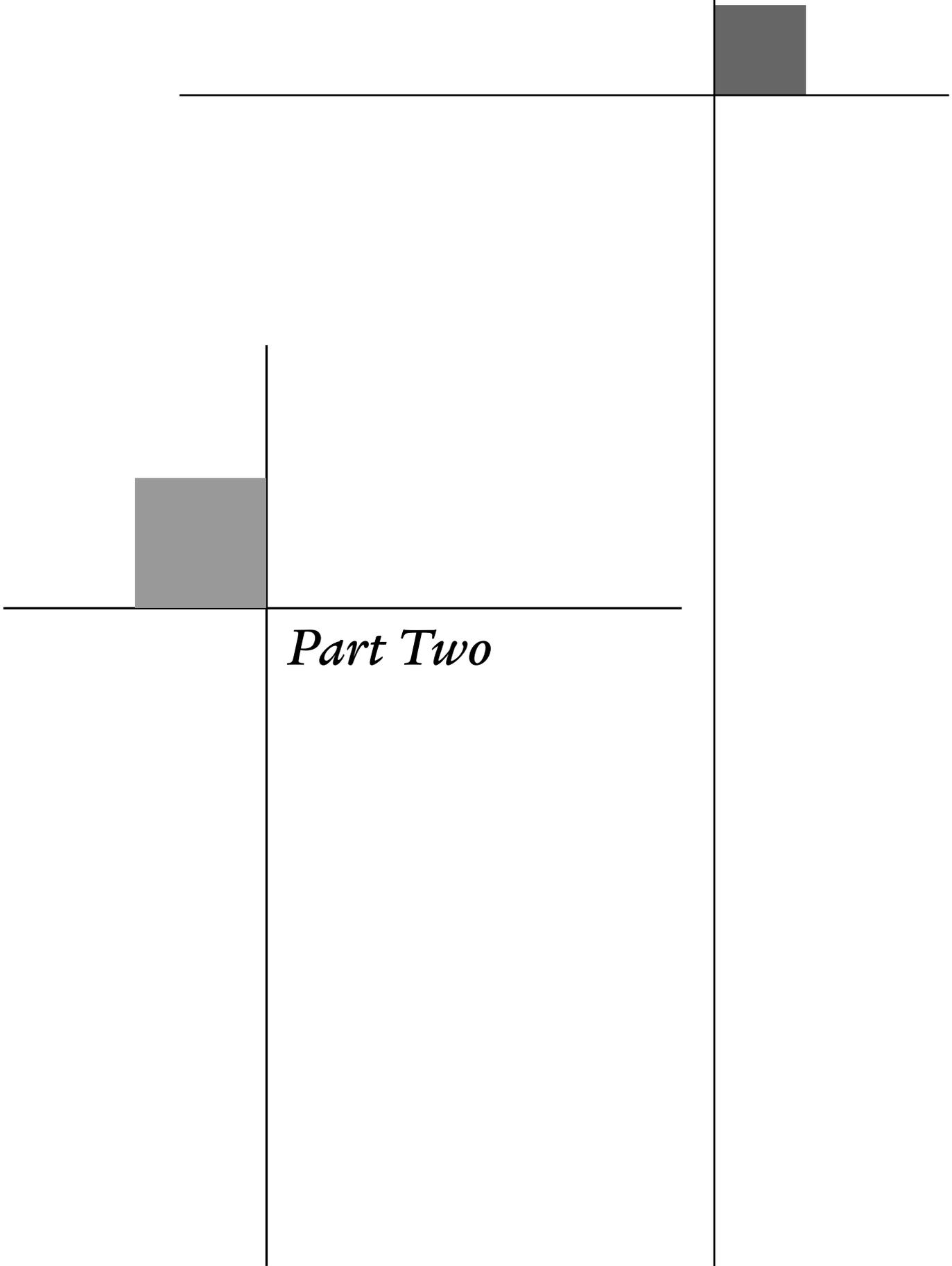
coherence, at least at EU level, has led to a significant pilot-innovation, namely the ‘double-hatting’ of the same person as EU Special Representative and Head of the Commission Delegation in the Former Yugoslav Republic of Macedonia (FYROM). More precisely, this is a ‘personal union’ of two functions that remain distinct, just as the competences falling, respectively, in the CFSP and in the Community basket remain separate. There is a consensus that the experiment has proven a success but replicating the formula raises a number of questions. In the case of FYROM, the double-hatted EUSR is an official of the Commission. Belonging to the Commission staff is a requirement for anybody to be appointed a double-hatted EUSR because, as Head of Delegation, he or she is responsible for managing EU funds and programmes. If the designated person does not work for the Commission, therefore, he or she should be recruited as Head of Delegation in parallel to the appointment as EU Special Representative.

The debate on the appropriateness and feasibility of double-hatting has tackled various related questions, including the workload and constraints that would be imposed on the double-hatted EUSR. Special Representatives have different views on this point, with some of them quite happy with the political dimension of their mandate and especially valuing the relative flexibility that they enjoy and the convenient informality of their approach. These EUSRs are not keen on being entrusted with lengthy procedures to disburse funds, with the management responsibilities of sometimes large delegations, and also with the multiplication of the Brussels-based interlocutors that structural contacts with the Commission would entail. Other Special Representatives, however, stress that their message is often weakened by the absence of financial leverage in the form of the substantial aid and assistance packages that the Commission delegations have at their disposal. The ability to pull different strings and rely on different instruments would, in their view, help soften their interlocutors, and strengthen the negotiating position of the Union as a whole.

The specific circumstances on the ground need of course to be included in assessing the merits of double-hatting. In some cases, such as in FYROM, the crisis cycle is coming to a close, with the country no longer at imminent risk of descending into civil war and granted candidate status on the road to EU accession. Under these circumstances, the Community dimension of long-term

institution and state building, or good governance, prevails over the ESDP focus on short-term stabilisation. It seems therefore appropriate that the Head of the local Delegation is appointed EUSR, leading to a ‘pillar-one-intensive’ model of double-hatting. Serious doubts are advanced as to the possibility of applying the same model elsewhere, in cases where security concerns remain at the forefront and a strong political investment is still required to consolidate stabilisation. Such dynamics on the ground would call for a ‘pillar-two-intensive’ model of double-hatting, where the EUSR is chosen and appointed by Member States and then recruited as Head of the Commission Delegation.

Two additional distinctions need to be drawn between travelling and field-based EUSRs, and between EUSRs entrusted with a regional responsibility, and those whose mandate targets one specific country. First, only field-based EUSRs – that is, a minority of them – are suitable for double-hatting. Second, double-hatting can hardly be envisaged for EUSRs with a regional responsibility, because of the presence of various Commission delegations on the ground and of the political implications of choosing one capital, as opposed to others, as the ‘headquarters’ of the double-hatted Special Representative. Looking ahead, there is consensus on establishing a double-hatted position to upgrade the EC Delegation to the African Union in Addis Ababa. The policy remit of the new, integrated EU representation would span across all the external policies of the EU. The specific features of the new post, however, have not yet been defined.



Part Two

The EU Special Representative for South Caucasus

EU policy objective⁴³

1. The mandate of the EUSR shall be based on the policy objectives of the European Union in the South Caucasus. These objectives include:

- (a) to assist Armenia, Azerbaijan and Georgia in carrying out political and economic reforms, notably in the fields of rule of law, democratisation, human rights, good governance, development and poverty reduction;
- (b) in accordance with existing mechanisms, to prevent conflicts in the region, to contribute to the peaceful settlement of conflicts, including through promoting the return of refugees and internally displaced persons;
- (c) to engage constructively with main interested actors concerning the region;
- (d) to encourage and to support further cooperation between States of the region, in particular between the States of the South Caucasus, including on economic, energy and transport issues;
- (e) to enhance the effectiveness and visibility of the European Union in the region.

2. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the region.

EUSR mandate

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) develop contacts with governments, parliaments, judiciary and civil society in the region;
- (b) encourage Armenia, Azerbaijan and Georgia to cooperate on

43. Council Joint Action 2007/111/CFSP, 15 February 2007.

regional themes of common interest, such as common security threats, the fight against terrorism, trafficking and organised crime;

(c) contribute to the prevention of conflicts and to assist in creating the conditions for progress on settlement of conflicts, including through recommendations for action related to civil society and rehabilitation of the territories without prejudice to the Commission's responsibilities under the EC Treaty;

(d) contribute to the settlement of conflicts and to facilitate the implementation of such settlement in close coordination with the United Nations Secretary-General and his Special Representative for Georgia, the Group of Friends of the United Nations Secretary-General for Georgia, the Organisation for Security and Cooperation in Europe and its Minsk Group, and the conflict resolution mechanism for South Ossetia;

(e) intensify the European Union's dialogue with the main interested actors concerning the region;

(f) assist the Council in further developing a comprehensive policy towards the South Caucasus;

(g) through a support team:

- provide the European Union with reporting and a continued assessment of the border situation and to facilitate confidence-building between Georgia and the Russian Federation, thereby ensuring efficient cooperation and liaison with all relevant actors,

- assist the Georgian Border Guard and other relevant government institutions in Tbilisi in preparing a comprehensive reform strategy,

- work with the Georgian authorities to increase communication between Tbilisi and the border, including mentoring. This shall be done by working closely with Regional Border Guard Centres between Tbilisi and the border (excluding Abkhazia and South Ossetia);

(h) contribute to the implementation of the European Union human rights policy and Guidelines on Human Rights, in particular with regard to children and women in conflict-affected areas, especially by monitoring and addressing developments in this regard.

Conflict resolution is the primary objective of the EU Special Representative for South Caucasus, the Swedish Ambassador Peter Semneby. The region where this EUSR is dispatched is crossed by a number of 'frozen' conflicts whose resolution constitutes a preliminary requirement for securing long-term stabilisation and development. In Georgia, the separatist regions of Abkhazia and South Ossetia continue to escape the control of the government and the peace process concerning Nagorno-Karabakh, involving Armenia and Azerbaijan, remains fragile. In the three countries of the region – Georgia, Armenia and Azerbaijan – the reform agenda supported by the EU and other international players such as the UN, OSCE and the US, is making some progress but much is yet to be achieved in consolidating democratic institutions and the rule of law. Renewed focus on energy security, and the importance attached to oil and gas pipelines running from the Caspian to Turkey and the Black Sea, only heightens geopolitical and geoeconomic competition between external powers such as Russia, the EU, the US, Turkey and Iran, and sets South Caucasus at the centre of a larger 'great game' for influence and resources. Fighting organised crime, illegal trafficking and terrorist activities are other key priorities for the EU, in a region that neighbours the Union of 27.

The appointment of the first EUSR to South Caucasus, the Finnish Ambassador Heikki Talvitie, in July 2003, signalled the willingness of the Union to acquire a more visible and effective political role in a region that had received limited political attention.⁴⁴ As expressed in the preamble of the relevant Joint Action, 'the Council has stated its willingness to play a more active political role in the South Caucasus (Armenia, Azerbaijan, Georgia).' Of course, the Union's involvement in the region goes a long way back. To mention only one figure, between 1992 and 2004 the EU has been the largest donor to Georgia after the US, providing €420 million via different programmes, including TACIS technical assistance, humanitarian aid, the Food Security Programme and the European Initiative for Democracy and Human Rights.⁴⁵ Notably, the Commission has developed various rehabilitation programmes in the two Georgian separatist regions of Abkhazia and South Ossetia. Since 1999, cooperation between the Union and the three countries of South Caucasus has been framed by the Partnership and Cooperation Agreements, with an emphasis on economic and technical measures.

44. Heikki Talvitie was appointed with Council Joint Action 2003/496/CFSP, 7 July 2003, *Official Journal* L 169, 8 July 2003.

45. For more details and political insight into the role of the EU in Georgia over the last decade, see Dov Lynch, 'Why Georgia Matters', *Chaillot Paper* no. 86 (Paris: EUISS, February 2006).

EU assistance, however, has only marginally contributed to conflict settlement and, according to various accounts, the evolution of EU programmes, as well as of the attached conditionality, has followed and not shaped developments, including the path-breaking Rose Revolution of November 2003.⁴⁶ In dealings with this region, and notably with Georgia, the EU has been distinctively confronted with the three key questions that challenge its self-proclaimed 'transformative' power. First, how to effectively shape and help implement far-reaching internal reform, while not offering the perspective of EU membership. Second, how to fill the gap between the essentially political and security problems posed by conflict settlement, on the one hand, and the long-term support to institution building, civil society and economic growth via Community instruments, on the other. Third, how to ensure the sustainability of reform when the key causes of instability, and underlying security concerns, have not been effectively addressed. The challenge is how to move conflicting parties from a vicious circle of mutually undermining confrontation to a virtuous circle of mutually strengthening reform.

The challenge is compounded by the fact that, as noted above, the EU is far from being the only major player in the region, where Russian influence and interests need to be reckoned with. Confronted with considerable differences with Russia on the political evolution of the region and on the solution to frozen conflicts, the Union has struggled to speak with one voice. New Member States, notably the Baltic countries, have taken a more proactive stance towards EU intervention, including through ESDP means, whereas other countries, such as France, Germany and Italy, have favoured a more cautious and discreet approach. This is the context in which the appointment of the EUSR to South Caucasus should be set: new willingness to help settle conflicts and foster reform, while sensibly taking into account the power balance in the region. Predictably, the inherent compromise built in the EUSR mandate did not make his mission easier. Moreover, the EU is not a full member of the various conflict settlement mechanisms set up over the years to address local crises, namely the OSCE-led Minsk Group concerning Nagorno-Karabakh, the UN-supported Geneva Peace Process on Abkhazia, the Joint Control Commission for South Ossetia, and the Group of Friends of the UN Secretary General on Georgia including the France, Germany, Russia, the UK and the US.

46. See Dov Lynch, op. cit. in note 45, and Nathalie Tocci, 'EU Neglect and Competing Mediation in Georgia's Conflicts', *The International Spectator*, vol. 41, no. 4, October-December 2006.

Heikki Talvitie was endowed with the rather cautiously-worded mandate to ‘assist in conflict resolution’ and to enable the EU to better support the efforts of other actors such as the UNSG and his Special Representative, and the OSCE-led multilateral frameworks (which the EUSR, however, would not join himself). Developing contacts with local governmental and non-governmental interlocutors was a key priority, as well as intensifying the EU dialogue with other international actors. In addition, the EUSR was also mandated to ‘assist the Council in further developing a comprehensive policy towards the South Caucasus.’⁴⁷ The EUSR was therefore given from the very beginning a role of policy input that went beyond the implementation of policy guidelines from Brussels. In the course of 2004, this ‘travelling’ EUSR played a relevant role in mediating between Tbilisi and the separatist authorities of the Ajara region, and sought to mediate in the crisis with South Ossetia too. It should be stressed, however, that the EUSR could only rely on very limited human and financial resources, with no political advisor based in the region and a budget in the range of €300,000 to €400,000 for successive six-month periods. Between 2005 and 2006, however, two major developments were to impact on and upgrade the role of the EUSR. First, the launch of the ESDP rule-of-law mission EUJUST *Themis* in Georgia.⁴⁸ Second, the inclusion of the three countries of South Caucasus in the new European Neighbourhood Policy.

The review of the setting up, functioning and outcome of EUJUST *Themis* exceeds the limits of this study,⁴⁹ but it should be recalled that this short one-year mission, very light in personnel (about ten experts led by a French public prosecutor) and affected by serious shortcomings in procurement and logistics, succeeded in at least setting in motion an ambitious plan of reform of Georgia’s criminal justice system. The EUSR was tasked with ensuring the regular flow of reports from the field to the SG/HR and the PSC in Brussels, and the channelling of instructions from headquarters to the Head of Mission. The EUSR and the Head of Mission also submitted a joint set of proposals on the follow-up to EUJUST *Themis*, with a view to sustaining momentum for reform.

The end of EUJUST *Themis* in summer 2005 coincided with the closure of the OSCE Border Monitoring Mission, which Russia strongly objected to on the (dubious) grounds of the inability of the mission to effectively patrol the border and prevent illegal crossings. Against the strong Russian opposition to the deploy-

47. Council Joint Action 2003/496/CFSP, op. cit. in note 44.

48. Council Joint Action 2004/523/CFSP, 28 June 2004.

49. See Damien Helly, ‘EUJUST *Themis* in Georgia: an ambitious bet on the rule of law’, in Agnieszka Novak (ed.), ‘Civilian crisis management: the EU way’, *Chaillot Paper* no. 90 (Paris: EUISS, June 2006).

ment of another border monitoring mission by the EU, which was eagerly solicited by Georgian authorities, the EU opted for the creation of an EUSR support team. Two new, important tasks were therefore added to the EUSR's mandate. First, assessing the border situation, regularly reporting to Brussels, and assisting Georgian institutions with preparing a comprehensive border management reform strategy, with a focus on capacity-building for Georgian border guards, including mentoring. Second, as a follow-up to EUJUST-*Themis*, overseeing the implementation of the reform strategy of the criminal justice system adopted by the government in May 2005.⁵⁰ In short, the EUSR and his team were charged with continuing to apply political pressure on Georgian authorities to sustain the reform momentum in the field of criminal justice, and to launch a large reform project in the sector of border management. The latter is crucial to Georgian security and of strategic importance in the relations with Russia and with separatist regions.

At this stage, therefore, the EUSR became instrumental in devising a wider EU approach to security sector reform and conflict resolution in Georgia. The EUSR maintains close contacts with the Head of the Border Support Team (BST – so designated since March 2006, when responsibility for criminal justice reform shifted to the Commission), who reports to him. As is the case with ESDP missions, the Special Representative seeks to facilitate the activities of the team by regularly meeting senior officials, including the Head of the Georgian National Security Council, and raising relevant issues. The team is co-located with the Commission Delegation in Tbilisi, which is not only cheaper but also sensible considering the widening remit of Community assistance to Georgia, following the inclusion of South Caucasus in the ENP.

The ENP extended its geographic remit to involve Georgia, Armenia and Azerbaijan in June 2004, and the Action Plans with the three countries were finally adopted in November 2006.⁵¹ The priorities of these countries, and their approach to negotiation with the EU, widely differed, with Georgia putting special emphasis on making conflict resolution priority number one, Armenia insisting on regional cooperation and Azerbaijan relatively less hard-pressed to seek EU support, with energy windfall profits bringing renewed self-confidence.⁵² In all three Action Plans, priority area number one is strengthening the rule of law, democratic institutions and respect for human rights and fundamental

50. Council Joint Action 2005/582/CFSP, 28 July 2005. The budget of the EUSR multiplied fourfold to €1,930,000 to cover the costs of the support team. At the end of 2006, the Border Support Team (BST) consisted of nine seconded staff, one contracted EU staff member, and six local contracted staff. The team included five field mentors operating along the border.

51. The Action Plans with the three countries of the region were adopted on 14 November 2006. Like all other action plans, they are available at: http://eu.europa.eu/world/enp/documents_en.htm.

52. International Crisis Group, 'Conflict Resolution in the South Caucasus: the EU's Role', *Europe Report* no.173, 20 March 2006.

freedoms. All Action Plans, moreover, envisage that the EU Special Representative will assist the relevant joint cooperation bodies to foster implementation. This provision opens new perspectives for closer cooperation between EU actors in the region across institutional divides, and follows the rather constructive experience of coordination between the Commission, the Presidencies and the EUSR in the course of the negotiation of the three plans.

In the EU/Georgia ENP Action Plan, justice reform is explicitly presented as a follow-up to the strategy developed with the assistance of EUJUST *Themis*, which shows the continuity of the EU commitment from ESDP means to Community instruments. Border management is yet another priority of the Georgia Action Plan (AP), to be pursued ‘in the context of the activities of the EUSR Support Team.’ When it comes to promoting the peaceful resolution of internal conflicts, relegated to priority number six, the AP does not entail, however, major policy evolution. Essentially, it pledges to support existing negotiating mechanisms, to enhance confidence-building measures, and to include the settlement of these internal conflicts in EU-Russia political dialogue. It also mentions, in passing, the objective to continue to develop the role of the EUSR in conflict resolution. That said, the political scope and relevance of the AP can only be assessed by looking at it in its entirety, and by allowing for some time for implementation.

The Special Representative Peter Semneby, appointed in February 2006, has taken a proactive approach, building on the stronger wording of his mandate and on the reform momentum accompanying and following the adoption of the Action Plans. The mandate no longer speaks of simply assisting in conflict resolution but instructs the EUSR to ‘contribute to the settlement of conflicts and to facilitate the implementation of such settlement.’⁵³ Following the deterioration of Russian-Georgian relations in mid-2006 and growing tension in separatist regions, the EUSR travelled several times to the region to recommend self-restraint on all sides, defuse tension and seek windows of opportunity for confidence building. In this perspective, the EUSR and the Policy Unit submitted a report on the EU role in conflict resolution in Georgia to the PSC in October 2006, which was well received and was followed by a joint EUSR/Policy Unit/Commission paper on short-term measures in support of conflict resolution in Georgia, submitted to the PSC in December 2006. What is of interest here is the close cooperation developed between the

53. Council Joint Action 2006/121/CFSP, 20 February 2006.

EUSR, the Council Secretariat and the Commission, including joint missions both before and after the presentation of the December paper. In January 2007, the EUSR and the Commission RELEX Director for Eastern Europe led a large mission to Georgia to identify scope for confidence-building measures and make recommendations to the PSC, which were submitted in March. Divergences within this committee concerning the plan presented by the EUSR have, however, delayed the adoption of relevant measures. Cooperation between the Council and the Commission may not suffice to achieve political consensus among Member States, but remains a pre-condition to better coordinate and implement initiatives at EU level. Following further discussion in the PSC and other committees, a list of confidence-building measures has eventually been agreed and negotiated with Georgian counterparts. The EUSR team and the Commission services are working very closely together in the implementation phase, producing joint evaluation papers and conducting joint trips to the region.

The EUSR's dynamism should, however, be put in perspective, when considering the breadth of his mandate and the resources at his disposal. Political and security dynamics in any of the three relevant countries can easily divert the attention of the EUSR, who has been struggling to ensure appropriate oversight of developments across the region at all times, at the risk of neglecting important events or missing opportunities. In order to better manage the workload, the EUSR asked for the setting-up of a new position of political advisor to be based in Baku, Azerbaijan, with the responsibility to closely follow the Nagorno-Karabakh conflict as well. This position was created in April 2007. Another political advisor will be based in Yerevan, Armenia, as of November 2007, thereby ensuring that the EUSR team will be represented in all the three countries of the region. When it comes to the EUSR contribution to ENP and other EU activities, aside from legal considerations on respective competences, the limited resources of the Special Representative circumscribe the scope for cooperation. The EUSR has helped define the Action Plans' priorities, interacts with local interlocutors and intends to remain very active in key areas such as the rule of law, human rights and minority rights. On the other hand, the breath and the degree of detail of the Action Plans are such that closely following their implementation would outstrip the capacity, and the very purpose, of the EUSR and his team. At the moment, the EUSR and his advisors

take part in relevant meetings of ENP cooperation bodies, but on an *ad hoc* and therefore not systematic basis.

Among other activities, the EUSR has been focussing in 2006 on conflict prevention and conflict settlement in Georgia, including five visits to the country and, twice, to separatist regions. Support for the preparation of parliamentary elections in Armenia in May 2007 and for democratic institution building therein, as well as cooperation with the Presidencies and the Commission on how best to foster conflict resolution in Nagorno-Karabakh, have also been ongoing priorities on the EUSR's agenda. In order to address this vast range of issues, the Special Representative regularly meets senior political figures from governments and parliaments, and holds close contacts with opposition forces and civil society as well, to encourage internal dialogue and promote domestic stability. Turning to EU actors, the EUSR accompanies the EU troika to the region and reports not only to the PSC but also to CIVCOM and to the Council geographic working group on Eastern Europe and Central Asia – COEST.

The EU Special Representative for the Republic of Moldova

EU Objectives⁵⁴

1. The EUSR's mandate shall be based on the European Union's policy objectives in the Republic of Moldova. These objectives include:

- (a) to contribute to a peaceful settlement of the Transnistria conflict and to the implementation of such a settlement on the basis of a viable solution, respecting the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders;
- (b) to contribute to the strengthening of democracy, rule of law and respect for human rights and fundamental freedoms for all citizens of the Republic of Moldova;
- (c) to promote good and close relations between the Republic of Moldova and the European Union on the basis of common values and interests and as set out in the European Neighbourhood Policy (ENP) Action Plan;
- (d) to assist in the fight against the trafficking of human beings and of weapons and other goods, from and through the Republic of Moldova;
- (e) to contribute to strengthening stability and cooperation in the region;
- (f) to enhance European Union effectiveness and visibility in the Republic of Moldova and the region;
- (g) to enhance the effectiveness of border and customs controls and border surveillance activities in the Republic of Moldova and Ukraine along their common border, with a particular focus on the Transnistrian section, notably through an EU Border Mission.

2. The EUSR shall support the work of the Secretary General/High Representative (SG/HR) in the Republic of Moldova and the region, and work in close cooperation with the Presidency, EU Heads of Missions and the Commission.

54. Council Joint Action 2007/107/CFSP, 15 February 2007.

EUSR Mandate

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

(a) strengthen the European Union contribution to the resolution of the Transnistria conflict in accordance with agreed European Union policy objectives and in close coordination with the OSCE, representing the European Union through appropriate channels and in agreed fora and by developing and maintaining close contacts with all relevant actors;

(b) assist in the preparation, as appropriate, of European Union contributions to the implementation of an eventual conflict settlement;

(c) follow closely political developments in the Republic of Moldova, including in the Transnistrian region, by developing and maintaining close contacts with the Government of the Republic of Moldova and other domestic actors, and offer as appropriate the European Union's advice and facilitation;

(d) assist in the further development of the European Union's policy towards the Republic of Moldova and the region, in particular regarding conflict prevention and conflict resolution;

(e) through a support team led by a Senior Political Adviser to the EUSR:

(i) assure political overview of developments and activities related to the Moldovan-Ukrainian state border;

(ii) analyse the political commitment of the Republic of Moldova and Ukraine to improving border management;

(iii) promote cooperation on border issues between the Moldovan and Ukrainian sides, also in view of building preconditions for a settlement to the Transnistrian conflict;

(f) contribute to the implementation of the European Union human rights policy and European Union Guidelines on Human Rights, in particular with regard to children and women in conflict-affected areas, especially by monitoring and addressing developments in this regard.

2. For the purpose of the fulfilment of his mandate, the EUSR shall maintain an overview of all European Union activities, notably the relevant aspects of the ENP Action Plan.

The appointment of the EU Special Representative to Moldova Adriaan Jacobovits de Szeged, in March 2005, followed landmark developments in the regional context, and parallel innovations in the EU policy towards Ukraine and Moldova.⁵⁵ The Orange Revolution of December 2004 brought to power a Western-oriented government in Ukraine, and created a window of opportunity to meaningfully address the long-standing stalemate in Transnistria. The adoption of the EU/Moldova and EU/Ukraine ENP Action Plans in February 2005 paved the way towards closer cooperation on structural reform and, more specifically, conflict settlement in Transnistria. This region of Moldova acquired *de facto* independence in 1992, after a short civil war concluded by a Russian military intervention that permitted the consolidation of the power of the illegitimate authorities of Transnistria. Since then, a peacekeeping operation with the contribution of Russian, Moldovan and Transnistrian forces monitors a demilitarised strip of land between the territory controlled by the Moldovan government and the separatist entity. This protracted conflict still requires settlement. The first and foremost point of the EUSR's mandate was, and remains, to 'strengthen the EU contribution to the resolution of the Transnistria conflict.'

EU engagement with Moldova provides an instance of coordination between different foreign policy tools, notably including the ENP, a large Border Assistance Mission to Moldova and Ukraine (EUBAM), and the EUSR himself. The EU/Moldova ENP Action Plan places special emphasis on conflict resolution. The plan states that 'One of the key objectives of this action plan will be to further support a viable solution to the Transnistrian conflict.'⁵⁶ In addition to measures directed to strengthen democratic institutions, the rule of law, the judiciary and the freedom of media, the Action Plan includes the key objective to shape a comprehensive and effective border management system along the entire Moldovan border, including the Transnistrian section. It is the assessment of the EU that the inability of Moldova to control its own borders and customs area fuels widespread corruption, illegal trafficking, economic stagnation and ongoing security concerns.

Progress in tackling border issues required strengthening the customs administration and capacities, upgrading the role of border-guards, enhancing inter-agency cooperation and launching a

55. Council Joint Action 2005/265/CFSP, 23 March 2005. A new Special Representative to Moldova, the Hungarian Kálmán Mizsei, was appointed in early 2007, with Council Joint Action 2007/107/CFSP, 15 February 2007. This review essentially covers the experience of the first EUSR to Moldova, Adriaan Jacobovits de Szeged.

56. EU/Moldova Action Plan, 22 February 2005.

training strategy on border management – priorities that would be central to the mandate of the Border Assistance Mission. Turning to conflict settlement proper, the Action Plan envisaged that the EU would step up its involvement in supporting the OSCE and other mediators, reinforce EU/Moldova political dialogue on this matter, and engage in trilateral Moldova-Ukraine-Commission dialogue on the management and control of the entire Moldovan-Ukrainian border. In parallel to the commitments assumed under ENP, the Commission has opened its Delegation in Chisinau in October 2005. The EU/Ukraine Action Plan commits the parties to work towards a viable solution to the Transnistrian conflict, including border issues.

In December 2006, the Commission drew up the first comprehensive implementation report of the EU/Moldova AP, which provided a sobering assessment of the state of play.⁵⁷ While significant legislative progress could be observed in pursuing democratic governance, as well as economic and trade-related reforms, implementation remained a serious challenge and much more commitment was required on the Moldovan side. Crucially, corruption and government interference in business activities were still identified as serious obstacles to economic development and foreign investment, while media freedom and the functioning of the judiciary continued to give reason for concern. Progress on conflict settlement, however, should be regarded in conjunction with the activities of the EUSR and of the EUBAM.

The EUSR was entrusted with three key tasks to contribute to conflict settlement. First, coordinating with the OSCE and other relevant actors in negotiating fora – multilateral diplomacy. Second, closely follow political developments on the ground and keep close contacts with the Moldovan government and other domestic actors – representation and mediation. Third, assisting in further developing the EU conflict prevention and conflict settlement policy, including the preparation of possible EU contributions to the implementation of conflict settlement – a policy-making role. Importantly, the EUSR was given the mandate to ‘maintain an overview of all European Union activities, notably the relevant aspects of the ENP Action Plan.’ Clearly, the priorities of the EUSR and those of ENP largely coincided, and the two instruments were supposed to complement each other. It has been observed, with a reference to the Transnistrian conflict, that ‘ENP needs more ESDP’.⁵⁸ In other words, in parallel to long-term institution- and

57. European Commission staff working document accompanying the Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy – ENP Progress Report, Moldova, SEC(2006) 1506/2, 4 December 2006.

58. Nicu Popescu, ‘The EU in Moldova – Settling conflicts in the neighbourhood’, *Occasional Paper* no. 60 (Paris: EUISS, October 2005).

confidence-building measures and structured cooperation under ENP, there is a need for pointed political intervention to influence political dynamics and affect the short-term priorities of local actors.

The EUSR has insisted that the EU should work as one on the ground, and has welcomed the fact that his political advisors in Chisinau and Kiev are based in the respective Commission Delegations. The EUSR has developed an extensive, high-level network in the field, visiting Moldova on a monthly basis on average. Contacts include, in addition to the President and the Foreign Minister of Moldova, the Transnistrian negotiator Litzkay as well as the head of the Transnistrian Supreme Soviet, while contacts with Transnistrian President Smirnov have been more limited. The diplomatic initiative of the EUSR necessarily involves key external players in the conflict. In Ukraine, the EUSR has been meeting the first deputy Prime Minister and various other ministers, and high-level exchanges have been held in Moscow too. Through the EUSR and his team, the EU joined in 2005 the existing mediation process of '5+2', involving Moldova, Transnistria, Russia, Ukraine and the OSCE, as well as the Union and the US. Inclusion in this negotiating format is politically sensitive, considering the fact that it has been discredited in the face of Transnistrian and Russian obstructionist tactics, and the OSCE's relative impotence in that respect. In fact, following the entry into force in March 2006 of the customs agreement between Moldova and Ukraine, fiercely opposed by Transnistria and Russia, the '5+2' group never met again. The gridlock of formal negotiating fora highlights the importance of more discreet initiatives, including direct contacts by the EUSR, not least in order to make sure of being plugged into the multiple bilateral activities of the conflicting parties.

Following some differences on the composition of the EU delegation to the '5+2' mechanism, it has been agreed that the Commission would always be included. Back in Brussels, the Commission has set up a Transnistria task force to coordinate the input of different services but the EUSR's involvement therein has been initially quite limited. It appears, moreover, that scope for improvement existed in the cooperation between the EUSR and relevant Council Secretariat services as well. Exchange of information was limited, and little guidance was provided to the EUSR. The latter was not regularly involved in the preparation of relevant summit meetings in Brussels either, which reflected shortcom-

ings in the cooperation between the EUSR and the different Council services. Since late 2006, however, more attention has been given to systematic exchange and coordination at the EU level. In addition, the EUSR takes part in PSC troika meetings with Moldova (and also joined the PSC troika with Russia) and in the ENP Cooperation Council.

One key area, and engine, of cooperation between different EU actors is the EU Border Assistance Mission. This is a distinctive mission, not undertaken in the context of ESDP but launched by the Commission in November 2005 with a financing decision under the Rapid Reaction Mechanism, which allocated €4 million for its initial establishment.⁵⁹ The Commission contracted the United Nations Development Programme (UNDP) as implementing partner to provide practical and administrative support, while experts/officers had to be seconded by Member States. In short, EUBAM was mandated with contributing 'to enhancing Moldovan and Ukrainian capacities for border and customs controls and border surveillance along their common border, including on the Transnistrian section.'⁶⁰ The EUSR led the inter-institutional delegation that negotiated the Memorandum of Understanding enabling the deployment of the mission.

While presented as a technical advisory body, the mission carried considerable political and security implications, given the enduring tension between the local actors and the intensity of all sorts of illicit flows across the border, from which the Transnistrian government but also corrupted Moldovan and Ukrainian officials benefit. In the light of these considerations, an original formula was devised to allow closer political supervision of the mission by the Council, namely the establishment of the EUSR support team. Supported by the team, the Special Representative was mandated to ensure the political overview of the border situation, keep the political commitment of Moldova and Ukraine in check, and promote cooperation on border issues. At the same time, the wording of the Joint Action was strengthened to the effect that the Council and the Commission, within their respective competences, ensure consistency between the implementation of the new EUSR mandate and Community external activities.⁶¹

The EUSR support team counts five advisors, notably including the double-hatted Head of the EUBAM as senior political advisor (who also reports to the Commission), and four officials in

59. European Commission, 'RRM financing decision on the establishment of EUBAM', COM (2005) 4231, 28 October 2005. Today, the budget of the mission is of more than €20 million over two years.

60. *Ibid.*

61. Council Joint Action 2005/776/CFSP, 7 November 2005.

Chisinau, Kiev and Odessa (located at the EUBAM Headquarters there). EUBAM has been growing in size and scope to include, in March 2007, a staff of 177, including 103 international staff and 74 local staff, and has opened seven field offices. In addition to providing guidance, mentoring and training to border personnel, the mission has quite far-reaching powers: for example, it can intervene without notice along the border and ask for the re-examination of goods and vehicles. EUBAM has taken a structural approach to border management reform, delivering a comprehensive needs assessment and recommendations report in May 2006, on the basis of which specific priorities were defined.⁶² Part of the implementation is carried out under two EC-financed projects (BOMOLUK I and II), focussed on improving infrastructure and risk analysis capacity.

The EUSR contributed to the political direction of the mission, for example by negotiating with local counterparts the extension of its mandate and sensitive profiles such as the possibility to operate inland and not only on the border. On a general basis, the EUSR and his team pursue appropriate contacts at the political level to tackle the obstacles that might emerge in the course of EUBAM activities, thereby enhancing the implementation of the mission's mandate. EUBAM has succeeded in identifying networks and uncovering illegal trafficking, although the fight against organised crime requires strong local political engagement on all sides. EUBAM should be regarded as a component of a much wider political strategy that, however, struggles to be defined beyond the ENP framework. The positions of Russia and, consequently, Transnistria have, if anything, hardened. The real commitment of Moldovan authorities to reform and the fight against corruption should also be tested further.⁶³

The EUSR has insisted for contacts at the highest political level to be multiplied, including with Russia, in order to unlock local stalemate. In particular, it was felt that a stronger involvement of the SG/HR would be required to show the determination of the Union and to enhance the visibility of its commitment. Another option would consist of imposing more targeted sanctions against the Transnistrian leadership, including the business community, particularly vulnerable to international boycott. In short, additional political pressure needs to be brought to bear if the conflict is to be settled. In this perspective, as part of a deeper EU engagement, some have called for the EUSR to be permanently

62. See the key recommendations of the Needs Assessment and Recommendations Report in annex to European Union Border Assistance Mission to Moldova and Ukraine, Annual Report 2005/2006, November 2006.

63. For an overview of the political context, and some recommendations to enhance the EU contribution to conflict settlement, see 'Moldova's uncertain future', International Crisis Group, *Europe Report* no.175, 17 August 2006.

based in Chisinau. Eventually, however, it was felt that in this case a travelling EUSR model is better suited to ensure the coverage of the region and to pursue contacts with all the international actors involved in the conflict settlement process. In addition, the EUSR's trips to Moldova mobilise local actors, give a sense of a direct channel to Brussels and draw the attention of the media, which would arguably be less the case were the EUSR to be based in the field.

The EU Special Representative for Afghanistan

EU Objectives⁶⁴

The mandate of the EUSR shall be based on the policy objectives of the European Union in Afghanistan. In particular the EUSR shall:

1. contribute to the implementation of the EU-Afghanistan Joint Declaration and the Afghanistan Compact as well as the relevant United Nations (UN) Security Council Resolutions and other relevant UN Resolutions;
2. encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace process in Afghanistan and thereby contribute to the consolidation of the Afghan state;
3. support the pivotal role played by the UN, notably the Special Representative of the Secretary-General; and
4. support work of the Secretary-General/High Representative (SG/HR) in the region.

EUSR mandate

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) convey the European Union's views on the political process while drawing on the key principles agreed between Afghanistan and the international community, in particular the EU-Afghanistan Joint Declaration and the Afghanistan Compact;
- (b) establish and maintain close contact with, and give support to, the Afghan representative institutions, in particular the government and Parliament. Contact should also be maintained with other Afghan political figures and other relevant actors inside as well as outside the country;

64. Council Joint Action 2007/106/CFSP, 15 February 2007.

- (c) maintain close contact with relevant international and regional organisations, notably with the local representatives of the UN;
- (d) stay in close contact with neighbouring and other interested countries in the region, so that their views on the situation in Afghanistan and the development of cooperation between these countries and Afghanistan are taken into account in European Union policy;
- (e) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration and the Afghanistan Compact, in particular in the following areas:
- good governance and the establishment of rule of law institutions,
 - security sector reforms, including establishment of judicial institutions, a national army and police force,
 - respect for human rights of all Afghan people, regardless of gender, ethnicity or religion,
 - respect of democratic principles, the rule of law, the rights of persons belonging to minorities, the rights of women and children and the principles of international law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan’s international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking and trafficking in human beings,
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons;
- (f) in consultation with representatives of Member States and the Commission, assist in ensuring that the European Union’s political approach is reflected in its action for the development of Afghanistan;
- (g) jointly with the Commission, actively participate in the Joint Coordination and Monitoring Board established under the Afghanistan Compact;
- (h) advise on the participation and the positions of the European Union in international conferences on Afghanistan.

Post-conflict state building in Afghanistan confronts the international community with critical challenges ranging from a far from stabilised security environment to very weak state structures, ambivalent commitment to reform, and profound fragmentation of the country along ethnic divides. Basic security threats include the proliferation of terrorist attacks in vast swathes of the country and massive drug traffic, drawing from poppy cultivation that amounts to an estimated 30 to 40% of Afghan GDP. In short, state building in Afghanistan is about as hard as it gets. In response to these challenges, the international community has mobilised through multilateral institutions, *ad hoc* groupings, bilateral programmes and non-governmental organisations, as well as of course through military means, to help create enabling conditions for lasting reform and sustainable development. As a result, Afghanistan is today a very crowded place in terms of international presence, which puts special emphasis on the need for proper coordination between different actors and local interlocutors. In this context, the EU dispatched its own Special Representative, at that time the German diplomat Peter Klaiber, as early as in December 2001.⁶⁵

The current EUSR, the Spaniard Francesc Vendrell, was appointed in June 2002 and is based in Kabul.⁶⁶ Prominent in his mandate is the task to advise the EU on progress achieved on key aspects of reform and assistance, as well as on the security situation. In addition, the EUSR and his team ensure the representation and input of the EU in a variety of formal and informal fora overseeing institution building and coordinating donors' funding. In this perspective, a particular effort has gone into fostering first and foremost the internal coordination of the Union and its Member States. Also distinctive is the mandate's requirement for the EUSR to maintain close contacts with neighbouring countries, given the importance of the regional dimension to enhance stabilisation, or to fuel fragmentation in Afghanistan.

The EUSR has built a strong reputation as a pivotal player both across the EU 'family' and in relation to other international actors. Given the complex, fluid and politically sensitive situation on the ground, knowledge, expertise and personal contacts are key assets, which the Special Representative acquired as Head of the UN special mission to Afghanistan over two years, as of January 2000. Likewise, the members of the small EUSR team in the field, includ-

65. Council Joint Action 2001/875/CFSP, 10 December 2001.

66. Council Joint Action 2002/496/CFSP, 25 June 2002.

ing the Deputy and four policy advisors, have a very solid knowledge of the country and understanding of local dynamics. The EUSR and his team have regular access to all levels of the Afghan government and, since the Parliamentary elections in September 2005, have also multiplied links with the lawmakers, with a view to both collecting information and conveying relevant messages. At the same time, the consolidation of the legislative power remains problematic, with the government still paying limited attention to parliament and political parties failing to shape up to enable real debate and lawmaking in the assembly. Moreover, because of the importance of informal and traditional power structures underpinning, flanking or bypassing formal institutions, the EUSR and his team have been actively pursuing contacts with civil society in Kabul and across the country, including local leaders, clerics and former commanders. The information and assessments collected through this vast network are channelled to Brussels through written reports, which have won considerable praise for their quality.

The stream of information and recommendations from the field to Brussels has not always been paralleled by regular and precise guidance from headquarters, leaving the EUSR considerable room for manoeuvre. On the other hand, the EUSR has been invited to appear and report more frequently before the PSC, and has intensified oral briefings to the PSC and the Council working group on Asia since 2006. On the ground, some Member States have deployed sizeable bilateral assistance programmes including, among others, Germany on police reform, the UK on counter-narcotics and Italy on justice reform. A permanent working relationship between national missions and the EUSR is therefore important to mutually reinforce respective efforts, and properly link up with the activities managed by the Commission Delegation, opened in May 2002, and by the European Community Humanitarian Aid Office (ECHO). Between 2002 and 2006, the EU and its Member States have collectively allocated €3.7 billion to Afghanistan, of which over €600 million in humanitarian aid. That amounts to about 30% of the entire international assistance to the country, and almost half of the overall sum is provided by the Community budget. Given the size of the financial commitment to reconstruction, and the variety of ongoing national and Community programmes (with a focus on public sector reform, rural development and economic infrastructure), coordination is essential to

boost the overall political clout and visibility of the Union.

In so far as coordination with Member States is concerned, the EUSR meets Heads of Mission every two weeks and some of these meetings are focussed on specific priorities, such as security sector reform. Also, the relevant EUSR advisor chairs the meetings of human rights and gender advisors from national missions, as well as the gender donors' coordination meeting. Regular exchange with national diplomats on the ground is key to shape a common EU approach and message in the panoply of consultative bodies and working groups that include EU countries as well as other major international actors, and Afghan counterparts. Furthermore, common reporting from EU missions is solicited by the PSC to obtain a shared analysis of particular issues. That said, the political salience of the Afghan situation, including at the level of domestic public opinion, entails that national governments and ministers seek to acquire a distinctive profile with poorly coordinated initiatives. In this context, trips by ministers and other leaders to Afghanistan are not always prepared in conjunction with the EUSR. This does not help the coherence of EU Member States' political action in the country.

A relatively smooth working relationship has been established with the Head of the Commission Delegation. Fortnightly meetings are held between the EUSR and the Commission counterpart but, in the past, there was little familiarity between EUSR advisors and Commission officials and a certain confusion of roles emerged, not least in the eyes of international and local partners.⁶⁷ The allocation of Community assistance and the political initiative of the EUSR have therefore tended to develop along parallel tracks. While, arguably, that leaves more freedom of manoeuvre to the EUSR, it admittedly undermines his influence in so far as he has little policy leverage to negotiate with Afghan counterparts. It follows that the EUSR action is less incisive than it could be, and that the conditionality attached to EC assistance is less credible. As has been the case for other EUSRs, however, the deployment of an ESDP police mission in parallel with a new Community programme in the justice sector has triggered closer inter-pillar coordination.⁶⁸ The EUSR contribution to drafting the Afghanistan Country Strategy Paper 2007-2013 is another signal in this direction.

Following the end of the 2001 Bonn process, which led to the new Constitution of January 2004, to the Presidential elections of October 2004 and to the parliamentary and provincial elections of

67. International Crisis Group, 'Rebuilding the Afghan state: the European Union's role', *Asia Report* no.107, 30 November 2005.

68. Council Joint Action 2007/369/CFSP, 30 May 2007 on the establishment of the European Union Police Mission in Afghanistan. On the activities of the Commission in the rule of law sector, see the speech by the Commissioner for External Relations and ENP Benita Ferrero Waldner, 'EU Commitment to the Governance and Rule of Law in Afghanistan', Afghanistan Conference on Rule of Law, Rome, 3 July 2007. For a broader perspective on EC assistance to Afghanistan over the medium term, see: European Commission, Country Strategy Paper, 'Islamic Republic of Afghanistan 2007-2013'.

September 2005, the EUSR has actively participated in the preparation of the Afghan Compact adopted at the London Conference of 31 January-1 February 2006.⁶⁹ The Compact is the overarching policy framework outlining priorities for reform with a 2010 deadline, and committing both the Afghan government and international donors to achieve established goals. Three pillars of activity are sketched out, namely security; governance, rule of law and human rights; and economic and social development, with counter-narcotics indicated as a cross-cutting priority. This last element is vital because widespread poppy cultivation provides for the subsistence of the rural population given the absence of alternative sources of income and employment. That fuels a vicious circle that undermines economic development and local government, enriches local warlords and supports insurgency. In his contribution to drafting the Compact, the EUSR has put special emphasis on the sections on the rule of law, security sector reform and human rights, in the attempt to set precise and realistic targets. The implementation of the Compact is supervised by the Joint Coordination and Monitoring Board (JCMB), launched in April 2006, which is chaired by a senior Afghan official and by the Special Representative of the UNSG. The EU Special Representative and the Commission represent the Union in this body, although its functioning has been hampered by, among other factors, its unwieldy size including 21 countries and institutions, and the lack of a permanent secretariat.⁷⁰

From an EU standpoint, the utility of the EUSR also derives from his participation, directly or through his team, in a variety of formal and informal coordination fora, such as the Counter-narcotics steering committee, the Policy Action Group (PAG), the Disarmament of Illegal Armed Groups (DIAG) forum and the Interagency Police Coordination Action Group (IPCAG). The PAG is a crisis management group set up by the President of Afghanistan in June 2006 to enhance joint analysis of security threats, notably addressing the insurgency in the South of the country, and to formulate priorities to achieve stabilisation. The DIAG forum, concerned with the vital issue of disarmament of illegal groups, made limited progress in the face of reluctance by Afghan authorities to dismantle militias that are sometimes used by government services themselves. The EUSR plays an important role in the sensitive process of vetting and appointing police commanders through the Police Probation Board, although

69. Afghanistan Compact, adopted at 'Building on Success – The London Conference on Afghanistan', London, 31 January, 1 February 2006. The Afghanistan Compact was adopted in parallel to the new Afghanistan National Development Strategy, which outlines the strategic priorities and initiatives of the Afghan government, and is largely in line with the Compact itself. The two documents are conceived to be mutually reinforcing.

70. International Crisis Group, 'Afghanistan Endangered Compact', *Asia Briefing* no. 59, Kabul/Brussels, 29 January 2007. Considering the JCMB too cumbersome, some key participants meet in separate, informal groupings such as the 'Tea club' of major donor countries and the 'Coffee club' of large development agencies.

progress proves difficult in this respect as well. Sluggish reform in the security sector implies widespread corruption, impunity and human rights abuses – a situation regularly denounced by the EUSR and requiring stronger international commitment. Importantly, the EUSR office also participates in the NATO Provincial Reconstruction Teams (PRT) steering committee and working group, and has contributed to PRT conferences. Cooperation with NATO is supported by a specifically designated EUSR policy advisor.

Their in-depth, first-hand experience of security sector reform (SSR), and of the security situation at large in Afghanistan (based on regular visits to a number of regions), made of the EUSR and his team the natural interlocutors when the EU Joint Rule of Law Assessment Mission travelled to Afghanistan in September 2006. The mission, including officials from the Council and the Commissions as well as experts from Member States, was tasked with establishing the priority requirements for further EU contribution to security sector reform. In good cooperation with the Commission Delegation, the EUSR facilitated the mission and played a key role in identifying the issues requiring most attention and the relevant interlocutors. One member of the EUSR team joined the assessment mission, and contributed to drafting the report. The EUSR recommended that, if an ESDP police mission was to be deployed, then it should be strong enough to make a real difference compared to the (then) ongoing German police reform programme.

Eventually, the assessment mission identified scope for a two-pronged EU intervention. The ESDP mission – EUPOL Afghanistan – would address police reform at the central, regional and provincial level, while the Commission would use the new Stability Instrument to launch a major programme in the field of justice. The reform of the justice sector is a key element of the Country Strategy Paper 2007-2013 and requires long-term commitment. Following the first mission in September, the Fact Finding Mission of late 2006 also benefited from the EUSR's local support. The EUSR has sought to provide a permanent input to inform the planning phase of the ESDP mission with regular analysis from Kabul. The EUSR has been keeping Afghan authorities up to speed concerning the preparation, structure and objectives of the mission, thereby paving the way for a smooth deployment of the latter. In particular, he has insisted on the need to develop an integrated vision of security sector reform, cutting

across the police and the justice sectors. The relatively tight time-frame envisaged for the launch of the mission, however, has affected the synergy between headquarters and the field.

EUPOL Afghanistan is expected to provide the EUSR with more clout in relation to Afghan counterparts, notably since it is set in the wider context of international efforts to achieve police reform, managed through the International Police Coordination Board. One EUSR's advisor is charged with maintaining regular contacts with EUPOL and works closely with his counterpart in the mission. At the same time, it is vital that key Afghan stakeholders are kept on board and take ownership of police reform, which is an important task for the EUSR. Also, there is a need for a structural and not short-term approach to reform, given the serious challenges affecting the performance of Afghan institutions. In the case of the justice sector, three institutions are targeted, namely the Supreme Court, the Attorney General's Office and the Ministry of Justice. Problems to be tackled include little professional skills and competence, low levels of remuneration, lack of meritocracy and widespread discretion in determining career paths, the effective inexistence of a system of legal aid for the defendants, and general insecurity. Reform of the pay and grading structure features prominently among the priorities of the Commission's programme.

Awareness of the need for a fully integrated approach in devising and conducting the EU's intervention has been steadily growing, and plans have been drawn up to ensure structured coordination between different actors and instruments. In preparing its initiative through the Stability Instrument, the Commission has been extensively reporting to the PSC and CIVCOM, so as to maximise mutual consultation and ensure unity of purpose. The practice of monthly meetings involving all relevant actors in Brussels has been established, bringing together the Commission, the Council Secretariat and the EUSR liaison office. Relevant officials are thus in permanent contact both in Brussels and in the field, and cooperation works rather well. Looking ahead, the importance of coordination at EU level and among Member States cannot be overstated. The political reform agenda of Afghanistan will require more concerted and effective action on the EU side, notably in order to support the next elections in 2009 and 2010.

The EU Special Representative in Bosnia and Herzegovina

EU Objective⁷¹

The mandate of the EUSR shall be based on the policy objectives of the EU in BiH. These centre around continued progress in the implementation of the General Framework Agreement for Peace (GFAP) in BiH, in accordance with the Office of the High Representative's Mission Implementation Plan, and in the Stabilisation and Association Process, with the aim of a stable, viable, peaceful and multiethnic BiH, cooperating peacefully with its neighbours and irreversibly on track towards EU membership.

EUSR mandate

In order to achieve the policy objectives of the EU in BiH, the mandate of the EUSR shall be to:

- (a) offer the EU's advice and facilitation in the political process;
- (b) promote overall EU political coordination in BiH;
- (c) promote overall EU coordination of, and give local political direction to, EU efforts in tackling organised crime, without prejudice to the European Union Police Mission (EUPM)'s leading role in the coordination of policing aspects of these efforts and to the *ALTHEA* (EUFOR) military chain of command;
- (d) provide the EU Force Commander with local political advice, including with respect to the Integrated Police Unit style capability, on which the EUSR may draw, in agreement with the said Commander, without prejudice to the chain of command;
- (e) contribute to reinforcement of internal EU coordination and coherence in BiH, including through briefings to EU Heads of Mission and through participation in, or representation at, their regular meetings, through chairing a coordination group composed of all EU actors present in the field with a view to coordi-

71. Council Joint Action 2007/87/CFSP, 7 February 2007.

nating the implementation aspects of the EU's action, and through providing them with guidance on relations with the BiH authorities;

(f) ensure consistency and coherence of EU action towards the public. The EUSR spokesperson shall be the main EU point of contact for BiH media on Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP) issues;

(g) maintain an overview of the whole range of activities in the field of the rule of law and in this context provide the Secretary-General/High Representative (SG/HR) and the Commission with advice as necessary;

(h) provide the Head of Mission of the EUPM with local political guidance as part of his wider responsibilities and his role in the chain of command for EUPM;

(i) as part of the international community's and the BiH authorities' broader approach to the rule of law, and drawing upon the EUPM's provision of technical policing expertise and assistance in this respect, support the preparation and implementation of police restructuring;

(j) provide support for a reinforced and more effective BiH criminal justice/police interface, in close liaison with EUPM;

(k) as far as activities under Title VI of the Treaty, including Europol, and related Community activities are concerned, provide the SG/HR and the Commission with advice as necessary, and take part in the required local coordination;

(l) with a view to coherence and possible synergies, continue to be consulted on priorities for Instrument of Preaccession Assistance;

(m) support planning for a reinforced EUSR office in the context of the closure of the Office of the High Representative (OHR), including advice on public information aspects of the transition, in close coordination with the Commission;

(n) contribute to the development and consolidation of respect for human rights and fundamental freedoms in BiH, in accordance with EU human rights policy and EU Guidelines on Human Rights;

(o) engage with relevant BiH authorities on their full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY);

(p) provide political advice and facilitation in the process of constitutional reform.

The Western Balkans have been the cradle of ESDP. Strong motivation to develop a serious EU crisis management capacity resulted from years of impotence in the face of the civil wars in former Yugoslavia, and consequent frustration. In parallel to smaller operations in FYROM, ESDP took its first steps in Bosnia and Herzegovina (BiH) with the launching of the EU Police Mission (EUPM) in January 2003⁷² and the deployment of the largest-ever EU military operation – EUFOR *Althea* – in December 2004.⁷³ The EU ‘family’ in the field also includes the Commission Delegation and the EU Monitoring Mission.⁷⁴ The Stabilisation and Association Process (SAP) is the overall policy framework established by the EU in 1999/2000 to cooperate with BiH on the road to EU membership. Negotiations on the Stability and Association Agreement started in November 2005 and are now completed, although signature is on hold depending on the adoption of the much-delayed police reform. The range of EU policy actors and instruments on the ground needs to be placed in a yet wider picture, encompassing the sizeable presence of the international community. Following NATO’s military intervention and the Dayton Peace Accords of 1995, a complex peacekeeping and state-building process was set in place. NATO’s Intervention Force (IFOR) and, as of December 1996, Stabilisation Force (SFOR)⁷⁵ deterred conflicting parties from renewing hostilities and created the basic security conditions for the Office of the High Representative (OHR) to be established in 1996 and pursue its Mission Implementation Plan.

The High Representative (HR) was entrusted with monitoring the implementation of the peace settlement, coordinating the activities of the organisations involved in the civilian aspects of the peace settlement, and reporting to the Peace Implementation Council. The HR was also identified as the final authority in the theatre concerning the interpretation of the civilian aspects of the peace agreement.⁷⁶ Coordination and, to a large extent, norm setting, were therefore the key tasks of the HR, who set up various bodies to oversee the implementation of the peace accords, notably the Joint Civilian Commission that involved senior representatives of the parties, the IFOR/SFOR Commander and representatives of international organisations. Given the reluctance of the local authorities to undertake the required reforms and cooperate to set up and consolidate the new state structures, the powers of the HR have been upgraded by defining the so-called Bonn

72. Council Joint Action 2002/210/CFSP, 11 March 2002.

73. Council Joint Action 2004/570/CFSP, 12 July 2004.

74. Council Joint Action 2000/811/CFSP, 22 December 2000.

75. For the mandate of IFOR, see the Dayton Peace Agreement, General Framework Agreement, Annex 1, Agreement on the Military Aspects of the Peace Settlement, and the UNSC Resolution 1031 (1995), 15 December 1995. For the mandate of SFOR, see the UNSC Resolution 1088 (1996), 12 December 1996.

76. Dayton Peace Agreement, General Framework Agreement, Annex 10, Agreement on Civilian Implementation, Articles II and V.

Powers in December 1997.⁷⁷ The latter notably included the authority to adopt interim measures when the parties could not reach agreement, and to remove civil servants, elected representatives and government members from office.

The scope for progress from international trusteeship to the full inclusion of the country in the SAP, under the responsibility of the EU, was discussed between 2000 and 2002. Since the Dayton framework could not be altered, the focus shifted to reviewing the presence of the international community, and of the EU in particular. With a view to signal a change of gear in its relations with BiH, in early 2002 the EU expressed the will to confer the task of EU Special Representative to the HR who would be designated to succeed Wolfgang Petritsch. In March 2002, Lord Ashdown was therefore appointed as first EUSR to Bosnia,⁷⁸ a mandate he held for almost four years up until February 2006 when Christian Schwartz-Schilling was appointed.⁷⁹ The current EUSR to Bosnia and Herzegovina, the Slovak Ambassador Miroslav Lajčák, former Personal Representative of the SG/HR to facilitate the Montenegrin dialogue, was appointed in June 2007.⁸⁰ The new position of HR/EUSR wielded very substantial powers and embodied the EU's aim to further support the efforts of the international community by complementing the role of the HR with the tasks of the EUSR, thereby maximising synergy. In other words, the 'hard power' of the Bonn powers was complemented by the 'soft power' of the EUSR, charged with accompanying the country towards the negotiations of the Stability and Association Agreement and to pursue the European destination of BiH and other countries in the Western Balkans, proclaimed by the European Council of Thessalonica in June 2003.

The HR/EUSR needed to strike the right balance between the tasks falling within respective mandates. Most of his time was taken up by permanent dealings with Bosnian counterparts, as well as by managing multiple layers of coordination. It was also expected that the EUSR would upgrade the political profile and visibility of the EU's assistance and commitment to post-conflict state building in the country. The HR/EUSR 'double-hatting', however, entails that the distinction between the two functions is sometimes blurred, notably when dealing with BiH authorities. While the HR and the EUSR are endowed with different competences and powers, the holder of the two positions is essentially tasked with assisting the local parties in state building. When it

77. Peace Implementation Council, Bonn Conclusions, Point XI, 10 December 1997.

78. Council Joint Action 2002/211/CFSP, 11 March 2002.

79. Council Joint Action 2006/49/CFSP, 30 January 2006.

80. Council Decision 2007/427/CFSP, 18 June 2007.

comes to concrete issues, such as police reform, it proves difficult to draw a distinction between the capacity of the HR and that of the EUSR, short of the use of the Bonn powers. Some achievements, however, can be ascribed to the EUSR ‘hat’ proper, including the creation of the department for European integration within the federal foreign ministry, which became the main interlocutor of the Union concerning institution building and relevant legislation. In addition, responsibility for the coordination and the local political guidance of ESDP missions clearly lies with the EUSR.

The creation of the new EUSR post was closely linked to the envisaged launching of the ESDP police mission – EUPM. First, the EUSR was tasked with maintaining an overview of the activities in the field of the rule of law, and providing advice to both the SG/HR and the Commission. Second, the EUSR was given authority to give guidance to the Head of Mission (HoM)/Police Commissioner running the ESDP mission. The aspiration to take a comprehensive view of the EU engagement in the field of rule of law, across institutional divides, was there from the start. In practice, however, it took quite some time to define a comprehensive reform strategy in this area. Community programmes under CARDS dealt with justice reform, and police reform became ‘contested territory’ when EUPM was set up in 2003. The EUSR, in cooperation with the Head of the Commission Delegation, played an important role in seeking to bridge these divides, and reinforce the justice/police interface, but progress remained slow.

Two years after the appointment of the first EUSR, in parallel to the adoption of the comprehensive European Partnership with Bosnia and Herzegovina under the SAP,⁸¹ the European Council endorsed in June 2004 a Comprehensive Policy for Bosnia and Herzegovina. This document put considerable emphasis on the need to achieve overall coherence among all the EU actors and instruments in the field.⁸² A number of detailed prescriptions were made to that end, addressing coordination both in Brussels and in Sarajevo. In so far as the EUSR was concerned, the document entrusted him with promoting overall EU political coordination, with a particular emphasis on the need to establish closer links between the EUSR and ESDP instruments on the ground. Importantly, coordination also included activities under the first and third ‘pillars’ of the EU, namely consultation on priorities for CARDS assistance and cooperation with Europol and other

81. Council Decision 2004/515/EC, 14 June 2004, repealed by Council Decision 2006/55/EC, 30 January 2006.

82. European Security Strategy – Bosnia and Herzegovina – Comprehensive Policy, adopted by the European Council, 17/18 June 2004. As explicitly recalled in its heading, this document was presented as one of the first instances of implementation of the ESS of December 2003.

instruments under Justice and Home Affairs. At a more general level, it was expressly stated that ‘functions carried out by more than one actor in Bosnia and Herzegovina will to the extent possible be pooled under the EUSR.’ In short, coordination became the defining feature of the EUSR’s mandate in Bosnia, where the largest ever range of EU foreign policy tools was deployed.

The mandate of the EUSR was revised accordingly, by including in the new Joint Action a variety of general and specific tasks.⁸³ In no other case the role of the EU Special Representative has been spelt out in such detail, which shows clear determination to set up a ‘centre of gravity’ coordinating EU action and delivering added value by improving the policy output of the Union. The EUSR was tasked with chairing a working group including all relevant EU actors in the field so as to coordinate their action and also to provide them with political guidance on relations with Bosnian authorities. In addition, the EUSR needed to ensure consistency and coherence towards the public, with the EUSR spokesperson becoming the main contact point on CFSP/ESDP issues. Yet another telling provision was added, stipulating with a certain emphasis that ‘an EU dedicated staff projecting an EU identity shall be assigned to assist the EUSR to implement his mandate and contribute to the coherence, visibility and effectiveness of the overall EU action in BiH, in particular in political, politico-military and security affairs, and with regard to communications and media relations.’ Today, the EUSR has a team of about 35 seconded and contracted (international and national) staff based in Sarajevo (as well as in the Banja Luka and Mostar offices), and a liaison officer in the Policy Unit of the Council Secretariat. In particular, the heads of the legal, political and press/media departments, and the head of the international community liaison section, are ‘double-hatted’, serving the EUSR in his capacity of HR as well.

The considerable expansion of the mandate of the EUSR, and of the resources put at his disposal, responded to three main factors. First, the launch of EUPM had been accompanied by tensions between the new police missions and the Commission officials charged with ongoing programmes in the field of security sector reform. Little exchange between the ESDP and the Community sides followed, which hampered the effectiveness of both. Second, the new military component of EU intervention – EUFOR *Althea* – required close interaction with other CFSP and Community actors, not least to fulfil an important part of its mandate, as illus-

83. Council Joint Action 2004/569/CFSP, 12 July 2004.

trated below. Third, there was a need to give the EUSR a distinctive profile from that of the HR, by providing the EU Special Representative with better support and enabling him to represent the Union in a more effective manner, notably in the eyes of the Bosnian parties. In other words, in parallel to the fundamental role of the HR in Bosnia, the EUSR dimension needed some upgrading. While housed in the same premises, the EUSR staff has not merged with the HR staff. That said, the two staffs work closely together on a number of issues of shared interest.

In the course of 2004 and 2005, various mechanisms developed through practice to enhance intra-EU coordination. The Head of the EUSR political department convenes weekly ESDP meetings including political and media advisors from the ESDP missions, and weekly political staff meetings involve senior advisors from the entire EU family. The EUSR himself meets the Head of the Commission Delegation once a week, and participates in exchanges with the national Heads of Mission at least once a month. That said, no matter how many steps have been taken to foster coordination, experience showed that the latter could not be achieved 'by decree'. There was a realisation that only coordination 'by objective' would work and, in this perspective, two key and closely interrelated targets took the centre stage: police reform and the fight against organised crime.

Police reform is a major element of the broader EU commitment to reform in the field of rule of law. EUPM was established to follow up on the work of the UN International Police Task Force, with a mandate focussed on institution and capacity building. The EUSR was included in the chain of command of the mission, providing local political guidance to the Head of Mission and acting as the link between the Head of Mission and the SG/HR in Brussels. The EUSR took a rather 'hands off' approach to the conduct of the mission and intervened at the request of the Police Commissioner when political advice was needed. Cooperation between the EUSR and EUPM has been close: the HoM meets the EUSR on a weekly basis, and officials from both staffs participate in respective morning meetings. The EUSR and EUPM share a double-hatted advisor for police restructuring. The EUSR has been providing considerable input to EUPM monthly reports, and substantially contributed to the six-monthly reviews of the mission, as well as to the lessons learned exercise of 2006. That said, in 2005, no agreement was reached on the EUSR's proposal to merge

the legal, political and media sections of EUMP with EUSR services.⁸⁴ In practice, however, the EUSR office and EUPM cooperate in media relations and organise joint information campaigns. Turning from internal coordination to the interface with Bosnian authorities, the HR/EUSR directly engaged to achieve progress on police reform.

The HR/EUSR felt that police restructuring was crucial to state building in BiH and invested a lot of political capital in trying to push the agenda forward, against considerable local opposition. In his capacity as HR, he established a Police Restructuring Commission in July 2004 to help steer the course of reform. A considerable breakthrough, however, only came in October 2005, when the BiH Council of Ministers accepted the three guiding principles for police reform outlined by the European Commission, whereby all competences for police matters had to be allocated at the state level, there had to be no political interference with police operations, and functional local police areas needed to be defined on the basis of technical and not political criteria. In order to implement these principles, a Police Reform Directorate was set up in January 2006, with the Head of EUPM sitting on its steering board. The work of the Directorate ran into considerable difficulties, and virtual stalemate, following the boycott of its proceedings by the authorities of the Republika Srpska, which triggered reluctance to engage on the side of others as well. The Bosnian-Serb leader Dodik rejected the consolidation of police powers at the federal level, so as to preserve competences for different entities and a police structure based on ethnic divides and fragmented, which proves dysfunctional.

In conjunction with EUPM efforts, the HR/EUSR has exerted considerable political pressure to unlock the stalemate. In particular, he set up a 'police reform group' involving the EUPM, the Commission Delegation and representatives from the Finnish and German Presidencies to devise how best to engage politicians in supporting reform. By December 2006, a report on police restructuring was eventually delivered to BiH political authorities, who need to adopt it and pursue implementation. Triggering reform is an essential precondition for Bosnian police to perform effectively, according to democratic standards of transparency and accountability, in tackling the plague of organised crime. By September 2007, however, the BiH Parliament had not yet adopted the police reform package.

84. Susan Penska, 'Policing Bosnia and Herzegovina 2003-2005 - Issues of Mandates and Management in ESDP Missions', *CEPS Working Document* no. 255, December 2006, p. 13.

The fight against organised crime is another key challenge confronting the international community, and the EU in particular, in BiH. Illegal trafficking undermines not only public order but also institution building, and fuels widespread corruption, whereas the negative repercussions of this spill over Bosnian borders into EU territory. The EU has mobilised a range of means in this area, including the EUSR, EUPM and EUFOR *Althea*. EUFOR was tasked with providing deterrence and ensuring a secure environment, thereby supporting the Mission Implementation Plan of the OHR and the EU Stabilisation and Association Process.⁸⁵ It was specified that EUFOR would be part of a closely coordinated EU presence in BiH and that, with a view to promoting coherence, the EUSR would chair a coordination group involving all EU actors on the ground, including not only ESDP missions but also the Commission and the rotating Presidency. Thus, the catalytic role of the EUSR was confirmed and enhanced when setting up EUFOR. It was envisaged that he would be, together with the SG/HR, the primary point of contact with BiH authorities, and that the Force Commander should take the EUSR's political advice into account and coordinate closely with the EUSR. As has been the case for EUPM, the EUSR contributed over time to EUFOR mission reviews. While a lot of emphasis was put on the requirement of overall coherence, however, coordination proved quite hard to achieve in tackling organised crime.

Tensions emerged between EUFOR and EUPM in the course of 2005 on the precise division of competences in this domain, and on basic approaches to the fight against organised crime. Arguably, joined-up decision-making was undermined by the absence of a comprehensive policy strategy. EUPM, which did not have executive powers, privileged reinforcing the investigative capacity of BiH police so as to hit organised crime upstream. EUFOR, on the other hand, opted for a more forceful and targeted intervention, identifying crossing points, disrupting illegal trafficking, stopping illegal logging, and searching for weapons' deposits, in support to the local police.⁸⁶

The EUSR played a key role in bridging the differences on respective tasks and priorities, bringing relevant players around the table and delivering, in September 2005, the General Guidelines for Increasing Cooperation between EUPM-EUFOR and EUSR. The EUSR responsibility for coordination was forcefully restated and it was envisaged that he would chair the new Crime

85. Council Joint Action 2004/570/CFSP, op. cit. in note 73.

86. On the specific tasks of EUFOR, see David Leakey, 'ESDP and Civil/Military Cooperation: Bosnia and Herzegovina, 2005', in Anne Deighton and Victor Mauer (eds.), 'Securing Europe? Implementing the European Security Strategy', *Zürcher Beiträge Zur Sicherheitspolitik*, no. 77, Swiss Federal Institute of Technology, Center for Security Studies, 2006.

Strategy Working Group (CSG), including the Heads of EUPM, EUFOR, and of the Commission Delegation. The CSG was supposed to achieve internal EU coherence before interaction with local interlocutors. EUPM was given the lead in coordinating the policing aspects of ESDP, while EUFOR was essentially tasked with operational support in the fight against crime. Also, the EUSR, EUPM and EUFOR committed to develop an integrated media strategy to complement their activities on the ground with appropriate information campaigns. The mandate of EUPM, amended at the end of 2005, reflected these arrangements and put the accent on fighting organised crime.⁸⁷ Accordingly, following the presentation of the report of the Directorate for police reform at the end of 2006, organised crime has become the main focus of EUPM in 2007. Likewise, the mandate of the EUSR was strengthened, including the specific task to ‘promote overall EU coordination of, and give local political direction to, EU efforts in tackling organised crime.’⁸⁸ Among other important initiatives in this perspective, the EUSR office as well as experts from ESDP missions and the Commission have advised BiH officials in drafting the National Action Plan against organised crime and corruption.

The serious problems encountered in promoting coordination between different EU actors in BiH triggered a useful, albeit late, lessons learned process. The exercise resulted in a set of recommendations on measures of general application to enhance coherence between the EUSRs, the heads of civilian missions and the commanders of ESDP military operations. This is a noteworthy example of institutional learning directed to, among other goals, stressing the pivotal position of the EUSR among other CFSP/ESDP actors, and implementing effective civil-military coordination (CMCO). The main thrust of these guidelines concerns the need for providing appropriate briefings and better instructions upstream to all relevant EU actors, so as to clarify the context and purpose of the EU engagement and establish shared policy priorities from the early stages. In so far as BiH is concerned, provision is made for permanent mutual consultation on military affairs bearing political implications between the EUFOR commander and the EUSR, and the latter’s arbitration role in addressing divergences between EU actors in the field is stressed.

Turning to the rule of law domain, while a comprehensive approach to reform has been advocated since the early stages of EU engagement in BiH, it took a while to devise and begin to

87. Council Joint Action 2005/824/CFSP, 24 November 2005.

88. Council Joint Action 2005/825/CFSP, 24 November 2005.

implement it. The original EUPM mandate did not include proper linkages with the broader rule of law dimension, addressed under the CARDS programme. Over time, however, steps have been taken with a view to bridging the gaps and consolidating the police and the justice system at once. A criminal justice/police interface group has been set up by the HR/EUSR in 2005, involving EUPM as well as local authorities, to enhance the comprehensive approach to rule of law and define priorities ahead. The EUSR adviser on prosecutorial matters has been holding monthly coordination meetings with colleagues from the OHR and EUPM, responsible for the criminal justice interface. In conjunction with EC programmes, EUSR and EUPM experts have also advised the Ministry of Security on setting up the international cooperation unit, and making progress towards concluding an operational agreement between BiH and Europol.

Looking at the big picture of what has been achieved, and where the next big challenges lie, the question of constitutional reform comes upfront. 2006 has seen the rejection in the BiH Assembly of a key package of constitutional amendments that had been brokered with the help of the OHR. These notably included the replacement of the collective presidency of three with a single President and the power of the central state-level institutions to adopt the necessary legislation to comply with the SAA negotiation and implementation process. This setback was followed by inflammatory rhetoric in the course of the campaign leading to the October 2006 elections, with Republika Srpska (RS) leader Dodik explicitly linking up the Kosovo process to the threat of secession of RS from BiH. The intricacy of the political debate in the country and the stalemate of constitutional reform have led the international community to reconsider the prospect of phasing out the OHR by mid-2007, and to postpone the transition from the OHR to a strengthened EUSR function to mid-2008.

While the timing of the envisaged transition has shifted forward, the debate on the related reinforcing of the EUSR role and support structures has started at EU level. Staffing requirements will be assessed in the light of a broader mandate, likely to include the coordination of the international community efforts in the field, the support to the process of constitutional reform, and a stronger role in supervising security sector reform across the board. The co-location of the EUSR office in the premises of the Commission Delegation has also been discussed, not least with a

view to the potential double-hatting of the EUSR and of the Head of the Commission Delegation. While this option enjoys growing support, not least to endow the holder of the new post with maximum political leverage, double-hatting is at this stage not a foregone conclusion. That said, there is consensus on the fact that the model of double-hatting suitable for BiH would be different from that implemented in FYROM, because of the different requirements in the field. In the context of a political environment still in transition from post-conflict dynamics to stable democratic debate, and in the presence of two ESDP missions on the ground, the CFSP dimension of the future post will likely feature more prominently in the overall balance.

The EU Special Representative in the former Yugoslav Republic of Macedonia

EU Objectives⁸⁹

The mandate of the EUSR shall be based on the policy objective of the European Union in the former Yugoslav Republic of Macedonia, which shall be to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, thereby facilitating further progress towards European integration through the Stabilisation and Association Process.

The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the region.

EUSR Mandate

In order to achieve the policy objective, the mandate of the EUSR shall be to:

- (a) maintain close contact with the Government of the former Yugoslav Republic of Macedonia and with the parties involved in the political process;
- (b) offer the European Union's advice and facilitation in the political process;
- (c) ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of the Framework Agreement of 13 August 2001, as set out in the Agreement and the Annexes thereto;
- (d) follow closely, and report on, security and inter-ethnic issues and liaising with all relevant bodies to that end;
- (e) contribute to the development and consolidation of respect for human rights and fundamental freedoms in the former Yugoslav Republic of Macedonia, in accordance with European Union human rights policy and European Union Guidelines on Human Rights.

89. Council Joint Action 2007/109/CFSP, 15 February 2007.

Inter-ethnic conflict between the Slav majority and the Albanian minority in the West of the country risked plunging FYROM into an all-out civil war in 2001. The dramatic experience of the previous Balkan wars, however, prompted the international community to intervene at an early enough stage to prevent the conflict spiralling out of control. Following the conclusion of the Ohrid Framework Agreement in August 2001, brokered by SG/HR Solana and by the US envoys, the EU has played a leading role in peace-building and state-building in FYROM.⁹⁰ Under the umbrella of the Stability and Association Process, substantial assistance has been provided through the CARDS programme to support the implementation of the Framework Agreement. This process resulted in the decision of the European Council to grant FYROM candidate status in December 2005, opening a new stage in the path of the country towards EU accession.

That said, while considerable progress has been made in adopting the constitutional amendments and the legislative innovations indicated at Ohrid, FYROM still requires proactive support to stay the course of reform. The formal adoption of reforms outpaces their effective implementation, and the advanced pre-accession partnership with the EU suffers from lingering political turbulence not only along inter-ethnic divides, but also within the Albanian community. This state of affairs has justified, in the eyes of the EU, the preservation of the EUSR position in the country up to this day, although the mandate of the EUSR has been evolving in line with the political priorities on the ground as well as with the deployment, and successive termination, of two ESDP missions. Since late 2005, in conjunction with the launch of the accession process and with the end of the ESDP police mission *Proxima*, the EUSR post in the country has been uniquely configured as double-hatted with the Head of the Commission Delegation.

The first EU Special Representative to FYROM, François Léotard, was appointed in the course of the negotiations leading up to the Ohrid Agreement in summer 2001, with a view to closely monitoring developments on the ground and contributing to conflict settlement by supporting political dialogue between the parties.⁹¹ Including Léotard, five EUSRs have succeeded one another with Erwan Fouéré, the current double-hatted Special Representative, appointed in October 2005.⁹² At a general level, looking at the years since the Ohrid Agreement, parallels can be drawn between the key tasks of EUSRs in FYROM, on the one hand, and the chal-

90. The full English version of the Ohrid Framework Agreement is available on the website of the Council of Europe, Legal Cooperation, Police and Internal Security section, at www.coe.int.

91. Council Joint Action 2001/492/CFSP, 29 June 2001.

92. Council Joint Action 2005/724/CFSP, 17 October 2005. With a view to previous EUSRs and their evolving mandate, see also Council Joint Action 2001/760/CFSP, 29 October 2001, appointing Alain Le Roy; Council Joint Action 2002/832/CFSP, 21 October 2002, appointing Alexis Brouhns; Council Joint Action 2004/86/CFSP, 26 January 2004, appointing Søren Jessen-Petersen; and Council Joint Action 2004/565/CFSP, 26 July 2004, appointing Michael Sahalin.

lenges and priorities of the EUSR in Bosnia and Herzegovina, on the other. In both cases, the country risked disintegration at the hands of ethnic-based parties and armies, with sponsoring or direct intervention from neighbouring countries. Determined external intervention (military in the case of BiH, diplomatic in the case of FYROM) was decisive to drive the parties to a peace agreement and stitch the country together. Two more specific elements of parallelism can be highlighted against this common background.

First, the sequential engagement of NATO and the EU to impose military deterrence on conflicting parties and guarantee a stable environment. The NATO peacekeeping presence in FYROM – operations Essential Harvest, Amber Fox and Allied Harmony – was replaced by EU military intervention through EUFOR *Concordia*, launched in April 2003.⁹³ The EUSR was indicated as the primary interface between the force commander and local political authorities, and he was given responsibility to ensure the coordination of the military operation with other EU activities.⁹⁴

Second, the importance attached to security sector reform, notably to police reform and restructuring, as a core element of institution building. EUPOL *Proxima* was deployed to underpin this process, in conjunction with Community programmes and in the context of a wider approach to rule of law.⁹⁵ As in other theatres, the EUSR was included in the chain of command of *Proxima*, and was mandated with providing local political guidance to the Head of Mission. With a view to involving FYROM authorities more closely in the activities of *Proxima* and enhancing local ownership, the EUSR was mandated to conduct a regular dialogue with them, together with the Head of Mission and the EU Presidency, on the progress of the mission.⁹⁶

Unlike the case of BiH, however, the international community did not establish a High Representative responsible to implement the peace agreement and endowed with a large office. The considerable tasks of sustaining the reform process and coordinating the efforts of the international community lay, therefore, with the EUSR.⁹⁷ As a result, the EUSR in FYROM provided the linchpin of two layers of coordination, namely between international organisations and between EU actors in the field. Three main mechanisms have been set up to that end. In addition to a fortnightly meeting of the Heads of international organisations

93. Council Joint Action 2003/92/CFSP, 27 January 2003.

94. Council Joint Action 2003/446/CFSP, 16 June 2003.

95. Council Joint Action 2003/681/CFSP, 29 September 2003.

96. Council Joint Action 2003/870/CFSP, 8 December 2003. The same arrangements applied to the EU Police Advisory Team (EUPAT) following the conclusion of EU-POL *Proxima*.

97. The EU Special Representative was explicitly attributed this task with Council Joint Action 2002/963/CFSP, 10 December 2002. See Article 3(c).

in FYROM and to a weekly meeting of the Heads of international actors active in the field of security (the ‘security principals’ including the US, NATO and OSCE), both chaired by the EUSR, the Special Representative also takes part in the weekly meetings of the EU Heads of Mission. On these occasions, the double-hatted EUSR plays an active role: the breadth of his prerogatives makes him a key player in the eyes of local interlocutors, and the focal point for the international community. EU Member States are appreciative of the EUSR’s performance. In fact, many of them are not directly represented in the field and benefit from the insight and reporting of the EUSR. Turning to intra-EU coordination, the EUSRs in FYROM have been chairing weekly meetings bringing together the Head of the Commission Delegation, the heads of ESDP missions, the EU Presidency and the European Reconstruction Agency. Before double-hatting, one of the main challenges of the EUSR in FYROM consisted precisely in coordinating ESDP intervention, notably EUPOL *Proxima*, with Community programmes.

With ESDP taking its first steps in 2003/2004, a degree of learning by doing, fine-tuning in action, overlap, and potential tensions, was always to be expected. On the other hand, however, intra-EU turf wars in FYROM, and back at Headquarters in Brussels, proved particularly serious. These tensions demonstrated the importance of comprehensive planning to prevent conflicts over the attribution of competences in the field, to streamline communication, to define a common EU approach to priorities on the ground, and to circumscribe the damage that personal differences can entail. As described in further detail elsewhere, the Commission launched various programmes in support of police reform since the aftermath of the Ohrid Agreement in 2001/2002, including through the Rapid Reaction Mechanism and the CARDS emergency assistance programme.⁹⁸ Contrary to the spirit and the letter of *Proxima*’s mission statement, however, national experts in CARDS-funded Community projects, co-located in the Ministry of the Interior and other relevant institutions, and ESDP personnel, did not cooperate and did not appropriately exchange information and assessments, thereby reducing the effectiveness of both ‘tracks’ of the EU institution-building efforts. Tensions also emerged between the Commission Delegation and the European Reconstruction Agency, to which the implementation of some police reform projects had been entrusted, and whose effective-

98. For a thorough description of the contribution of Community programmes, of EUPOL *Proxima*, and of other international actors to police reform, see Isabelle Ioannides, ‘EU Police Mission *Proxima*: testing the European approach to building peace’, in Agnieszka Nowak, ‘Civilian crisis management: the EU way’, op. cit. in note 49. I draw here from her effective definition of a ‘dual track’ approach of the EU, including Community and inter-governmental means.

ness was questioned. Attempts at improving coordination between different EU actors were pursued intermittently and fell short of achieving real coordination.⁹⁹

In parallel to the transition from EUPOL *Proxima* to the EU Police Advisory Team (EUPAT)¹⁰⁰ in January 2006, the double-hatting of the EUSR and of the Head of EC Delegation favoured a sea-change in the troubled relationship between CFSP/ESDP and Community instruments and actors, and fostered much closer coordination. The EUPAT, smaller than the previous mission and more focussed on border police, promoting accountable police practices and fighting organised crime and corruption, was set up to fill the gap between the end of *Proxima* and the launch of a new Community project on police reform in summer 2006 – the Commission’s Field Monitoring Project. It was explicitly provided that EUPAT would work under the guidance of the EUSR, who would be part of the chain of command, ensure coordination with other EU actors (monthly police coordination meetings have been established to this end) and maintain relations with local authorities and media. Among other issues, for example, the EUSR advised the Head of EUPAT on inter-ethnic tensions within FYROM institutions. Looking at the current political environment in FYROM, police reform remains a priority concern for the EU Special Representative, in his capacity as the main EU political interlocutor in the field.

The Ohrid Framework Agreement demanded that the ethnic composition of the country be reflected in the police service, that the latter be decentralised and brought closer to local communities (including a reconfiguration of police districts), and that local police chiefs be appointed by municipal councils on the basis of lists provided by the Ministry of Interior. Well into 2006, five years on from the Agreement, controversy on the appointment of the local police chiefs and on the demarcation of local districts continued to pose serious obstacles to the adoption of police reform. Following the parliamentary elections of July 2006, the law on police was finally adopted by the new government centred around the SDSM-DPA coalition, but only by a narrow margin and against the opposition of the party collecting the majority of ethnic Albanian votes – DUI. The latter was uncomfortable with the push of the other ethnic Albanian party – DPA – now in government, to reshuffle personnel in key positions in the police services and in public administration, which would marginalise DUI. In

99. Ibid, p. 79.

100. Council Joint Action 2005/826/CFSP, 24 November 2005.

this context, the EUSR has played an important role in building confidence between the political parties, weaving a web of informal contacts to foster the implementation of police reform and, more generally, to enable a more constructive political debate in the heated post-election phase. An improvement in the political climate was a basic precondition to enable the necessary consensus to push through the reforms required under the EU pre-accession strategy. From this standpoint, the contribution of the double-hatted EUSR in putting political pressure at all levels of government to enhance the pace of the reforms stands out.

Close attention by the EUSR was also required with a view to the faltering implementation of the reforms of the judiciary, widely regarded as subject to political influence and not up to tackling the serious problems of corruption and organised crime undermining the rule of law and citizens' confidence in justice.¹⁰¹ Following the adoption of the 'Strategy on the reform of the judicial system' in November 2004, an important package of legislative amendments was adopted in May 2006 but the question remains as to whether the political commitment to actually implement the new legislation exists. In 2006, the proper functioning and reliability of the judicial system became a priority for the EUSR, in particular with a view to the return from the ICTY of four major war-crimes cases, to be judged in FYROM. The question is not only the professional capacity of the local structures to take up these difficult cases, but also the very sensitive political implications of ruling on alleged war crimes by former NLA members at a time when the Albanian minority is divided between opposing parties. Dissatisfaction with the stalemate on other key aspects of reform, such as the use of minority languages and equitable representation across the public sector, could add fuel to the fire. The EUSR is closely watching these matters, so as to avert the convergence of a number of controversial issues that could gridlock the adoption and implementation of reforms.

As noted above, double-hatting has enabled the EUSR to address the serious coordination problems which affected the EU's performance in 2003-2005, and to develop a prominent profile in the eyes of the host country authorities, and key stakeholders. Reportedly, he is commonly referred to as 'Mr Europe' in the field, which also enhances the visibility of the Union. As Erwan Fouéré himself put it: 'when the Prime Minister or members of the government speak to me, they know that they are speaking to the

101. International Crisis Group, 'Macedonia: Wobbling toward Europe', *Europe Briefing* no.141, 12 January 2006, pp. 4-7.

European Union as a whole.’¹⁰² The messages that he conveys to local interlocutors carry much more weight because of his combined authority as the top EU diplomat in the country and the authority responsible for delivering Community assistance under the SAP. At one and a half years from the decision on double-hatting in FYROM, there is a broad consensus that the experience to date has been rather positive. The inherent problem with double-hatting resides in the presence of two lines of command and reporting but, in this case, the two-way flow of information has been working rather well. The EUSR reports to the SG/HR and to the PSC on the implementation of his mandate, while briefings on more specific economic and regulatory matters are addressed to the Commission. The positive effects of the personal union of the two functions on the ground has fed back at headquarters’ level in Brussels, bringing about much closer consultation between relevant officials in the Council Secretariat and in the Commission and fuelling a common approach across inter-institutional divides. On the many issues of shared interest, the EUSR receives joint Council/Commission instructions.

On the whole, the relatively smooth functioning of double-hatting in FYROM constitutes a valuable precedent with a view to enhancing the synergy between CFSP and Community instruments. At the same time, the specific political situation of the country, in transition from post-conflict peace building to the EU enlargement process, and the modalities of double-hatting, with the Head of the Commission Delegation appointed as EU Special Representative, suggest that this distinctive experience cannot be simply copied and pasted in other theatres. While, therefore, double-hatting marks a major innovation to boost the EU foreign and security policy, the precise features of double-hatting will depend on political requirements in different countries and on the EU policy mix to address them.

102. Hearing of EUSR Erwan Fouéré at the European Union Committee of the House of Lords, UK. ‘Europe in the world’, House of Lords, European Union Committee, 48th Report of the Session 2005-2006, Report with Evidence, 22 November 2006.

The EU Special Representative for Sudan

EU Objectives¹⁰³

The mandate of the EUSR shall be based on the policy objectives of the European Union in Sudan, notably as regards:

- (a) efforts, as part of the international community and in support of the African Union (AU) and the United Nations (UN), to assist the Sudanese parties, the AU and the UN to achieve a political settlement of the conflict in Darfur, including through the implementation of the Darfur Peace Agreement (DPA) and to facilitate the implementation of the Comprehensive Peace Agreement (CPA) and promote South-South dialogue, as well as facilitating the implementation of the Eastern Sudan Peace Agreement (ESPA), with due regard to the regional ramifications of these issues and to the principle of African ownership; and
- (b) ensuring maximum effectiveness and visibility of the Union's contribution to the AU mission in the Darfur region of Sudan (AMIS).

EUSR mandate

1. In order to achieve the policy objectives the EUSR's mandate shall be to:

- (a) liaise with the AU, the Government of Sudan, the Government of Southern Sudan, the Darfur armed movements and other Sudanese parties as well as nongovernmental organisations and maintain close collaboration with the UN and other relevant international actors, with the aim of pursuing the Union's policy objectives;
- (b) represent the Union at the Darfur-Darfur dialogue, at high-level meetings of the Joint Commission, as well as other relevant meetings as requested;

103. Council Joint Action 2007/108/CFSP, 15 February 2007.

- (c) represent the Union, whenever possible, at the CPA and DPA Assessment and Evaluation Commissions;
 - (d) follow developments regarding the implementation of the ESPA;
 - (e) ensure coherence between the Union's contribution to crisis management in Darfur and the overall political relationship of the Union with Sudan;
 - (f) with regard to human rights, including the rights of children and women, and the fight against impunity in Sudan, follow the situation and maintain regular contacts with the Sudanese authorities, the AU and the UN, in particular with the Office of the High Commissioner for Human Rights, the human rights observers active in the region and the Office of the Prosecutor of the International Criminal Court.
2. For the purpose of the fulfilment of his mandate, the EUSR shall, inter alia:
- (a) maintain an overview of all activities of the Union;
 - (b) ensure coordination and coherence of the Union's contributions to AMIS;
 - (c) support the political process and activities relating to the implementation of the CPA, the DPA and the ESPA; and
 - (d) follow up and report on compliance by the Sudanese parties with the relevant UN Security Council Resolutions, notably 1556 (2004), 1564 (2004), 1591 (2005), 1593 (2005), 1672 (2006), 1679 (2006) and 1706 (2006).

The commitment of the EU to promoting effective multilateralism and a rule-based international order is put to serious test in Sudan and, more broadly, in supporting the crisis management capacity of the African Union. Over the last few years, the EU has adopted a number of landmark documents directed at striking a new balance between the imperatives of development and security in Africa. A new emphasis on peace and security, as vital requirements for lasting development, has complemented the traditional approach based on the Yaoundé, Lomé and Cotonou conventions and the provision of assistance through the European Development Fund (EDF). The transformation of the Organisation for the African Union into the African Union (AU) in 2002, including a new Peace and Security Council, has provided the EU with a relatively more credible interlocutor to address security matters in the continent. Moving on from words to deeds, African leaders requested in 2003 the allocation of funds from the EDF to finance peace-keeping operations conducted under the authority of the AU. With a view to meeting this demand and underpinning the principle of African ownership of crisis management and peace building, the EU created, out of the EDF, the African Peace Facility (APF), endowed with €250 million.¹⁰⁴ While the APF is managed by the Commission, its disbursement requires the approval of the PSC, based on the assessment of the political appropriateness of envisaged operations. This procedure establishes an innovative bridge between the Commission and key CFSP decision-making bodies.

The growing body of Community and CFSP documents addressing the fledgling EU-AU security cooperation, including the Action Plan for ESDP support to Peace and Security in Africa of November 2004,¹⁰⁵ resulted in the EU Strategy for Africa adopted in December 2005.¹⁰⁶ The peace and security section of the strategy was followed up and fully outlined in the joint Council Secretariat/Commission Concept for strengthening African capabilities for the prevention, management and resolution of conflicts of October 2006. While not always smooth, inter-institutional cooperation in devising the EU approach to African security challenges has nevertheless been making progress, and is becoming a regular feature of successive statements and policy initiatives. This is notably the case with a view to the envisaged adoption of a joint African Union/European Union Strategy at the AU/EU summit in December 2007. Alongside conceptual and institu-

104. Council Doc 14955/03, 18 November 2003, 'Decision of the ACP-EC Council of Ministers on the use of resources from the long-term development envelope of the ninth EDF for the creation of a Peace Facility for Africa.'

105. Council Doc 10538/4/04, 16 November 2004, 'Action Plan for ESDP support to Peace and Security in Africa.'

106. Council Doc 15961/05, 19 December 2005, 'The EU and Africa: towards a strategic partnership.'

tional developments, the dramatic crisis in Darfur provided the first test case to implement the EU-AU partnership in crisis management operations and related capacity building, including via the new APF. In this context, the EU Special Representative for Sudan has been part of the broader effort to support conflict resolution in Darfur and AU-led crisis management at large.

Following the violent clashes opposing rebel groups to the Sudanese army and to the government-sponsored militias in Darfur in 2003, African and international mediations led to the N'Djamena ceasefire agreement in April 2004, which foresaw the deployment of a monitoring mechanism.¹⁰⁷ A ceasefire commission (CFC), whose Vice-President was an EU appointee, and a Joint Commission, including EU personnel, were established. In July 2004, the number of military observers was augmented and a small protection force deployed on the ground – the African Mission in Sudan (AMIS I). Confronted with ongoing insecurity and the widespread abuse of civilians in Darfur, AMIS I was considered inadequate and progressively upgraded by the AU Peace and Security Council between 2004 and 2005. Following a joint AU/EU/UN assessment mission in early 2005, the number of police and military personnel was brought up to over 7,000 and AMIS II was launched. The EU (as well as its Member States through bilateral contributions) has assisted the AU throughout the Darfur crisis, providing military and police advisors, material and logistic support, as well as vital financial assistance through the APF, and has stepped up its engagement once AMIS II was set up. In application of relevant UN resolutions, and in response to the request of the President of the AU Commission, the EU decided to launch a civilian-military supporting action to AMIS II.¹⁰⁸ In parallel to the reinforcement of its support to AMIS II, the EU decided to upgrade its diplomatic and political profile, and appoint on the very same day Pekka Haavisto, a former Minister for Environment and Development Cooperation in Finland, as first EUSR for Sudan.¹⁰⁹ The Danish Ambassador Torben Brylle replaced Haavisto as the new EUSR for Sudan in May 2007.¹¹⁰

The distinctive configuration of the EU engagement in support of AMIS II resulted from the compromise between the positions of EU Member States. Two intertwined debates preceded the launch of the supporting action and the appointment of the EUSR. Member States disagreed as to whether the EU should launch a fully-fledged ESDP civil-military operation in support of

107. For a comprehensive illustration of the engagement of the African Union in Darfur and of EU support to the AU, see Christophe Cazelles, 'L'Union européenne en tant qu'organisation internationale: le cas du Darfur' in Centre d'Analyse stratégique, *L'action de l'Europe en Afrique dans le domaine de la sécurité*, Actes du Colloque du 25 octobre 2006, Rapports et Documents, 2007. See also Christian R. Manahl, 'The AMIS Experience seen from an EU Perspective' (Friedrich Ebert Stiftung, 'Regional Conflicts, International Efforts, National Obstacles: Cooperation in Security Policy at the Greater Horn of Africa', Expert Meeting, Cairo, 1-2 November 2006).

108. Council Joint Action 2005/557/CFSP, 18 July 2005.

109. Council Joint Action 2005/556/CFSP, 18 July 2005.

110. Council Decision 2007/238/CFSP, 19 April 2007.

the AU in Sudan, or devise a more limited mechanism to underpin AMIS II, as was eventually decided. The involvement of NATO, and of a number of EU Member States in that framework, in support of the AU, affected the debate on the shape and size of EU intervention. In so far as the mandate of the EUSR was concerned, there was a divergence between those favouring the designation of a Special Representative to the African Union, overseeing the broader EU strategy towards this organisation, and those arguing that the mandate should be more limited, mainly addressing crisis management in Sudan.

Eventually, the mandate of the EUSR for Sudan included two pillars, addressing respectively the political and the operational dimensions. On the one hand, the EUSR was tasked with liaising with the Government of Sudan and other relevant local and international stakeholders to pursue conflict resolution on different fronts. This included enhancing the Darfur peace process (the Abuja talks) but also facilitating the implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan Peoples Liberation Movement (SPLM) in the South of the country. In addition, the EUSR was responsible for ensuring the coherence between the EU's contribution to crisis management in Darfur and the overall political relations with Sudan. On the other hand, the Special Representative was mandated to oversee the coherence and coordination of the EU contribution to AMIS II, and was assisted in this task by an *ad hoc* coordination cell (ACC) based in Addis Ababa. The ACC included a political advisor, a military advisor and a police advisor.

This complex architecture carried three important elements of novelty and, so to speak, experimentation. First, unlike previous practice, when EUSRs had been included in the chain of command of civilian missions well after their appointment, the Special Representative for Sudan was given a key operational mandate from day one. This made of the EUSR not only an actor of crisis diplomacy, pursuing mediation and representing the EU at peace talks (although often in the presence of other Member States' representatives), but also, at least potentially, a key player in the conduct of the civil-military supporting action. Second, as recalled above, the EU did not launch an ESDP operation but undertook a support action with a police and a military component, which required an original structure of 'command and control'. The police advisor and the military advisor of the EUSR in the ACC were also

appointed as, respectively, head of the police team and person responsible for the military dimension of the support to AMIS II. The office of the Special Representative for Sudan includes therefore the ‘heads’ of the two branches of the EU support action. That also means that the ‘operational’ mandate of this EUSR spans across the civilian and the military components of EU crisis management, thereby contributing to the implementation of CMCO. Moreover, as it is the case for other EUSRs in the presence of ESDP missions, the Special Representative is supposed to provide the primary point of contact with Sudanese authorities for matters concerning the implementation of the support action. The third element of novelty consisted in the peculiar positioning of the police and military advisors, who are part of the EUSR’s coordination cell but are also embedded in the AU Headquarters of AMIS II. These advisors have two lines of reporting to the EU. They report to the EUSR for matters falling within the remit of his mandate, but also to the EUMS (military advisor) and to DG IX (police advisor), so as to ensure the coordination between the Council Secretariat and the ACC in Addis Ababa. The two advisors are specifically responsible for managing the day-to-day coordination of the EU police and military supporting activities.

The strategic goal of the EU engagement in support of AMIS II consists of establishing structural links with the AU crisis management bodies and building capacity therein, so as to empower the African Union to take broader responsibility for peace and security. Looking at the role of the two advisors from this perspective, both are part of the Darfur Integrated Task Force (DITF) within the AU Secretariat – a sort of *ad hoc* strategic headquarters, to be absorbed in the new Peace Support Operations Department of the AU.¹¹¹ They also sit on the technical committee charged with overseeing the (very slow) implementation of the recommendations of the AU/EU/UN joint assessment mission of AMIS deployed in 2005. The military advisor is a member of the Partners’ Technical Support Group – the body coordinating assistance from different international actors and involving the UN, NATO, the US, Canada, the Commission as well as some EU Member States. The two advisors, in short, perform a key bridging role between the EU and the AU, in so far as support to AMIS II is concerned.

The EU Special Representative has been relatively less involved

111. Christian R. Manahl, *op. cit.* in note 107.

in overseeing and coordinating support to AMIS II than in other aspects of his mandate. Travelling from Brussels to the field, and participating in various peace processes, the EUSR did not spend much time at Addis Ababa HQs, and rarely sat (while always represented by his advisors) on the coordinating committees where the conduct of AMIS II and the EU support action are discussed. The political guidance of the EU support action proved therefore more intermittent than some had foreseen. In this respect, however, two further considerations are in order. On the one hand, the question of whether the workload of the 'travelling' EUSR for Sudan could be reasonably managed needs to be addressed. On the other hand, no matter how ingenious the AMIS II support framework may be (accommodating Member States' differences and anchoring EU action in the AU structure), the potential for tensions between different EU actors is built into such a complicated system. These problems should not detract, however, from the responsibility of each EU Special Representative to fully understand the EU structures and procedures and adjust to them, if good interaction is to develop with Brussels headquarters and with units in the field.

Turning to the more 'political' dimension of his mandate, the Special Representative engaged on two fronts, namely the negotiations and follow-up of the Darfur Peace Agreement (DPA) and the implementation of the CPA following the conflict between the central government and the SPLM in the South of the country. The EUSR has personally attended the Abuja talks, leading to the DPA in May 2006, on a number of occasions. When absent, he was always represented by one of his advisors, thereby ensuring the only EU permanent institutional presence at this process. In this context, the EUSR has cooperated very closely with AU representatives and has sought to liaise with EU Member States, some of which have dispatched their own envoys to the peace process, including the UK, the Netherlands and Sweden. The EUSR and his team were directly involved in the setting-up of the mechanisms envisaged by the DPA to consolidate peace and stability – the Darfur-Darfur Dialogue and Consultation (DDDC) process, the Ceasefire Commission and the Assessment and Evaluation Commission (AEC).

Notably, the EUSR has tried to promote an inclusive political process during the Abuja talks and, following the split of the main Darfur rebel movement into different factions, has insisted on the

need to engage the parties that did not sign the agreement. With this in mind, the Special Representative has entertained personal contacts with the leaders of non-signatory factions in Eritrea, and has seized the window of opportunity to organise, with the support of the Commission's Rapid Reaction Mechanism, conferences to bring them together and facilitate their endorsement of the DPA. This initiative, while relatively specific, is meaningful in two main respects. First, it is an example of good cooperation between the political initiative of the EUSR and the support of readily available Community instruments to enhance the EU contribution to conflict resolution. Second, it shows that dealing with the AU can prove politically difficult. In this case, the AU took the unhelpful decision to exclude non-signatory parties from relevant DPA oversight bodies, at the request of the Government of Sudan. While the EUSR's initiatives pointed in the right direction, the DPA remains largely a dead letter: widespread violence on the ground could not be prevented, including renewed hostilities between different factions and further displacement of civilians. Alienated rebel movements, as well as groups of bandits, spoiled the attempts to bring stability.

In parallel to seeking to breathe life into the DPA, the EUSR holds regular contacts with senior representatives of the Government of Sudan as well as with senior interlocutors from political parties other than the predominant National Congress Party. This is notably the case concerning the SPLM, which governs the South of the country and is a partner in the (largely virtual) Government of National Unity. Relations between these two parties have been deteriorating over time, with controversies erupting on sensitive issues such as the distribution of oil revenues. The EUSR has been watching closely the political dynamics, not least through his representative in the (practically stalled) CPA Assessment and Evaluation Commission. Another dimension of cooperation with the authorities of Southern Sudan, as well as with the EUSR for the Great Lakes Region, has opened concerning the Juba peace talks between the Government of Uganda and the Lord's Resistance Army, where the EU has been invited to send a permanent observer. In addition to his direct involvement in the peace processes in Darfur and in the south of the country, the EUSR followed the peace negotiations between the Government of Sudan and the Eastern Front movement, under the auspices of Eritrea, which led to the East Sudan Peace Agreement (ESPA) in October

2006. The monitoring of the situation in Eastern Sudan has been therefore added to the new mandate of the EUSR, with a view to facilitating the implementation of the ESPA.¹¹² As noted above, however, the widening of the mandate poses a serious question concerning its workability, and the deliverables that can be realistically expected out of it.

The activities of the EUSR for Sudan need to be set in the wider context of the involvement of the international community, and of regional and global powers, in the crisis. In addition to establishing regular contacts with AU officials and bodies, the EUSR has been playing an active part, directly or through his team, in the 'modular' diplomacy surrounding the Darfur conflict, and has sought to pursue bilateral contacts with key players, thereby multiplying the EU's diplomatic outreach. The Special Representative regularly participates in the Sudan Contact Group meetings and has attended the UN General Assembly with the SG/HR, as well as the annual summits of the AU and of the Arab League, taking advantage of these and other opportunities to develop contacts with important neighbouring countries such as Eritrea and Libya. Engaging regional actors is important because they can play a role in preventing the regional spillover of the crisis – a tangible risk since the attack of armed groups from Darfur into neighbouring Chad and the cross-border hostilities that followed. The EUSR has been working closely with the US envoys and has travelled to Washington for high-level talks on the Darfur situation. In permanent consultation with the UN, moreover, the EUSR has sought to bring forward the debate on the various options for the 'blue hatting' of AMIS II – the UN involvement in strengthening the peace-keeping mission – with Sudanese interlocutors.

In fulfilling his role of representation, mediation and political dialogue, the EUSR's position is strengthened by the availability of the APF. Since June 2004, the EU has committed €242 million from the African Peace Facility to support the AU mission in Sudan (to which around €160 million in bilateral contributions should be added).¹¹³ The consultation between the EUSR and the Commission on the disbursement of financial assistance has been working smoothly. On the whole, cooperation in the field between the EUSR office and the Commission Delegation in Addis Ababa has been constructive. Consultation meetings are held on a fortnightly basis between the two staffs and a Memorandum of Understanding has been agreed whereby the EUSR office can

112. Council Joint Action 2007/108/CFSP, op. cit. in note 103.

113. See EU Factsheet, 'EU support to the African Union Mission in Darfur – AMIS', May 2007, AMISII/06. In addition, €300 million has been earmarked from the 10th European Development Fund to finance the APF over the 2008-2010 period.

benefit from the services of the Commission Delegation, where the EUSR is also provided with some office space. In addition to the core team in Addis Ababa, the EUSR office has expanded to include a political advisor based in Khartoum, with the task to liaise with Sudanese political forces, international actors and the AMIS II headquarters. A sub-office has also been opened in Juba, which reflects the broadening scope of the EUSR's mandate and a renewed focus on developments in Southern Sudan.

Moving from the field to headquarters, coordination in Brussels is managed through the weekly meetings of the Brussels Joint Coordination Team. From an institutional standpoint, this is an interesting framework to bring together all the bodies involved in the conduct of the support action to AMIS. The Joint Coordination Team reflects, in Brussels, the close interaction required in the field between different EU actors. Given its composition, including the Africa Task Force of the Council Secretariat/Policy Unit, the EUMS, DG IX, the Commission and the EUSR liaison officer, the team is also a suitable outfit to promote the culture and the practice of CMCO. Option papers discussed at these meetings are sometimes forwarded to the PSC for debate and approval, thereby fuelling EU decision-making. That said, the proceedings normally address questions of an operational nature, concerning the implementation of EU action, and not issues of political and strategic relevance, which should be tackled at a higher level.

The EU Special Representative for the African Great Lakes Region

EU Objectives¹¹⁴

The mandate of the EUSR shall be based on the policy objectives of the European Union regarding the further stabilization and consolidation of the post-conflict situation in the African Great Lakes Region, paying particular attention to the regional dimension of the developments in the countries concerned. Promoting, in particular, compliance with the basic norms of democracy and good governance, including respect for human rights and the rule of law, these objectives include:

- (a) active and effective contribution to a consistent, sustainable and responsible policy of the European Union in the African Great Lakes Region, promoting a coherent overall European Union approach in the region. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the region;
- (b) ensuring the continued commitment of the European Union to the stabilisation and reconstruction processes in the region, through an active presence on the ground and in relevant international fora, staying in touch with key players and contributing to crisis management;
- (c) contributing to the post-transition phase in the Democratic Republic of the Congo (DRC), in particular as regards the political process of consolidating the new institutions and defining a broader international framework for political consultation and coordination with the new government;
- (d) contributing, in close cooperation with the United Nations/MONUC, to the international support efforts to pursue a comprehensive security sector reform in the DRC, in particular in view of the coordinating role the European Union is ready to assume in this context;

114. Council Joint Action 2007/112/CFSP, 15 February 2007.

- (e) contributing to appropriate follow-up measures to the International Conference of the Great Lakes Region, in particular by establishing close contacts with the Great Lakes Secretariat and its Executive Secretary as well as with the Troika of the follow-up mechanism and by promoting good neighbourly relations in the region;
- (f) addressing the still considerable problem of armed groups operating across the borders with the risk of destabilising the countries in the region and aggravating their internal problems;
- (g) contributing to the post-conflict stabilisation in Burundi, Rwanda and Uganda, in particular through accompanying peace negotiations with armed groups like FNL and LRA.

EUSR Mandate

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) establish and maintain close contact with the countries of the Great Lakes Region, the United Nations, the African Union, key African countries and main partners of the DRC and the European Union, as well as regional and sub-regional African organisations, other relevant third countries and other key regional leaders;
- (b) advise and report on the possibilities for European Union supporting the stabilisation and consolidation process and on how best to pursue European Union initiatives;
- (c) ensure coherence between CFSP/ESDP actors and, to this effect, provide advice and assistance for security sector reform in the DRC, and, in particular, give local political guidance to the Heads of the EU Police Mission (EUPOL Kinshasa) and of the EU Mission advising and assisting the Congolese authorities in the security sector reform (EUSEC RD Congo), in order to fulfil their duties at local level;
- (d) contribute to the follow-up to the International Conference of the Great Lakes Region, in particular by supporting policies defined in the region pursuing the objectives of non-violence and mutual defence in the resolution of conflicts as well as, regarding the regional cooperation, by promoting human rights

and democratisation, good governance, combating impunity, judicial cooperation, and the fight against the illegal exploitation of natural resources;

(e) contribute to a better understanding of the European Union's role among opinion leaders in the region;

(f) contribute, where requested, to the negotiation and implementation of peace and ceasefire agreements between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements; in the context of the ongoing LRA negotiations, such activities should be pursued in close coordination with the EUSR for Sudan;

(g) contribute to the implementation of the European Union human rights policy and European Union Guidelines on human rights, in particular the European Union Guidelines on Children and Armed Conflict, and the European Union policy regarding UN Security Council Resolution 1325 (2000) on Women, Peace and Security, including by monitoring and reporting on developments in this regard.

Appointed in March 1996,¹¹⁵ EUSR Aldo Ajello has been the first and the longest serving Special Representative of the EU, leaving in February 2007 following the designation of his successor, Roeland Van de Geer.¹¹⁶ The previous experience of Mr. Ajello at senior posts in the UN and as the Special Representative of the UN Secretary General for the UN mission deployed in Mozambique between 1992 and 1995 (UNOMOZ), proved important assets for the new task. Over the eleven years of his tenure, the mandate of the EUSR to the Great Lakes region has considerably evolved, in parallel with the changing priorities on the ground. Dispatched in the aftermath of the genocide in Rwanda in 1994, at a time when civil war in Burundi and the Rwandese and Ugandan intervention in Eastern Zaire ravaged the region, the EUSR has dedicated most of his time since 2003 to sustain the delicate transition in the Democratic Republic of Congo (DRC, former Zaire) – a political process that led to presidential, legislative and provincial elections. Over the course of his mandate, the EUSR engaged in supporting the emergence of a common European approach to the troubled Great Lakes region.

In 1996, no EU foreign policy towards this region existed as such. The mandate of the EUSR included supporting the efforts of the UN and of the Organisation of African Unity for crisis resolution, while developing close contacts with countries in the region and the relevant stakeholders in the peace process. On top of that, the EUSR sought to narrow the considerable differences between EU Member States on their approach to the multiple, interconnected crises in the region, and to individual countries and rulers. Post-colonial powers such as France and Belgium maintained a keen interest in developments in Zaire and its neighbours, and differed from other key countries such as the UK in their strategy to bring stability to the East of the country, where Rwanda and Uganda waged wars by proxy or through direct intervention.

Confronted with intra-EU divergence on the solution to ongoing conflicts, the EUSR needed to carve for himself some room for manoeuvre. In tackling such a complex web of intertwined crises, the task was complicated by dissenting voices within EU Member States as well. A multiplicity of different inputs, not always coherent between them, reached national capitals from different countries in the region. Endowed with little political capital within the Union, the EU Special Representative invested in his analytical and reporting tasks, providing EU institutions and Member

115. Council Joint Action 96/250/CFSP, 25 March 1996.

116. Council Joint Action 2007/112/CFSP, *op. cit.* in note 114.

States with a regular stream of analysis. For the first time, information was provided to Member States from an EU source in the field. The EUSR's reports were of course particularly valuable for those countries devoid of diplomatic resources on the ground, and with little traditional expertise and political influence in the region. The point was to help develop a shared reading of conflict dynamics and of the priorities for the Union – a precondition to devise a common policy. In performing this role, the Special Representative disposed of relative freedom of manoeuvre stemming from a broad mandate and from the rather 'hands off' oversight of the Council structures including, as of 1999, SG/HR Solana.

The interface between the EUSR and the Council can be illustrated at two levels, namely exchanges with Council working groups and contacts with the Secretariat. On the one hand, the link with the inter-governmental committees in the Council was key for the EUSR to channel his political analysis and consolidate his own position in the eyes of Member States. On the other hand, before the development of the ESDP and the launch of four crisis management missions in the DRC, linkages with the Council Secretariat were rather loose. A more structured exchange was favoured by the setting-up of the Policy Unit in 1999/2000, which became the main interlocutor of the EUSR.

As of 2002/2003, the role of the EUSR in the Great Lakes underwent considerable change in two main respects. First, the focus progressively shifted from conflict settlement to peace building and political transition. Second, an evolution could be detected from intra-EU consensus building to managing the growing EU projection in the field, including through four ESDP missions. The transition process in DRC, launched in 2003, achieved important milestones including the adoption of a new constitutional document in May 2005, the approval of the new constitution by voters in December 2005 and, crucially, the holding of presidential elections with two rounds of voting in July and October 2006, followed by the appointment of President Joseph Kabila in November. In cooperation with the UN, the EU has closely accompanied this difficult transition, for example by deploying its largest ever electoral monitoring mission in 2006 and supporting the entire electoral process with Community assistance worth €165 million. Holding relatively regular and transparent elections was an important political and symbolic step on the way to stabilisation, although the political landscape

in the country and the security situation in the East of DRC remain seriously troubled as the clashes in the course of the electoral period showed.

In this context, the Special Representative has engaged to support transition through structured dialogue with key political players in the country and through targeted interventions when tensions between them could erupt into open crisis, undermining stability. This was in line with the new EUSR mandate to maintain close contact with the parties to the peace process in the Great Lakes region and offer them the EU's advice and good offices, including engaging them in the event of non-compliance with the peace agreements.¹¹⁷ Over the years, the EUSR has developed a direct and regular relationship with top figures in the DRC government and among rebel groups, notably including the former President Laurent Kabila and his son and successor Joseph, and their rival and contender in the presidential elections, Jean-Pierre Bemba.

The successive deployment of four ESDP missions is the second major factor which has shaped the role of the EUSR for the Great Lakes since 2003. Considering the variety of the means invested on the ground, DRC has become the largest laboratory for EU crisis management, together with the Western Balkans. As was the case in the Western Balkans, the deployment of ESDP instruments in DRC entailed climbing a steep learning curve. These missions, however, were deployed at an earlier stage in the state-building process and received more clearly defined mandates, therefore proving more effective in fulfilling their goals, at least in the short term.¹¹⁸ The military operations *Artemis* in summer 2003¹¹⁹ and EUFOR DRC in 2006¹²⁰ had in common a relatively short timeframe and a clearly defined mandate, namely securing the area of Bunia in the Ituri province (*Artemis*), and supporting MONUC during the election process by providing credible military deterrence in the Western part of the country (EUFOR DRC). The civilian police mission EUPOL Kinshasa¹²¹ and the military mission EUSEC Congo¹²² dealt, respectively, with support and advice to the Integrated Police Unit formed to secure national institutions in Kinshasa, and with the reform of the army. The EUSR benefited from the launch of these missions because they showed tangible European commitment to the peace process and gave the Union a distinctive profile on the ground. Moreover, the EUSR could draw on the considerable expertise of EUPOL and

117. Council Joint Action 2006/122/CFSP, 20 February 2006.

118. Pierre-Antoine Braud, 'Implementing ESDP Operations in Africa', in Anne Deighton and Victor Mauer (eds.), *Securing Europe? Implementing the European Security Strategy*, op. cit. in note 86, and Hans Hoebeker, Stephanie Carette and Koen Vlassenroot, 'Le soutien de l'UE à la République démocratique du Congo' in Centre d'Analyse stratégique, *L'action de l'Europe en Afrique dans le domaine de la sécurité*, op. cit. in note 107.

119. Council Joint Action 2003/423/CFSP, 5 June 2003.

120. Council Joint Action 2006/319/CFSP, 27 April 2006. For lessons drawn from this mission, see the *Security and Defence Agenda Discussion Paper*, 'The EU's Africa Strategy: What are the Lessons of the Congo Mission?', Debate Report, March 2007.

121. Council Joint Action 2004/847/CFSP, 9 December 2004. See also Marta Martinelli, 'Helping Transition: The EU Police Mission in the Democratic Republic of Congo (EUPOL Kinshasa) in the Framework of EU Policies in the Great Lakes', *European Foreign Affairs Review*, vol. 11, no.3, 2006.

122. Council Joint Action 2005/355/CFSP, 2 May 2005.

EUSEC personnel to better assess priorities in the reform of the civilian police and of the army, and convey more targeted messages to his political interlocutors. Conversely, the contribution of the Special Representative to these missions depended on essentially three factors: his relationship with local authorities, the coherence of decision-making in Brussels, and the management of a very heavy, and growing, workload.

The EUSR was involved in the setting up of EUFOR DRC and used his contacts to facilitate agreements with the Congolese and Gabonese authorities concerning the status and deployment of the force, whose main component was stationed in neighbouring Gabon to provide deterrence and a capacity for rapid reaction. Before and during the operation, the EUSR travelled various times to the region with operation Commander General Viereck, conducting joint security and political assessments and involving the General in all relevant meetings with local interlocutors. At the same time, he provided an input in defining the framework for coordination with MONUC and maintained contacts with the UN mission. More specifically, the EUSR directly participated in the efforts to curb tensions during the violent protests in Kinshasa in August 2006, which prompted EUFOR intervention. Back in Europe, the Special Representative visited the Operation Headquarters in Potsdam and provided his contribution to the planning process. On that occasion, he addressed the Foreign Affairs Committee of the German Bundestag to illustrate the context and purpose of the mission.

When it comes to security sector reform (SSR), the Joint Actions establishing EUPOL Kinshasa and EUSEC Congo entrusted the EUSR with the 'classic' tasks of providing local political guidance to the Heads of Mission, of ensuring the coordination of these missions with other EU actors on the ground, and of liaising with the host state authorities. From the beginning, the EUSR insisted on a comprehensive approach to SSR (including the bilateral contributions of Member States and coordination with other international organisations), cutting across institutional divides between ESDP and Community instruments. The point was to focus the minds on the objectives to be achieved and not on the delimitation of respective competences. The EUSR regularly involved the ESDP Heads of Mission in his meetings with Congolese authorities, and reiterated the importance of the missions' objectives in exchanges at a ministerial level. Reportedly, he

helped persuade the Congolese President to accept the intrusive mandate of EUSEC Congo in the sensitive military sector, thereby overcoming resistance in the Ministry of Defence. The missions performed remarkably in setting up and mentoring the Integrated Police Unit, building on the previous Community assistance (EUPOL), and in straightening the chain of payment of the Congolese army and fighting corruption therein (EUSEC). That said, the EUSR could not provide sustained input to promote a more integrated approach to SSR.

For a start, this ‘travelling’ EUSR, endowed with a regional responsibility covering four countries (DRC, Uganda, Rwanda and Burundi), could not possibly spend enough time in Kinshasa and closely monitor SSR, notably at a time when the process of political transition absorbed most of his energy. It is, however, a clear lesson learned from the Balkans and the DRC that the permanent presence of a coordinating authority on the ground is essential to improve cooperation between different EU actors and, in particular, between ESDP instruments and Commission-run programmes. For example, the cooperation between EUSEC and the Commission in the demobilisation and reintegration of combatants in the East of the country has been affected by disagreement on who should be in the lead and on which actor would be best suited to implement reintegration programmes in dangerous areas. In the absence of clear and consistent guidelines for all relevant EU actors, ‘coordination by objective’ can prove hard to achieve.

Furthermore, the EUSR could not unlock stalemate in Brussels on the configuration of an integrated mission in the field of SSR, including a military, a police and a justice component. Consultations between the Council Secretariat and the Commission went on for months in 2006, following the repeated call from Member States to come up with a joint assessment of the priorities for SSR, and with a comprehensive approach to match them. This internal process was linked to the window of opportunity for the Union to take over the coordination of all the efforts of the international community in this field – an objective that the EUSR has been pursuing in his exchanges within the Great Lakes Region Contact Group.¹²³ Eventually, given the difficulty of delineating a line of command that could preserve the respective competences of different EU actors, the decision was taken not to set up an

123. The Great Lakes Region Contact Group includes Angola, Belgium, France, the Netherlands, South Africa, the UK, the US and the European Union. MONUC and the World Bank are observers.

integrated mission. The EUSR himself felt that progress on the ground should not be compromised by inter-institutional turf wars, and favoured the continuation of existing missions, in parallel to upgraded Community programmes. Instead, a joint Council/Commission paper outlining the EU approach to SSR in DRC was presented in November 2006. Following months of inter-institutional wrangling, therefore, the Union adopted the first comprehensive (cross-pillar) SSR concept targeting one country.

In spring 2007, the mandates of EUPOL and EUSEC were revised and expanded accordingly.¹²⁴ Drawing from the debate in 2006 and developments on the ground, recent crisis management documents put particular emphasis on the closest possible coordination between all EU actors involved in SSR both in Kinshasa and in Brussels. It is envisaged that the EUSR should have a key role to play in that respect, within the limits of his mandate. The new EUSR mandate includes among the EU's objectives the contribution to a comprehensive approach to SSR, 'in particular in view of the coordinating role the European Union is ready to assume in this context.'¹²⁵ In fact, the challenge will be to devise a workable strategy for implementing security sector reform in closer cooperation with the new DRC authorities and a wide range of international partners.

In addition to this goal, the recent Joint Action of 2007 brings the EUSR's mandate up to speed with the evolution of the transition process. New tasks include contributing to the post-transition phase with a focus on consolidating the new institutions, addressing the problem of armed groups operating across borders, and taking a broader regional commitment to support post-conflict stabilisation in Burundi, Rwanda and Uganda. In so far as negotiations between the Ugandan government and the Lord's Resistance Army are concerned, the EUSR is mandated to coordinate closely with the Special Representative for Sudan. Scope for further cooperation among EUSRs at the regional level might open up with the envisaged creation of the EUSR position at the AU Headquarters in Addis Ababa. Already part of a number of multilateral frameworks overseeing assistance to DRC and regional peace-building, such as the Group of Friends of the Great lakes Region, the EUSR is also mandated to contribute to the follow-up of the second summit of the International Conference of the Great Lakes Region.¹²⁶ The latter adopted in December 2006

124. The scope of the new police mission EUPOL RD Congo is broader than the remit of the previous mission EUPOL Kinshasa. The mandate of EUPOL RD Congo is nationwide and it includes mentoring, monitoring and advising with a view to reforming and restructuring the Congolese national police and to improving the interaction between the police and the criminal justice system. See Council Joint Action 2007/405/CFSP, 12 June 2007. For the new mandate of EUSEC RD Congo, see Council Joint Action 2007/406/CFSP, 12 June 2007.

125. Council Joint Action 2007/112/CFSP, *op. cit.* in note 114.

126. For all relevant information concerning the process of the International Conference of the Great Lakes Region, see <http://www.icglr.org/index.asp>.

the 'Peace, Stability and Development Pact' whose implementation will require EU support to the Regional Follow-up Mechanisms.

The question is whether the pursuit of this variety of objectives requires an expansion of the EUSR team, along the lines of the decisions taken for the EUSR for Sudan, including perhaps setting up one antenna in the region. At present, the EUSR has three policy advisors based in Brussels, and often travelling with him to the region. The proliferation of peace processes and regional structures, and of ESDP missions on the ground, adds to the workload of the Special Representative and of his advisors. This decision, however, will need to be set in the context of the future division of tasks between EU Special Representatives in Africa, and of the new arrangements concerning the operational line of command of civilian crisis management under ESDP.

The EU Special Representative for Central Asia

EU Objectives¹²⁷

The EUSR's mandate shall be based on the Union's policy objectives in Central Asia. These objectives include:

- (a) promoting good and close relations between countries of Central Asia and the European Union on the basis of common values and interests as set out in relevant agreements;
- (b) contributing to strengthening the stability and cooperation between the countries in the region;
- (c) contributing to strengthening of democracy, rule of law, good governance and respect for human rights and fundamental freedoms in Central Asia;
- (d) addressing key threats, especially specific problems with direct implications for Europe;
- (e) enhancing the European Union's effectiveness and visibility in the region, including through a closer coordination with other relevant partners and international organisations, such as the OSCE.

EUSR Mandate

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) promote overall political coordination of the European Union in Central Asia and ensure consistency of the external actions of the European Union in the region without prejudice to Community competence;
- (b) monitor, on behalf of the High Representative and in accordance with his mandate, together with the Commission and the Presidency, and without prejudice to Community competence,

127. Council Joint Action 2007/113/CFSP, 15 February 2007 and Council Joint Action 2007/634/CFSP, 1 October 2007.

the implementation process of the EU Strategy for a New Partnership with Central Asia, make recommendations and report to relevant Council bodies on a regular basis;

(c) assist the Council in further developing a comprehensive policy towards Central Asia;

(d) follow closely political developments in Central Asia by developing and maintaining close contacts with governments, parliaments, judiciary, civil society and mass media;

(e) encourage Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan to cooperate on regional issues of common interest;

(f) develop appropriate contacts and cooperation with the main interested actors in the region, and all relevant regional and international organisations, including the Shanghai Cooperation Organisation (SCO), the Eurasian Economic Community (EURASEC), the Conference on Interaction and Confidence-Building Measures in Asia (CICA), the Collective Security Treaty Organisation (CSTO), the Central Asia Regional Economic Cooperation Program (CAREC) and the Central Asian Regional Information and Coordination Centre (CARICC);

(g) contribute to the implementation of the European Union human rights policy and European Union Guidelines on Human Rights, in particular with regard to women and children in conflict-affected areas, especially by monitoring and addressing developments in this regard;

(h) contribute, in close cooperation with the OSCE, to conflict prevention and resolution by developing contacts with the authorities and other local actors (NGOs, political parties, minorities, religious groups and their leaders);

(i) provide input to the formulation of energy security aspects and anti-narcotics aspects of the CFSP with respect to Central Asia.

2. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the region and work in close cooperation with the Presidency, EU Heads of Mission, the EUSR for Afghanistan and the Commission. The EUSR shall maintain an overview of all activities of the European Union in the region.

The EUSR for Central Asia is invested with the ambitious task of helping shape a coherent and consistent EU approach to this region. In other words, the EUSR plays a part in pioneering EU foreign policy in a complex and relatively little-known, but increasingly important, area. Looking at the July 2005 mandate of the first EUSR for Central Asia, the Slovak Jan Kubiš, two tasks stood out.¹²⁸ First, promoting the overall political coordination of the Union in Central Asia and, beyond CFSP, ensuring the consistency of the external action of the Union while respecting the Community competence. To this end, the EUSR was requested to maintain an overview of all the activities of the Union, and to work in close cooperation with the Presidency, the EU Heads of Missions, the Commission and, importantly, the EUSR for Afghanistan. Second, the Special Representative had to assist the Council in developing a comprehensive policy towards Central Asia.

Two elements therefore featured prominently in this mandate: input into foreign policy making, and the comprehensive character of the envisaged EU strategic approach to the region. Far from simply implementing policy guidelines, the EUSR was supposed to provide information and knowledge from the field by permanently following political developments and establishing close contacts with local authorities, civil society and media, as well as with regional and international organisations. It was not only a question of enhancing the EU's effectiveness in the region, but also of raising its visibility in a theatre where, while providing significant technical and financial assistance, the EU punched well below its weight.

Observers have been rightly arguing that the EUSR for Central Asia was appointed as a substitute for a common policy. One could say, however, that the EU Special Representative has nevertheless made a contribution to progressively shaping such a policy and to improving the visibility of the EU in the eyes of local authorities. The constraints of the position of EUSR for Central Asia need to be assessed in the light of the broader involvement of the EU in this region. First, this EUSR had to perform in an area that no EU country knew particularly well or had a specific interest in, until recently. Second, the fledgling EU policy in Central Asia has been exposed to a considerable degree of competition among the great powers. The relative weakness of the EU position in Central Asia was therefore due to two main factors. On the one hand, Central Asia did not appear prominently on the Brussels

128. Council Joint Action 2005/558/CFSP, 28 July 2005.

radar screen. On the other hand, major players, such as Russia, China and the US, took a direct interest in developments in this region, and deployed their influence with the backing of considerable economic and also military means.

As to political focus and diplomatic engagement, the EU coverage of the region is limited and uneven, although more missions have opened over the last few years. The Commission has one full regional Delegation in Astana, Kazakhstan, and smaller offices in Kyrgyzstan and Tajikistan.¹²⁹ Of the 27 EU Member States, only Germany has missions in all the five countries of Central Asia, and France and the UK in four out of five (they have no missions in Kyrgyzstan). Italy, the Czech Republic, Latvia, Poland, and Slovakia follow with two missions in the largest countries – Kazakhstan and Uzbekistan. Half of the EU Member States, however, are not represented at all. There is therefore considerable scope for complementing national diplomatic representation with European mechanisms. For example, Germany took over the functions of the EU Presidency for 18 months, in the course of the Austrian and Finnish Presidencies. Clearly, the EUSR can play an important role in filling the gaps in the representation and visibility of the Union. Back in Brussels, a shortage of human resources circumscribes the scope for policy-making as well. In the Commission, the number of officials following Central Asia has grown to a dozen (between different services), but only four officials cover the entire region in the Council Secretariat.

The limits of the EU's engagement should furthermore be put in perspective, considering the salience of the issues at stake, and the involvement of other big players. Key political and security concerns include the very stability and viability of the regimes in Central Asian countries, the spreading of corruption, organised crime and drug trafficking across the region, and the danger posed by the proliferation of weapons of mass destruction and terrorist activities. This range of concerns reflects many of the key threats evoked in the European Security Strategy of 2003, making of Central Asia a good testing ground of the EU's effectiveness in implementing the strategy beyond its immediate neighbourhood. The salience of these security challenges is compounded by the proximity of this region to troubled Afghanistan, theatre of violent insurgency against NATO and US forces, and the origin of 90% of the heroin flooding into Europe and Russia. In this perspective, the issue of border security is of paramount importance to prevent all sorts of

129. However, the Commission is in the process of opening fully-fledged delegations in Kyrgyzstan and Tajikistan, as well as in Uzbekistan, by the end of 2008.

trafficking across the region and towards Russia and Europe.

The very prominent question of energy security should be added to immediate security challenges. This is a major preoccupation for the EU, which seeks to differentiate between producer countries and transport routes for its oil and gas imports. From this standpoint, Central Asia offers very attractive opportunities. The countries of the region hold vast reserves of oil (44 bn barrels) and gas (71 trillion cubic feet in Turkmenistan, 65 in Kazakhstan and 66 in Uzbekistan) to be exploited.¹³⁰ Current projects include the construction of the major Nabucco pipeline (carrying Azeri, Kazakh, Turkmen and Iranian gas to Europe) and of the envisaged Trans-Caspian pipeline, which would tap into Turkmen or Kazakh gas fields. These projects, however, need to compete with many others, directed to interlink the Central Asian pipeline network more closely to Russia and to build new transit routes towards Iran, South Asia and China. Long-term contracts for the exploitation of these resources are the object of fierce competition between these powers, which forces the EU (and its Member States) to play bilateral relations with a strong dose of realism.

Clearly, in the case of Central Asia, the EU has become part of a greater game of geopolitical competition for political influence and natural resources, which poses a major challenge to both its values and interests.¹³¹ The dilemmas of the Union's policy and strategy-making towards Central Asia directly affect the work of the EU Special Representative, and can be illustrated at three levels. First, the trade-off between stability and transformation, in the sense of democratisation and ownership of EU-supported reforms. Second, and partially overlapping, the trade-off between short-term gains – for example in the form of energy deals or the repression of militant Islamist movements – and long-term returns – in terms of sustainable economic development, good governance, security sector reform and respect for human rights. Third, the trade-off between the regional approach traditionally promoted by the EU and the growing evidence of divergent dynamics between the five countries in the region (some strong, some failing, some relatively rich, some very poor), clearly not interested in being associated in the same basket. None of the questions posed by these trade-offs finds easy answers, and even less so for an actor like the EU, whose policies inevitably reflect (and suffer from) differences between Member States and between EU institutions.

130. These are very conservative estimates concerning proven reserves. See the US Energy Information Administration, 'Caspian Sea Region, survey of key oil and gas statistics and forecasts', July 2006. Available at www.eia.doe.gov.

131. International Crisis Group, 'Central Asia: What Role for the European Union?', *Asia Report* no.113, 10 April 2006. See also Neil J. Melvin, 'The European Union's Strategic Role in Central Asia', CEPS Policy Brief no. 128, March 2007.

EUSR Kubiš was appointed in summer 2005 in the aftermath of two important events, namely the ousting in March of President Akayev of Kyrgyzstan by street protests following rigged elections, and the bloodshed in Andijan in May.¹³² In dealing with the Uzbek authorities, the EUSR faced a very difficult task, which embodied the challenge of reconciling values with interests, and multilateral cooperation with geopolitical competition. When, for example, the EU imposed restrictive measures on Uzbekistan in the form of an embargo on weapons and a visa ban targeting Uzbek officials involved in the violent repression, Russia enhanced its economic investment in the country and concluded a mutual security pact with Uzbekistan.¹³³ In so far as Kyrgyzstan was concerned – a faltering state following the March 2005 revolution – discussions on whether to deploy an ESDP rule-of-law mission led to nothing. The EUSR felt that the absorption capacity of the country was too low to enable the conduct of an effective, comprehensive rule-of-law mission.

The EU's assistance to the region has suffered from the discrepancy between the Community technical programmes, the limited ability to apply political pressure, and questionable local commitment.¹³⁴ Under the broader framework of the Partnership and Cooperation Agreements (PCAs) established with three of the five Central Asian countries (the PCAs with Tajikistan and Turkmenistan still have to be ratified), most of the EU assistance has been channelled through the TACIS programme. In this context, the main projects in the field of the security sector and drug trafficking are the Central Asia Drug Assistance Programme (CADAP) and the Border Management Programme in Central Asia (BOMCA), which have been linked together in 2004. Although they target the right issues, observers have pointed out the inadequacy of these programmes in addressing the major security and governance challenges outlined above. In particular, some fundamental issues related to the administrative capacity and transparency of the security sector have not been properly addressed, which puts their sustainability into question. Moreover, little has been asked of local authorities in terms of reciprocal commitments.¹³⁵

In a nutshell, the problem is twofold. First, an integrated SSR strategy for Central Asian states, shifting the focus from technical assistance to sustainable institution building, has not been devised yet. Second, and related to that, the gap is yet to be bridged

132. International Crisis Group, 'Uzbekistan: The Andijan Uprising', *Asia Briefing* no.38, 25 May 2005.

133. Anna Matveeva, 'EU stakes in Central Asia', *Chaillot Paper* no. 91 (Paris: EUISS, July 2006), p. 58.

134. *Ibid.*, pp. 83-108.

135. See the International Crisis Group, *Asia Report* no. 113, *op. cit.* in note 131, pp. 13-14 and Anna Matveeva, *op. cit.* in note 133, pp.88-90.

between Community-funded projects and the foreign policy instruments of the second pillar, notably the EUSR. In talking to regimes that have a very concrete view of their immediate interests, and that are courted by other powers with tangible offers to strengthen the security apparatus and invest in strategic resources, the voice of the EUSR may well sound feeble. As provided for in the mandate of the EUSR, however, ways need to be defined to achieve real synergy between his activities and the Community programmes, so as to avoid undermining both. More extensive consultation on how to tackle SSR, and on how best to use the new Stability Instrument in that direction, could provide the springboard towards more integrated policy-making at the EU level. That is all the more necessary considering that the resources that the Union has allocated to the region (EC assistance amounts to about €120 million for 2005-2006) are limited, when compared to the energy wealth from which many of the recipient countries (and, notably, authoritarian regimes) benefit. There is a consequent need to more effectively associate Member States' bilateral assistance and experts in pursuing joint priorities. Relevant examples include the growing synergy between national and EU efforts in SSR in neighbouring Afghanistan.

In the absence of clear, pre-defined policy guidelines and of major financial resources, the key assets of a pioneering EUSR are teamwork and a significant presence in the field. The EUSR Pierre Morel, a senior French diplomat appointed to succeed Kubiš in October 2006,¹³⁶ has put a lot of commitment into trying to fit into the foreign policy machinery, establishing for example the principle of weekly meetings with the Council Secretariat in Brussels. Energy security, by definition a multi-dimensional policy, is yet another important dimension of cooperation with different interlocutors in Brussels, given the EUSR mandate to 'provide input to the formulation of energy security aspects of the CFSP with respect to Central Asia.' This issue already takes a considerable share of the EUSR's time in exchanges with Central Asian authorities. The Special Representative regularly attends multi-lateral fora where energy security is discussed, and he has participated in one ministerial meeting of the Baku Initiative, in which the Commission is involved.¹³⁷

In the field, the EUSR has sought to encourage regional coordination among all EU Member States' missions, promoting for example the regional conference of EU Heads of Missions in

136. Council Decision 2006/670/CFSP, 5 October 2006.

137. Launched in November 2004, the Baku Initiative on energy cooperation brings together the EU, the littoral states of the Black Sea and of the Caspian Sea, as well as their neighbours.

Astana in autumn 2006. That will become an annual event and help narrow the gap between missions in the field, national capitals, and Brussels. The EUSR has deployed an extensive diplomatic web, making contacts with a wide range of regional and international organisations such as the OSCE, the UNDP, the Shanghai Cooperation Organisation, and the Eurasian Economic Community, and travelling to Russia, China and the US. Coordination with other EUSRs, namely those for South Caucasus and Afghanistan, is envisaged but not structured yet, with occasional exchanges due to evolve into regular EUSRs' regional meetings. This is particularly important given the inter-regional dimension of some of the most pressing issues, including energy security, radical Islam and illicit trafficking. In this connection, the EUSR has been recently mandated to provide input in the formulation of the anti-narcotics aspects of CFSP in the region.

On the other hand, the EUSR only has limited resources at his disposal, which inevitably constrains his role. His staff includes two political advisors in Brussels and only one in the field, co-located in the premises of the Commission Delegation in Astana. Given the size of the region, and the rather thinly spread EU presence, logistics also pose a problem. The Commission or the Presidency normally support the EUSR in his travels, but serious practical obstacles, such as transportation, may emerge when neither are in the field. Turning from logistics to political profiles, the six-monthly rotation of the Presidency, at a time when the EU is seeking to assert itself as a key player in Central Asia, also proves problematic. Short of better coordination of all available EU and national instruments, there is a very tangible risk that the EUSR may appear in the eyes of local authorities as a transient 'explorer', and not as a determined 'settler'.

The new EU strategy towards Central Asia opens up new opportunities to enhance EU coherence and effectiveness and, consequently, the role of the EUSR. The preparation of this strategic document has triggered closer consultation and cooperation between different institutions. The EUSR played an entrepreneurial role at an early stage in this process and drafted, with the support of the Council Secretariat and jointly with the Commission, a policy paper outlining options and recommendations for an EU strategy towards Central Asia. The document was submitted to the working party on Eastern Europe (COEST), to the PSC and also to Political Directors. As a national diplomat put it, the EUSR

'hit the ground running' and, over the first few months of his mandate, won the appreciation of most of the interlocutors at the European and national level. Over time, however, the prolific energy of the EUSR needed to come to terms with the many tracks of EU foreign policy making. Cooperation with the Commission proved rather less smooth than at a first stage, and the German Presidency took the leading role in drafting the strategy towards Central Asia. That said, there is a certain consensus that EUSR Morel has been adjusting to the complex EU policy environment, and has sustained momentum for a more active policy towards the region by seeking to push national and institutional 'red lines' a little further.

The adoption of the EU strategy, moreover, has equipped the EUSR with a comprehensive roadmap.¹³⁸ Importantly, the strategy puts particular emphasis on the synergy between the instruments of the EU and the initiatives of its Member States, as well as on the need to reconcile a regional approach with targeted assistance to the five individual countries. The strategy revolves around five cornerstones: upgraded political dialogue at Foreign Ministers' level, an innovative 'European Education Initiative', a comprehensive 'EU Rule of Law Initiative', a stronger Human Rights dialogue and a regular energy dialogue. EC assistance to Central Asia, expressly conceived as a tool to support a reinforced political dialogue with relevant countries as well as the other objectives of the strategy, will expand to €750 million over the 2007-2013 timeframe. Together with the Commission and the Presidency, and without prejudice to Community competence, the EUSR is given the key responsibility of monitoring the implementation of the strategy, making recommendations and reporting to relevant Council bodies. With a view to the growing involvement of the EU in Central Asia, therefore, the EUSR's role of overseeing the consistency of EU action across the board is confirmed and enhanced.

138. Council Doc. 10113/07, 'The EU and Central Asia: Strategy for a New Partnership', 31 May 2007.

The EU Special Representative for the Middle East peace process

EU Objectives¹³⁹

1. The mandate of the EUSR shall be based on the policy objectives of the European Union regarding the Middle East peace process.

2. These objectives include:

(a) a two-State solution with Israel and a democratic, viable, peaceful and sovereign Palestinian State living side by side within secure and recognised borders enjoying normal relations with their neighbours in accordance with United Nations (UN) Security Council Resolutions 242 (1967), 338 (1973), 1397 (2002) and 1402 (2002) and the principles of the Madrid conference;

(b) solution in the Israeli-Syrian and Israeli-Lebanese tracks;

(c) a fair solution to the complex issue of Jerusalem and a just, viable and agreed solution to the problem of Palestinian refugees;

(d) convening of a peace conference in due course, which should address political and economic aspects as well as matters relating to security, confirm the parameters of a political solution and establish a realistic and well-defined timescale;

(e) the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the European Community's institution-building programmes as well as other international efforts in the wider context of Security Sector, including Criminal Justice Reform;

(f) continue to provide a third party presence at the Rafah Crossing Point in order to contribute, in cooperation with the Community's institution-building efforts, to the opening of the Rafah Crossing Point and to build up confidence between the Government of Israel and the Palestinian Authority.

139. Council Joint Action 2007/110/CFSP, 15 February 2007.

3. These objectives are based on the European Union's commitment to:

(a) work with the parties and with partners in the international community, especially within the framework of the Middle East Quartet, to pursue every opportunity for peace and for a decent future for all people of the region;

(b) continue to assist in Palestinian political and administrative reforms, the electoral process and security reforms;

(c) contribute fully to peace building, as well as to the recovery of the Palestinian economy as an integral part of regional development.

4. The EUSR shall support the work of the Secretary-General/High Representative (SG/HR) in the region, including in the framework of the Middle East Quartet.

EUSR Mandate

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

(a) provide an active and efficient contribution from the European Union to actions and initiatives leading to a final settlement of the Israeli-Palestinian conflict and of the Israeli-Syrian and Israeli-Lebanese conflicts;

(b) facilitate and maintain close contact with all the parties to the Middle East peace process, other countries of the region, members of the Middle East Quartet and other relevant countries, as well as the UN and other relevant international organisations, in order to work with them in strengthening the peace process;

(c) ensure continued presence of the European Union on the ground and in relevant international fora and contribute to crisis management and prevention;

(d) observe and support peace negotiations between the parties and offer the European Union's advice and good offices as appropriate;

(e) contribute, where requested, to the implementation of international agreements reached between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements;

- (f) pay particular attention to factors having implication for the regional dimension of the Middle East peace process;
- (g) engage constructively with signatories to agreements within the framework of the peace process in order to promote compliance with the basic norms of democracy, including respect for human rights and the rule of law;
- (h) contribute to the implementation of the European Union human rights policy and European Union Guidelines on Human Rights, in particular with regard to children and women in conflict-affected areas, especially by monitoring and addressing developments in this regard.
- (i) report on the possibilities for European Union intervention in the peace process and on the best way of pursuing European Union initiatives and ongoing Middle East peace-process-related European Union efforts, such as the contribution of the European Union to Palestinian reforms, and including the political aspects of relevant European Union development projects;
- (j) monitor actions by either side on the implementation of the roadmap and on issues that might prejudice the outcome of the permanent status negotiations to enable the Middle East Quartet to better assess the parties' compliance;
- (k) facilitate cooperation on security issues within the European Union-Palestinian Permanent Security Committee set up on 9 April 1998 as well as in other ways;
- (l) contribute to a better understanding of the role of the European Union among opinion leaders in the region;
- (m) develop and implement a European Union programme relating to security issues. To this end, the EUSR may be assisted by an expert charged with the practical implementation of operational projects related to security issues;
- (n) give guidance, as necessary, to the Head of Mission/Police Commissioner of the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS);
- (o) give guidance, as necessary, to the Head of Mission of the European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah).

The EU Special Representative for the Middle East peace process (MEPP) supports the EU efforts to reach the final settlement of the Israel-Palestine conflict. In a nutshell, the EUSR is mandated to carry out high-level crisis diplomacy ensuring regular contacts with the parties and with relevant international actors, monitoring the situation on the ground, promoting confidence-building measures and, importantly, reporting on the scope and options for the EU intervention in the peace process. In addition, this Special Representative plays a key role in supporting the proceedings of the Middle East Quartet, the central conflict resolution mechanism bringing together the EU, the UN, the US and Russia. The scope for the EUSR's activities is defined by two basic dimensions: the unique political salience of the Middle East crisis, and the long-standing involvement of the Union therein.

The Arab-Israeli conflict is the most critical crisis confronting the international community because of its multiple tracks (including the Israel-Syria and Israel-Lebanon ones) and of its regional and global outreach, carrying profound political, security, economic and ideological implications for the Greater Middle East and for all major international players. In this context, the effective margin of manoeuvre of the EUSR, as well as of the EU as such, is constrained by the overlap of four sets of factors, namely the complex domestic political dynamics in Israel and in the Palestinian Territories, the geopolitical and geoeconomic interests of major powers, the interplay between key regional actors, such as Iran and Saudi Arabia, and the various parties to the conflict, and the positions and initiatives of EU Member States.

Moreover, the role of the EUSR should be set against the long-standing involvement of the EU in the peace process. The EU has played a significant role in shaping the international discourse on the Israel-Palestine conflict, and in identifying the shape of a potential peace agreement, while at the same time providing sustained assistance on the ground and setting the crisis in a broader multilateral context. Statements such as the Venice Declaration of 1980, with a reference to the right to existence and security for all the states in the region and to the legitimate rights of the Palestinian people, and the Berlin Declaration of 1999, pointing at 'the creation of a democratic, viable and peaceful sovereign Palestinian State' as the safest insurance policy for Israel, have helped shape the debate and pave the way towards major peace initiatives. These include the Madrid Peace Conference in 1991, the Oslo Accords of

1993 and the Roadmap to a permanent two-state solution of 2003. In 1995, the Union launched the so-called Barcelona Process and the Euro-Mediterranean Partnership, which provided a platform for all relevant regional players, including the Israelis and the Palestinians, to open political and diplomatic channels.

Within this framework, the Union has established a number of regional and bilateral policy bodies and financial instruments to foster economic development and governance reform, so as to build the basis for lasting peace. Relations with the countries that are part of the Euro-Med Partnership are based on Euro-Med Association Agreements. The Euro-Mediterranean Partnership is financially supported by the MEDA programme, while the European Investment Bank provides loans and capital investment to the EU Mediterranean partners. The Association Agreement with Israel was signed in 1995, while the interim Association Agreement with the Palestinian Authority was concluded in February 1997. Both agreements still provide the legal framework for cooperation between the parties. Lastly, in 2004, the new European Neighbourhood Policy has targeted partners in the region, including Israel and the Palestinian Authority, with an upgraded package of bilateral relations, aimed at deepening political cooperation, promoting governance reform and achieving economic integration. In parallel to these instruments, the EU has been deeply involved in coordinating donors' assistance to the Palestinians. It co-chairs with Norway the Ad Hoc Liaison Committee, which was set up after the Oslo Accords in 1993 to assist the parties in implementing the agreement.

For the EU, the problem lies in devising a more effective common foreign policy to address and resolve the conflict, so as to draw political influence from its substantial financial commitment. The contribution of the EUSR should be assessed in this perspective. At the insistence of France and other countries that felt the need to enhance the profile of the Union in the peace process, over ten years ago the EU appointed Miguel Angel Moratinos, the former Spanish Ambassador to Israel, as the first EU Special Envoy for the Middle East peace process.¹⁴⁰ As is the case at present, his mandate included two main tasks. First, representing the Union with respect to all the relevant local and international actors, as well as in peace negotiations, and exerting diplomatic pressure in case of non-compliance with peace agreements. Second, providing input into the EU policy-making process, drawing

140. Council Joint Action 96/676/CFSP, 25 November 1996.

from the field work. Importantly, it was foreseen that the reporting of the EUSR would inform how best to pursue European initiatives ‘including the political aspects of relevant European Union development policies.’ The essential bridge between CFSP initiatives and Community instruments was therefore envisaged at an early stage.

The EUSR engaged in very sustained diplomatic activity on the ground and across the Union, which was not facilitated by the absence of the current CFSP and ESDP structures in the Council Secretariat. While it is often difficult to detect the specific contribution of the EUSR to a much wider political peace process, significant achievements consisted in enabling the start of the Israeli-Palestinian Dialogue in 1997, which would result in enhanced contacts and confidence-building measures among the parties, and in facilitating the (short-lived) resumption of the Israel-Syria track in 1999.¹⁴¹ In the absence of formal arrangements, Moratinos established good cooperation with the Commission with a view to reinforcing respective initiatives and programmes.

The appointment of Javier Solana in 1999 entailed a major change for the EUSR for the Middle East peace process because of the keen interest of the SG/HR in the process, and the growing political investment of the Union and of its Member States in reaching a final arrangement. In fact, the Special Representative for the Middle East peace process enjoys one of the closest working relationships with the SG/HR. Together with the Council Secretariat, the EUSR performs a key diplomatic role in preparing and in following up Javier Solana’s frequent trips to the region, with which the EUSR is always associated. Such close cooperation enables the EUSRs to involve the SG/HR, therefore upgrading the political and diplomatic clout of the Union, when circumstances on the ground so require. In July 2003, after almost eight years in the post, Moratinos was replaced by Marc Otte, senior advisor to Solana, member of the Policy Unit in the Council Secretariat and former Belgian Ambassador to Israel.¹⁴²

Since then, the role of the EUSR has been shaped by a number of landmark developments taking place at the international level, at EU level, and on the ground. In April 2002, the US, the EU, the UN and Russia began meeting in the so-called Quartet format, which progressively became the key international forum overseeing and fostering the peace process. Under the auspices of the Quartet, the ambitious Roadmap towards a permanent two-state

141. Roy H. Ginsberg, *The European Union in International Politics – Baptism by Fire* (Rowman and Littlefield Publishers, 2001), pp. 147-150.

142. Council Joint Action 2003/537/CFSP, 21 July 2003.

solution was adopted in 2003, which was designed to bring about incremental progress towards a comprehensive settlement of the Arab-Israeli conflict.¹⁴³ The Quartet would assist and facilitate the implementation of the Roadmap, accompanying the parties in the negotiation of a final settlement and evaluating their compliance with the Roadmap.

Not least in order to enhance its support for the renewed peace process, in 2004 the EU included both Israel and the Palestinian Authority (as well as Jordan and, at a later stage, Lebanon) in the new European Neighbourhood Policy. Relevant ENP Action Plans were adopted in spring 2005.¹⁴⁴ These plans offer the opportunity of a more targeted, flexible and comprehensive approach towards each individual partner, and include not only economic and regulatory provisions but also provisions for structured political dialogue, human rights dialogue, and cooperation against terrorism, among others. Following the Israeli disengagement plan from Gaza in 2005, the Commission brought together the different strands of EU assistance in the October 2005 Communication on 'EU-Palestinian Cooperation beyond disengagement', envisaging the steps to be taken to set up a viable Palestinian state.¹⁴⁵

The end of 2005 seemed to mark a promising turning point in the tormented history of the peace process and a qualitative leap forward in the EU engagement. Three main dimensions of cooperation with the Palestinian Authority, where real progress was achieved, could be highlighted. First, the considerable assistance to the electoral process with the set-up of the Central Electoral Commission in 2002 and the deployment of electoral monitoring missions both for the presidential elections in 2004 and for the legislative elections in 2006. Second, the successful reform of the financial management system, with the creation of a single treasury account to channel all government revenues and provide more transparency to government spending and public investment at large. Third, and perhaps most crucial, security sector reform. In 2003, the Commission launched a €7 million capacity and institution building programme addressing the judicial system. At the end of 2005, moreover, Community efforts were paralleled by the launch of two ESDP missions, addressed below – EUPOL COPPS in the field of police and EUBAM Rafah in the field of customs and border control. A multi-pronged, long-term EU strategy to promote SSR in the Palestinian Territories seemed to be shaping up, but all EU initiatives came to a sudden halt following the victory of

143. 'A Performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict', 30 April 2003. This text, as well as all other major documents concerning the Middle East Peace Process, are available at www.madrid15.org

144. EU/Palestinian Authority Action Plan, 4 May 2005, and EU/Israel Action Plan, 11 April 2005. Both documents, as well as the progress reports on respective Action Plans, are available at: http://ec.europa.eu/world/enp/documents_en.htm.

145. European Commission, 'EU-Palestinian cooperation beyond disengagement – towards a two-state solution', Communication of the Commission to the Council and the European Parliament, COM(2005)458 final, 5 October 2005.

Hamas at the Palestinian elections of January 2006. The Quartet required that the new Palestinian government endorse three basic principles – the recognition of Israel, the renunciation of violence and the recognition of previous agreements – as a preliminary condition to resume dialogue and cooperation.

Four years into his mandate, the EUSR had to deal with the ebb and flow of the opportunities to achieve a final settlement, and with the expansion, and sudden contraction in 2006, of the EU engagement on the ground. In the midst of momentous changes, and consequent policy adaptation, the challenge was to remain a credible interlocutor for the parties in the conflict and for international partners alike. The EUSR regularly attends the meetings of the special envoys to the Quartet, which prepare Ministerial-level discussions and statements. In this capacity, he works closely with the Presidency and the Commission, which represent the Union at the Ministerial meetings of the Quartet together with the SG/HR. The EUSR is therefore well placed at the core of the main conflict resolution framework of the Middle East peace process. From this position, he has developed a permanent and constructive working relationship with the Quartet Special Envoy for Gaza Disengagement James Wolfensohn (whose mandate expired in April 2006), notably with a view to the finalisation of the Agreement on Movement and Access in November 2005, which paved the way for the ESDP mission at the Rafah crossing point. The EUSR is also in close touch with the US Security Coordinator on the ground, with a focus on respective priorities for security sector reform, and travels regularly to Washington for high-level exchanges. At the regional level, the EUSR maintains contacts with senior government figures from Egypt, Saudi Arabia, Jordan and countries playing an important role in the peace process, as well as with the so-called Arab Quartet format, which also includes the United Arab Emirates.

When talking to the Israelis and the Palestinians, the EUSR is regarded as a relevant interlocutor when he is in the position to convey the message of the 27 Member States. While his role may not be very visible, it can be instrumental behind the scenes. When it comes, for example, to managing specific crises, such as negotiations on the release of hostages or other specific incidents, a low political profile is an asset, together with personal credibility.¹⁴⁶ The EUSR, moreover, could rely on his contacts and personal credit to negotiate the mandate and the deployment of the two

146. House of Lords, European Union Committee, 'The EU and the Middle East Peace Process', 26th Report of Session 2006-2007, vol. II, 24 July 2007. Oral evidence from Richard Youngs and Robert Springborg, pp. 40-52, Q138.

civilian ESDP missions in the Palestinian Territories. In particular, he led the fact-finding missions and the inter-institutional EU delegations negotiating the deployment of the missions with the parties and contributed his political insight during the planning process.

Building on the UK bilateral project addressing the reform of civil police, the EU Coordinating Office on Palestinian Police Support (COPPS) was set up in April 2005, under the responsibility of the EUSR. The office developed a plan for the restructuring of civilian police and of the relative governance arrangements in very tight cooperation with the Palestinian authorities, thereby promoting their ownership of the project. The mission EUPOL COPPS, launched in November 2005, was tasked with assisting and mentoring the Palestinian police in the implementation of the police development programme, with coordinating EU and other donors' assistance to police reform, and with advising on police-related aspects of criminal justice.¹⁴⁷

As to EUBAM Rafah, established in December 2005, the mission was tasked with providing a third party presence at the Rafah crossing point between the Gaza Strip and Egypt, so as to enable the implementation of the Agreement on Movement and Access and of the Agreed Principles for Rafah Crossing.¹⁴⁸ The mission had to monitor and assess the performance of the Palestinian authorities in implementing the agreements, and to help build relevant capacity. In addition, it was mandated with contributing to the liaison between Palestinian, Israeli and Egyptian authorities. Clearly, the technical profiles of the ESDP missions' mandates needed to be put in a much broader political perspective. The EU was the only actor accepted by all the parties to oversee the opening of the crossing point at Rafah, and the EU involvement in the reform of the Palestinian police touched the very core of the power structures of the fragile Palestinian Authority. In both cases, success or failure carried long-term implications for conflict resolution.

The EUSR was tasked with providing political guidance to the two Heads of Mission and was included in the chain of command, channelling reports from the field to headquarters in Brussels, and guidelines from Brussels to the missions. Having helped define the political framework of the two ESDP missions, however, the EUSR avoids micro-management. He is in permanent contact with the Heads of Mission and regularly meets them when he travels to the region (one of his advisors is double-hatted as

147. Council Joint Action 2005/797/CFSP, 14 November 2005. On the development of EUPOL COPPS and the distinctive EU approach to police reform, see Centro Internacional de Toledo para la Paz, 'EU Civil Missions in the Palestinian Territories: Frustrated Reform and Suspended Security', *CITpax Middle East Special Report* no. 1, Summer 2006.

148. Council Joint Action 2005/889/CFSP, 12 December 2005. Both the Agreement on Movement and Access and the Agreed Principles for Rafah Crossing are available on the EUBAM Rafah website at www.eubam-rafah.eu/portal/node/18.

political advisor of EUPOL COPPS in Jerusalem) but focuses his intervention at the political level, where necessary to support the fulfilment of the missions' objectives. For example, following the election of the Hamas government and the effective shutdown of the Rafah crossing point in spring 2006, the EUSR repeatedly insisted with Israeli counterparts that allowing the passage of goods and people in and out of Gaza was in their interests, in order to avoid the deterioration of the humanitarian and security situation in the strip. In this context, he helped achieve the opening of the crossing point in July 2006. In reports to Brussels, the EUSR and his team have been arguing that the two missions, while put on stand by by the radically changed political circumstances, needed to stay in place with a view to resuming their activities at the earliest possible stage. The EUSR played an important role in the review of the mission's mandates and in negotiating their renewal with the Israeli and Palestinian authorities. The impact of the newly established position of Civilian Operation Commander on these arrangements is yet to be clarified, although it seems safe to assume that the EUSR will no longer be part of the operational line of command of civilian ESDP missions.

There is a clear understanding that the ESDP missions in the Palestinian Territories can only succeed if closely coordinated with Community and bilateral programmes in the field of SSR. Synergy and coherence of all EU instruments on the ground are stressed as key requirements in the Joint Actions and in the crisis management documents establishing the missions. For example, close cooperation is foreseen between EUBAM Rafah and EC-funded institution building in the field of customs administration, including the training of personnel and the provision of basic infrastructure. A proper interface also needs to be set up to link police reform to justice reform. As one official put it, cooperation on the ground is shaped by conflict, and undertaken on a pragmatic, goal-oriented basis. At the same time, inter-institutional cooperation in Brussels has made some advances. Before the launch of EUPOL COPPS and EUBAM Rafah, linkages between the Commission and the Council Secretariat structures were somewhat loose, and exchanges of information not always timely and comprehensive. Over the last two years, progress has been achieved in terms of better coordination, notably by setting up a task force bringing together all EU institutional stakeholders. Closer cooperation in devising and implementing technical

programmes and assistance, however, cannot compensate for enduring differences on the reading of the political situation on the ground and on priority action within and between EU institutions.

Since February 2006, the marked deterioration of the political and security environment on the ground has posed major political dilemmas to the Union. With Hamas, listed by the EU as a terrorist organisation, in power, the choice was essentially whether to involve its leaders in an inclusive dialogue while providing assistance, or to make both dialogue and assistance conditional on compliance with a set of preliminary political requirements. Agreement needed to be reached not only at EU level, but also in the context of the Quartet. The EUSR had to conduct a delicate balancing act not only within the Union, but also with international partners. As already mentioned, the rejection by the Hamas government of the three Quartet principles entailed the controversial suspension of all direct assistance to the Palestinian Government. That implied the risk of a systemic collapse of public administration and subsequent chaos. The Commission took a leading role in setting up a new framework to channel vital funding to social ministries and to public health structures, bypassing the Palestinian government budget – the Temporary International Mechanism – and the EUSR helped build international support for the mechanism. The functioning of the latter has been questioned, as both too limited in scope and not sufficiently visible, but it remains the main source of assistance to the people of Palestine.

The choice of the Union to suspend direct contacts with the Palestinian Government, while directly supporting the office of President Abbas, has triggered an important debate among observers and practitioners. Many are critical of this decision, arguing that the effective boycott of the government has undermined years of state building efforts, and notably the most recent achievements in the field of public finance and SSR.¹⁴⁹ This fundamental debate goes well beyond the limits of this study, but shows that key choices need to be made on how to deal with the dramatic spiral of violence in the Palestinian territories, following the open conflict between Hamas and Fatah, the dissolution of the short-lived Government of national unity, and the *de facto* separation between the Hamas stronghold in Gaza and the Fatah-dominated West Bank. Once again, the challenge for the EU will be

149. Richard Youngs, 'The EU and the Middle East Peace Process: Re-engagement?', FRIDE Comment, March 2007, and House of Lords, op. cit. in note 146. See also Muriel Asseburg, 'Palestine: EU Policies Frustrate Policy Aims', *Arab Reform Bulletin*, vol. 5, issue no. 1, Carnegie Endowment for International Peace, February 2007. For broader considerations on the EU engagement in the Peace Process, see Oral Evidence from Robert Cooper and Christian Jouret, 23 March 2007, House of Lords, op. cit., pp. 83-90.

to reconcile principled statements with the need for assistance to state building in Palestine, and forge an effective common foreign policy in between. The question is, of course, highly political, and Member States do not always see eye to eye. If the EU is to provide a strong bedrock for cooperation and policy-making on such a sensitive dossier, yet more coordination will need to be achieved between all available instruments, including ENP Action Plans and funding, ESDP operations, and new tools such as the Stability Instrument to support emergency action.

Conclusions and recommendations

The review of the activities of the nine EU Special Representatives suggests that they provide a valuable contribution to foreign policy making and crisis management at the European level. As provided for in the TEU, Special Representatives are appointed with a mandate in relation to a particular policy issue. In other words, they are deployed when there is a problem which needs addressing by the EU, in a context of crisis prevention, conflict settlement and post-conflict stabilisation. That said, the mandates of the EUSRs have been expanding to cover broader political issues than the solution to specific crises, including advice on defining the EU approach to given countries or regions.

The ‘roles’ of the EU Special Representatives

The two main assets of the EUSRs are the political mandate of the Member States, which they can ‘spend’ with interlocutors abroad to gain profile and influence, and their knowledge of the field, which they feed back to Brussels to fuel decision-making. Drawing from the experience of the past few years, the EUSRs play six key roles, namely as information providers, policy-makers, crisis managers, lynchpins of coordination, networkers and agents of effective multilateralism. Of course, the work of each EUSR entails a mix of these functions, which are mutually reinforcing. However, they can be singled out in what follows to briefly illustrate the contribution of the Special Representatives to policy-making and implementation.

- ▮ **Information providers.** All EU Special Representatives are mandated to report regularly, in writing, to the SG/HR and to the Council. Increasingly, EUSRs have been reporting in person to the High Representative, to the PSC and to the relevant Council working parties, thereby establishing a closer exchange with

the representatives of the Member States. The latter, and notably those not disposing of large diplomatic networks, are appreciative of the information and expertise provided by the EUSRs. It is felt that ‘EU-made’ information, as opposed to that coming from national sources, helps establish a level playing field for discussion and enables, among other factors, the definition of a common position. When their expertise is recognised, and they are perceived as autonomous from distinctive national positions, there are margins for EU Special Representatives to play a significant entrepreneurial role in policy-making.

- Policy-makers.** The EUSRs are expressly mandated to provide assistance in defining the policies and positions of the Union towards the countries or issues central to their mandates. Information and expertise from the field are central ingredients to shape foreign policy. From this standpoint, the distinction between policy implementation and policy-making blurs, as the latter needs to be permanently nurtured by the experience on the ground. The EUSRs, however, are one player among many others in the EU foreign policy framework. As such, their role as policy-makers cannot be isolated from their relationship with other EU institutional players, notably in the Council Secretariat and the Commission, and with Member States, both in Brussels and in the field. EUSRs need to conduct a delicate balancing act between these different actors, which makes their distinctive contribution to policy-making hard to pinpoint, and may affect their performance.
- Crisis managers.** Since the launch of ESDP, only the EUSR for Central Asia has been operating in the absence of the parallel deployment of ESDP operations,¹⁵⁰ while only two ESDP operations – the Aceh Monitoring Mission and the rule-of-law mission for Iraq EUJUST LEX – have been running in the absence of Special Representatives. The two sets of instruments are clearly linked and mutually supporting. EUSRs provide political guidance to the heads of civilian missions, and political advice to the heads of military ones. More generally, when ESDP operations are on the ground, EUSRs are the primary interface with local authorities to address the political profiles of the missions’ tasks. As part of the operational chain of command of civilian missions (which they no longer are, following the setting up of

150. As noted in Chapter Five, EUBAM Moldova is not an ESDP mission but, in this context, the close working relations between the EUSR (and his team) and EUBAM can be taken as an instance of synergy between EUSRs and missions on the ground. In other cases, such as South Caucasus, ESDP missions have overlapped with at least part of the EUSR’s mandate.

the new post of Civilian Operation Commander), the EUSRs transmitted the missions' reports from the field, and channelled guidance to the heads of missions from Brussels. On the other hand, the clout of the Special Representatives is enhanced by the presence of ESDP operations, and EUSRs benefit from the technical expertise of other ESDP actors to sharpen their priorities. In short, the EUSRs seek to provide an enabling political environment for ESDP operations, which often deal with sensitive aspects of institution building, notably in the security sector. This is the case, for example, of missions in the Western Balkans, the Great Lakes, and the Palestinian Territories. In this context, little progress can be achieved in the absence of the political engagement, and sense of ownership, of local authorities.

- **Lynchpins of coordination.** In the presence of more than one ESDP operation on the ground, EUSRs are expected to promote coordination and, in case of controversy, to help define the appropriate division of tasks between them. Under very specific circumstances, moreover, the Special Representatives have taken over a role of coordination that extends beyond ESDP actors to include other EU instruments on the ground. That is notably the case of the EUSR in FYROM and, in some respects, of the EUSR to Bosnia and Herzegovina. Both of them are based in the field, are provided with extensive mandates and resources, are double-hatted (therefore relying on the prerogatives of, respectively, the Head of the Commission Delegation and the High Representative of the international community) and oversee relations with countries that are part of the EU accession process. Travelling EUSRs, such as those dispatched to Moldova and Central Asia, can be mandated with promoting the overall coherence of the EU action and can be instrumental to that effect. Fostering coordination, however, requires a stable presence on the ground and, notably, adequate human resources to oversee different fields of action. On the whole, given the emphasis on coherence and coordination in the EU discourse, a trend can be detected towards charging Special Representatives with overseeing EU activities in areas such as SSR, border management or, as envisaged in some Joint Actions, the relevant aspects of ENP Action Plans. The EUSRs, however, are not always properly equipped to fulfil that role, in addition to all the other tasks envisaged in their mandates.

- ▶ **Networkers.** The more connected the EUSR in the field, the more valuable he or she is for Brussels (other things being equal). Much of the EUSRs' time is dedicated to establishing and maintaining contacts in the countries and regions of their competence, at all levels. Special Representatives need, and normally have, access to the highest levels of political power, including Heads of State and top ministers, in order to convey and explain the EU positions and to prepare the ground for the deployment of ESDP operations. EUSRs need to weave a web of contacts in legislative bodies as well. These are often young institutions in need of consolidation but play a critical role in passing key pieces of legislation and in fostering political transition in post-conflict situations. Moreover, EUSRs have been diversifying the range of their contacts to include civil society organisations, local and tribal leaders, and also business representatives. All these actors play, of course, a very important role as supporters or spoilers of reform efforts and stabilisation at large. Finally, notwithstanding serious logistical limitations, EUSRs travel across countries and vast regions, such as Afghanistan, the Great Lakes and Central Asia, to multiply their contacts and take the pulse of leaders and public opinion in the most troubled corners within their geographical remit.

- ▶ **Agents of effective multilateralism.** In representing the Union abroad, in supporting conflict settlement and in overseeing peacebuilding, EUSRs provide a concrete contribution to effective multilateralism as well. EUSRs are required to work in close coordination with the Special Representatives of the UN Secretary General, when deployed, with other UN actors, with the OSCE, with NATO and with a number of other regional organisations. The EUSR to the Middle East Peace Process plays a pivotal role within the Quartet, as the central conflict resolution mechanism. Special Representatives are also involved in a variety of formal and informal fora for conflict settlement and in bodies mandated with overseeing peacebuilding – a function that proved particularly absorbing in the Western Balkans and the Great Lakes region and, more recently, in Sudan, Moldova, and Afghanistan. Furthermore, EUSRs participate in major international conferences and in the summit diplomacy associated with crisis management, travel to neighbouring countries and establish contacts in key capitals, such as Washington and

Moscow, to build momentum for conflict resolution and support to transition. In performing these tasks, the effectiveness of EU Special Representatives very much depends on the degree of cohesion within the EU itself, and on the quality of the guidelines that they receive.

Enhancing the performance of the EU Special Representatives

The EU Special Representatives carry out their tasks within the limitations imposed by four sets of constraints. First, the way in which their post is designed, which sometimes entails a mismatch between the breadth of their mandates and the resources at their disposal. Second, the division of competences and tasks between EU actors in Brussels and in the field, which can prove dysfunctional. This adds an unnecessary layer of intra-EU bargaining and detracts from the EUSRs' focus on the policy mandate. Third, in some theatres, the absence of a clearly defined foreign policy framework within which the mandate of the EUSRs should be situated (Special Representative as 'substitute for policy'). Without a common strategic approach backing them, the achievement of specific goals by the Union's envoys proves all the more complicated. Fourth, and related, the politics on the ground and the broader dynamics relevant to specific crises, often involving the competing interests of major powers. In this case, the challenges confronting EUSRs are of a highly political nature, and require addressing upstream, by the Council and the European Council, if EU actors are to be given real room for manoeuvre.

Leaving aside the last set of highly political issues, some of these challenges are addressed in what follows, so as to identify concrete problems and suggest workable solutions. In particular, constraints can be tackled by promoting horizontal coordination at EU level and vertical coordination between the EU and Member States. Two principles should guide progress in this direction, namely coherence and the pooling of resources. EU Special Representatives and other EU foreign policy actors should be regarded as complementary in pursuing a joint foreign policy, although without prejudice to respective legal competences. On the other hand, the pooling of national resources, in the pursuit of common goals, enhances the policy output of the Union. It is in

the collective interests of Member States that their investment in EU foreign policy delivers the most added value and that measures are taken, at the European and at the national level, to that effect.

These two principles – coherence and pooling – are also at the core of the envisaged creation of the position of the double-hatted High Representative for Foreign Affairs and Security Policy, and of the External Action Service (EAS).¹⁵¹ As made clear in a Declaration to be agreed by the ongoing Intergovernmental Conference, it is not a matter of affecting ‘the responsibilities of the Member States, as they currently exist, for the formulation and the conduct of their foreign policy’ but rather of ensuring that Member States get the best possible deal out of Joint Action. Steps towards enhancing the performance of the EUSRs, under the existing Treaties, in no way pre-empt the future negotiations on the features of the EAS. Some of the lessons drawn from the EUSRs’ experience, however, may be relevant in the debate concerning the new Service as well.

These lessons can be drawn at five levels, namely improving the design of the EUSR position and mandate, promoting cooperation between EU Special Representatives, enhancing coordination among ESDP actors, fostering synergy between all EU foreign policy instruments, and encouraging more cooperation between EU actors and national ones. That said, it is important to acknowledge that both problems and solutions very much depend on the specific working environment, and skills, of each Special Representative. Within broad guidelines, therefore, innovations should be tailor-made for different requirements.

Of mandates and resources

A quick historical overview shows that the mandates of the EU Special Representatives have been expanding to include a growing range of tasks. On the one hand, this is evidence of the added value of the EUSRs in enhancing the profile and the effectiveness of the Union abroad. On the other hand, however, some of the mandates have grown too large to allow for their proper implementation, if resources are not developed accordingly. When it comes to the ‘diplomatic’ function of EUSRs, therefore, the gap between the EU capabilities and expectations may grow larger, potentially affecting the credibility of the EUSRs and of the Union itself. With the exception of those based in the Western Balkans, EU Special Representa-

151. See Council doc. 11177/07, Brussels European Council 21/22 June 2007, Presidency Conclusions, Annex I, Draft IGC Mandate, 23 June 2007. See also CIG 1/07, Draft Treaty Amending the Treaty on the European Union and the Treaty Establishing the European Community, 23 July 2007.

tives dispose of modest resources. Pending more systemic reforms of the external representation of the Union, there is therefore a need to strike the right balance between the scope of the mandate and the availability of resources. Operational priorities should be selected carefully, bearing in mind practical constraints, when drafting and reviewing the EUSR's mandates. The advice of the Special Representatives should be a central element in this assessment. At the same time, control on their expenditure should be timely and detailed, so as to provide the basis for subsequent decisions on the allocation of resources. The dialogue with the European Parliament on the allocation of funds to EUSRs, and on their actual use, should be developed further to enhance transparency and improve budgetary planning.

Creative solutions should be devised to provide Special Representatives with adequate support. Suffice here to recall that the examples of the small EUSR support teams on the ground in Georgia, in Moldova/Ukraine and in Addis Ababa, for all their differences, provide interesting models for future arrangements. From this standpoint, emphasis should be put on the quality of the advisors deployed on the ground and on ensuring the regular, two-way flow of communication between them, the EUSRs and Brussels. Endowed with in-depth expertise and clear policy guidelines, a few individuals on the ground can make a considerable difference to foreign policy making and implementation. From a practical standpoint, where possible, the EUSRs' special advisors or support teams should be co-located within the premises of the Commission delegations. That would not only be cheaper, but also help establish a permanent exchange between EU actors in the field.

The inter-regional dimension

The inter-regional dimension of the EUSRs' work has rapidly acquired more prominence and meetings involving the Special Representatives covering macro-areas such as Asia or Africa have been envisaged. Relevant groupings include the EUSRs for South Caucasus, Central Asia and Afghanistan, and the EUSRs for Sudan and the Great Lakes Region (to which the EUSR to the African Union may soon be added). As highlighted in Part Two, recent Joint Actions have called for cooperation between the EUSR for Central Asia and the EUSR for Afghanistan, with a focus on border

management and control, and between the EUSR for Sudan and the EUSR for the Great Lakes, with a reference to the ongoing negotiations between the Ugandan Government and the LRA.

Setting up regional roundtables of EUSRs, with meetings including the relevant officials from the Council Secretariat and the Commission as well, proves difficult because of the heavy workload of the Special Representatives and their mismatching agendas. Brussels-based special advisors, on the other hand, are in permanent touch and can provide the basis for more concerted action. Cooperation, however, should be enhanced at the level of the Special Representatives themselves, given the inter-regional dimension of many of the challenges that they need to confront. In particular, their meetings should be timed in such a way as to provide a comprehensive input to major international events defining the future of respective regions, such as peace conferences or donors' meetings, and to feed into EU decisions, including on the revision of their own mandates.

The seminars involving all EUSRs in an exchange with the SG/HR, his Private Office and top Council Officials, held at the beginning of each Presidency, have also proven a useful opportunity to address common problems, enhance synergies and raise awareness of respective challenges. These seminars should be established as a tool for better coordination and to regularly draw lessons from the collective EUSRs' experience.

Enhancing coherence: the ESDP dimension

The new arrangements concerning the operational line of command of civilian ESDP missions, illustrated in Chapter Two, are supposed to enable the EUSRs to take a stronger role of political coordination. The division of labour between the new Civilian Operation Commander and the EUSRs needs to be further defined, and will greatly depend on practical experience in the field and on the personality of the actors involved. That said, released from operational responsibilities, the EU Special Representatives should focus on overseeing the political profiles of both civilian and military operations, and on ensuring an appropriate division of tasks between different ESDP actors. The experiences of Bosnia and Herzegovina and of FYROM, among others, provide important lessons to be integrated in the mandates of the EUSRs and in relevant crisis management documents. For ESDP actors, mutual

coordination is not accessory to their tasks, but a central requirement.

This level of coordination is all the more important considering that, under the complex crisis scenarios that can be envisaged, the deployment of military and civilian instruments side-by-side is all the more likely in the future. Comprehensive and integrated crisis management, from the planning stages to the conduct of the missions in the field, is presented as the hallmark of the EU contribution in this domain. The EU Special Representatives should therefore provide political oversight to enhance effective civil-military coordination. To this end, the EUSRs (and in particular those based in the field) should be more extensively consulted in the planning stages. Once operations are deployed, the EUSRs should establish a regular exchange with the key bodies in the operational line of command, and notably with the new position of the Civilian Operation Commander. The distinction between political and operational aspects should entail a clarification of respective responsibilities, on the basis of which to foster cooperation. The interplay of different CFSP/ESDP actors on the ground should also be the object of joint lessons learned exercises. In fact, the effectiveness of the EU on the ground would benefit from the comprehensive review of the performance of all actors, including Community bodies.

Experience shows that, for coordination to be effectively ensured, the right balance needs to be struck in the mandate of the EUSRs. One can hardly expect, for example, one Special Representative to take an active part in conflict resolution and political transition, deal with various countries in a region, develop contacts with a vast range of local and international actors, and maintain the political oversight of ESDP operations, all at the same time. Coordinating ESDP actors in the field poses, furthermore, a particular challenge for travelling EUSRs. At critical stages, coordination can be very time-consuming and labour-intensive. More generally, the permanent presence of the EUSR on the ground helps enhance his or her personal authority and develop a better sense of the political dynamics relevant to the missions' tasks.

This assessment calls for progress in two respects. First, as pointed out above, the mandate of EU Special Representatives should be crafted with a sharper sense of priorities, including a realistic appreciation of the workload and of available resources. Second, consideration should be given to making practical

arrangements to enhance coherence in the absence of a field-based EUSR. Measures might include ‘embedding’ one senior EUSR’s political advisor in ESDP missions. This official could be charged with running coordination meetings, trouble-shooting at his or her level, and alerting the EUSR to potential, upcoming problems. Preferably, this advisor should be endowed with relevant expertise concerning the core of the missions’ tasks, including for example security sector reform or the fight against organised crime. Where justified by the size of the ESDP means on the ground, and the political sensitivity of their objectives, the setting up of a small EUSR support team could also be considered.

Enhancing coherence: the foreign policy dimension

There are significant margins for improving coordination, and achieving more coherence, when it comes to the interplay between EUSRs and Community actors. Over the last couple of years, constructive steps have been taken in this direction, for example in shaping a more comprehensive policy approach in Moldova, Afghanistan, South Caucasus and DRC, among other regions. These innovations should be regarded as the platform to devise a more integrated foreign and security policy without prejudice to existing legal competences but seizing the opportunity to bring together all the instruments at the service of EU foreign policy goals.

In this context, the question of the ‘double-hatting’ of EU Special Representatives and Heads of Commission’s delegations comes into play. The debate on the ‘personal union’ of the two functions, first implemented in FYROM, has been illustrated in Chapter Three and in the review of the EUSRs’ activities in FYROM and Bosnia and Herzegovina. Furthermore, there is consensus on setting up an integrated EU representation to the African Union in Addis Ababa, covering all aspects of EU-AU relations. The advantages of double-hatting to enhance the coherence and effectiveness of EU external policies, including CFSP, are self-evident. Financial leverage and political authority are invested in the same person. At the same time, however, it is acknowledged that the features of double-hatting depend on the conditions on the ground. A distinction between ‘pillar one -’ or ‘pillar two -’ intensive models has been introduced in the EU jargon to highlight the respective emphasis on the economic or the political-

security dimension of the tasks of the ‘double-hat’. Bearing in mind these distinctions, the setting-up of double-hatted posts should be pursued further, for example in Bosnia and Herzegovina, once the Office of the High Representative is closed.

Where double-hatting is unsuitable, such as for travelling EUSRs and for those with a regional mandate, practical measures could be adopted in the light of experience to enhance cooperation between the EUSRs and the Delegations of the Commission. For example, a joint spokesperson service and communication department could be set up to boost the visibility of the Union and ensure the coherence of the EU message, including to public opinion. A joint media and public diplomacy strategy should underpin these efforts. Moreover, developing an emerging practice, double-hatted senior advisors should be appointed (and joint teams set up in Brussels and in the field) to shape an approach common to all EU actors on critical issues such as police reform or the fight against corruption. Joint analysis and assessment would help formulate a joint message, with a stronger impact on local interlocutors.

Closer cooperation can also be promoted when it comes to determining policy priorities and corresponding financial assistance in support of conflict resolution, political transition and institution building. The Stability Instrument, introduced in November 2006, aims to contribute to stability and capacity building in situations of urgency and crisis but also, under stable conditions, ‘to ensure preparedness to address pre- and post-crisis situations.’¹⁵² This financial instrument provides support for, among other areas, confidence building and mediation, the establishment and functioning of interim administration, the rule of law and issues pertaining to security sector reform, the demobilisation and reintegration of former combatants, and measures in response to natural or man-made disasters. In short, the Stability Instrument, endowed with over 2 billion over the period 2007-2013, is directed to finance assistance in many of the domains which are central to the mandates of EU Special Representatives. The agreement between the Commission and the PSC, whereby the latter would be notified in advance on the objectives of the envisaged expenditure, shows progress in the right direction. It is clearly provided that the measures adopted under the Stability Instrument Regulation ‘may be complementary to and should be consistent with measures adopted by the EU in the pursuit of Common Foreign and Security Policy objectives.’

152. Regulation (EC) no. 1717/2006 of the European Parliament and of the Council establishing an Instrument for Stability, 15 November 2006.

When consideration is given to using the Stability Instrument in areas where the EUSRs operate and for issues falling within their mandate, Special Representatives should be consulted. This has been the case, for example, of the field-based EUSR to Afghanistan, with a view to launching the Community SSR programme in the field of justice. While the ultimate decision will naturally lie with the Commission, adequate provision should be made for the envoys of the EU to contribute their experience to decision-making. EUSRs typically develop high-level political networks and may acquire a distinctive sense of policy priorities, opportunities, or emergencies. The point is not to overrule existing competences, but simply to factor all relevant elements into the final decision. This argument can be applied to the other financial instruments supporting the EU external action as well, notably to the European Neighbourhood and Partnership Instrument (ENPI).¹⁵³ More broadly, closer cooperation should be encouraged between EU Special Representatives (and CFSP/ESDP actors) and the bodies in charge of developing and implementing the European Neighbourhood Policy (ENP).

The ENP aims to build a ring of well-governed countries around the Union, exporting European values and norms, while enhancing economic development and political stability.¹⁵⁴ An advanced form of political and economic partnership should be developed with EU neighbours to the East and to the South, based on the principles of differentiation and ownership. The analysis of the objectives and functioning of ENP clearly falls outside the remit of this study.¹⁵⁵ The mandates of three EU Special Representatives, however, cover seven of the twelve countries with which ENP Action Plans have been adopted. The review of the activities of EUSRs in Moldova and South Caucasus and of the EUSR for the Middle East peace process has showed that there is a significant area of overlap between their priorities and those of the Action Plans concluded between the EU and each partner country under ENP. Depending on the country in question, conflict resolution, confidence building, institution building and the reform of the security sector, political dialogue and closer association to CFSP feature prominently in the Action Plans.

In its Communication on strengthening ENP of December 2006, the Commission acknowledged that more needs to be done for the resolution of frozen or open conflicts in the neighbourhood. If it did not provide a stronger contribution to conflict res-

153. Regulation (EC) no. 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument, 24 October 2006.

154. European Commission, 'Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours', Communication from the Commission to the Council and the European Parliament, COM(2003) 104 final, 11 March 2003. See also European Commission, 'European Neighbourhood Policy Strategy Paper', Communication from the Commission, COM(2004) 373 final, 12 May 2004.

155. See, among others, Karen E. Smith, 'The Outsiders: the European Neighbourhood Policy', *International Affairs*, vol. 81, no. 4, July 2005; Fraser Cameron and Rosa Balfour, 'The European Neighbourhood Policy as a conflict prevention tool', *EPC Policy Brief*, 27 March 2007; and Michael Emerson, Gergana Noutcheva and Nicu Popescu, 'European Neighbourhood Policy Two Years On: Time Indeed for an "ENP Plus"', *CEPS Policy Brief* no. 126, March 2007. For a distinctive overview of the member states' perspectives on ENP, see Barbara Lippert, 'The Discussion on EU Neighbourhood Policy – Concepts, Reform Proposals and National Positions', Friedrich Ebert Stiftung, *International Policy Analysis*, July 2007.

olution, the Commission felt, ENP would fail in one of its key objectives.¹⁵⁶ The readiness of the Commission to develop proposals in this domain with the Council Secretariat was asserted, and it was noted that the Stability Instrument would provide opportunities to enhance the EU involvement in the politico-security dimension, over the short and the long term. This constructive declaration of intent should be chiefly implemented in all theatres where EU Special Representatives and ENP interact, even more so where ESDP missions are deployed.¹⁵⁷

Under the present legal framework, the decision on the priorities of ENP Action Plans and related expenditure lies of course with the Commission (in a dialogue with partner countries and with relevant Council working groups). EU Special Representatives and their advisors, however, should be structurally involved in the consultations on the drafting and review of ENP Action Plans concerning the countries and the issues relevant to their mandates. Close consultation should, in particular, precede decisions on the allocation of ENPI funds to support conflict resolution, political dialogue, border management, police reform and the rule of law. When appropriate, moreover, the EUSRs or their advisors should be invited to the meetings of the Cooperation Councils and working groups overseeing the implementation of Action Plans.¹⁵⁸ Special Representatives and their teams may not have the time to attend several meetings or the expertise to follow the detailed implementation of technical assistance. It is important to ensure, however, that their perspective and advice are taken into account, when relevant. On the other hand, EUSRs should proactively engage in supporting the ENP priorities and key programmes with their interlocutors at all levels. In addition, EUSRs could be instrumental in fostering cooperation between Member States and Community actors in the pursuit of ENP goals.

Going vertical: coherence between the EU and Member States

The coordination of all EU foreign policy instruments (horizontal coherence) is essential, but it cannot substitute for sustained cooperation between the EU and its Member States (vertical coherence). Coherence between action at the EU level and national bilateral policies should be enhanced, which entails far-reaching implications for EU Special Representatives. First, Member States need to devise shared policy guidelines to provide the EUSRs with a

156. European Commission, 'On strengthening the European Neighbourhood Policy', Communication from the Commission to the Council and the European Parliament, COM(2006) 726 final, 4 December 2006.

157. Some form of 'light' cooperation between the EUSR and ENP is already envisaged in the case of Moldova. The EUSR is mandated to 'maintain an overview of all European Union activities, notably the relevant aspects of the ENP Action Plans.' See Council Joint Action 2007/107/CFSP, op. cit. in note 54.

158. The ENP Action Plans for the three countries in the South Caucasus already provide for the EUSR to 'assist relevant bodies in the implementation of this Action Plan in accordance with his mandate.' See the EU/Armenia Action Plan, the EU/Azerbaijan Action Plan, the EU/Georgia Action Plan, op. cit. in note 51.

roadmap and shape their mandate around workable priorities. This is not to say that the appointment of EUSRs in the absence of a clear EU strategic approach should be entirely ruled out. To some extent, EU Special Representatives can be instrumental in shaping a common foreign and security policy. However, this should be the exception, and not the rule: an effective EUSR is one endowed with a political mandate endorsed by Member States, reflecting the political cohesion of the Union and projecting it in the field.

Second, it is in the interest of EUSRs to be well plugged into the EU institutional structures, and to regularly report to inter-governmental committees. This would ensure appropriate oversight from Member States and guidance from the PSC and the SG/HR. As noted in Part One, considerable innovations have been introduced to that effect at the level of Brussels headquarters. On the ground, EUSRs are expected to brief Member States' missions and, more generally, should be proactive in establishing good links with senior national diplomats in relevant countries or regions. In some cases, such as in Bosnia and Herzegovina and FYROM, EUSRs play a strong coordinating role through weekly meetings with national Heads of Mission. Elsewhere, this function is far less developed, but contacts should be fostered in so far as possible and joint reporting by the national missions and the EUSRs should be very much encouraged.

Third, Member States should ensure that their decisions in Brussels and their bilateral policies in the field are consistent. Once invested with a unanimous mandate, EU Special Representatives should be confident that they will receive all the necessary support by Member States. That is a key requirement in carrying out sensitive mediation, conflict resolution and institution building, or else their credibility in the eyes of local interlocutors will greatly suffer. At the national level, while taking into account the different organisation, traditions and practices of national foreign ministries, there is a need to ensure that common EU policies are mainstreamed through all departments, and that coherent instructions trickle down to missions abroad.

Looking ahead

The experience of the EU Special Representatives provides important lessons for the envisaged set-up of the EAS. The EUSRs stand at the crossroads between the institutional dynamics of Brussels headquarters, the often heterogeneous priorities of Member States, and the requirements for action in the field. That position is not always a comfortable one. The whole point about setting up the EAS is addressing shortcomings in terms of horizontal and vertical coherence and enabling the Union to act more effectively in the world. The EAS will not be a binding straitjacket, but an enabling springboard for EU Member States to pool their resources with those of the Community and achieve the most out of the common foreign and security policy.

The position of the EUSRs in the new EAS framework will largely depend on the specific features of the latter, which can hardly be anticipated. Broadly speaking, however, two key drivers should guide reflection on how to integrate the EUSRs into the new system. First, in as far as possible, avoiding duplication. This should be a central consideration in setting up the service, and should likewise apply when considering the role of the EUSRs in relation to senior officials at the headquarters and in diplomatic missions abroad. Second, based on their activities over the last few years, an assessment of the comparative added value of EUSRs should be carried out, as a basis to define their position in the EAS and allocate them specific tasks.

Two basic points may be submitted in this respect. Field-based EUSRs, and notably those who are double-hatted with the Heads of the Commission Delegations, should be replaced by the new Heads of the (integrated) EU delegations. The core tasks of representation, reporting and coordination entrusted to the EUSRs will naturally fall within the remit of the new service. As such, field-based EUSRs can be regarded as a transitional tool, to be subsumed under a larger and more coherent architecture.

When it comes to travelling EUSRs and to those endowed with a regional mandate, a margin for flexibility should be preserved within the new service. EUSRs could be appointed ad hoc, to address the outbreak of crises or to deal with foreign policy issues of a regional or functional nature. These may include, for example, energy security, the fight against new diseases, democracy promotion, counter-terrorism, and the non proliferation of WMD. From this standpoint, the current distinction between EUSRs and the Personal Representatives of the High Representative may disappear.

Conclusion

The EU Special Representatives are not the envoys of a classic international organisation, but are appointed to represent a collective international actor such as the EU. Intensive exchanges in Brussels enable Member States to devise common foreign policy guidelines and initiatives. Member States enjoy the legitimacy of collective action, and the clout of collective engagement. The implementation of their decisions requires adequate instruments and enhanced coordination between EU actors as well as between them and national services. From this standpoint, the EUSRs are one important tool at the service of a more integrated EU foreign policy. The measure of their success is a key indicator of the success of the EU as an international actor, not least in the eyes of the parties in a crisis and of global partners.

EU Special Representatives

The table below includes a synopsis of all EU Special Representatives appointed by the Union since 1996, including the parallel deployment of ESDP operations, the conclusion of relevant action plans under the European Neighbourhood Policy, and details on specific arrangements established to support EUSRs in fulfilling their mandate. EUSRs are listed in chronological order, starting with the first position set up by the Union (EUSR for the African Great Lakes Region) up to the more recent post (EUSR for Central Asia).

Current EUSR/mandate	Previous appointments	ESDP Operations/ ENP Action Plans/ Other documents	Brussels-based/ field-based/ Support Team/ other features
<p>Roeland van de Geer (NL) – EUSR for the African Great Lakes Region</p> <p>JA 2007/112/CFSP, 15 February 2007</p>	<p>Aldo Ajello (IT) – JA 96/250/CFSP, 25 March 1996</p> <p>Roeland van de Geer – JA 2007/112/CFSP, 15 February 2007</p>	<p>DRC <i>Artemis</i> – JA 2003/423/CFSP, 5 June 2003</p> <p>EUPOL Kinshasa – JA 2004/847/CFSP, 9 December 2004</p> <p>EUSEC Congo – JA 2005/355/CFSP, 2 May 2005 and JA 2007/406/CFSP, 12 June 2007</p> <p>EUFOR RD Congo – JA 2006/319/CFSP, 27 April 2006</p> <p>EUPOL RD Congo – JA 2007/405/CFSP, 12 June 2007</p>	Brussels-based
<p>Marc Otte (BE) – EUSR for the Middle East Peace Process</p> <p>JA 2007/110/CFSP, 15 February 2007</p>	<p>Miguel Angel Moratinos (ES) – JA 96/676/CFSP, 25 November 2006</p> <p>Marc Otte – JA 2003/537/CFSP, 21 July 2003</p>	<p>EUPOL COPPS – JA 2005/797/CFSP, 14 November 2005</p> <p>EUBAM Rafah – JA 2005/889/CFSP, 12 December 2005</p> <p>EU/Israel ENP AP, 11 April 2005</p> <p>EU/Palestinian Authority ENP AP, 4 May 2005</p>	Brussels-based

Current EUSR/mandate	Previous appointments	ESDP Operations/ ENP Action Plans/ Other documents	Brussels-based/ field-based/ Support Team/ other features
<p>Erwan Fouéré (IRL) – EUSR in the former Yugoslav Republic of Macedonia</p> <p>JA 2007/109/CFSP, 15 February 2007</p>	<p>François Léotard (FR) – JA 2001/492/CFSP, 29 June 2001</p> <p>Alain Le Roy (FR) – JA 2001/760/CFSP, 29 October 2001</p> <p>Alexis Brouhns (BE) – JA 2002/832/CFSP, 21 October 2002</p> <p>Søren Jessen-Petersen (DK) – JA 2004/86/CFSP, 26 January 2004</p> <p>Michael Sahalin (SW) – JA 2004/565/CFSP, 26 July 2004</p> <p>Erwan Fouéré – JA 2005/724/CFSP, 17 October 2005</p>	<p>EUFOR <i>Concordia</i> – JA 2003/92/CFSP, 27 January 2003</p> <p>EUPOL <i>Proxima</i> – JA 2003/681/CFSP, 29 September 2003</p> <p>EUPAT – JA 2005/826/CFSP, 24 November 2005</p>	<p>Field-based (Skopje)</p> <p>‘Double-hatted’ EUSR – Head of Commission Delegation in FYROM</p>
<p>Francesc Vendrell (ES) – EUSR for Afghanistan</p> <p>JA 2007/106/CFSP, 15 February 2007</p>	<p>Peter Klaiber (DE) – JA 2001/875/CFSP, 10 December 2001</p> <p>Francesc Vendrell – JA 2002/496/CFSP, 25 June 2002</p>	<p>EUPOL Afghanistan – JA 2007/369/CFSP, 30 May 2007</p>	<p>Field-based (Kabul)</p>
<p>Miroslav Lajčák (SLK) – EUSR in Bosnia and Herzegovina</p> <p>JA 2007/87/CFSP, 7 February 2007.</p>	<p>Paddy Ashdown (UK) – JA 2002/211/CFSP, 11 March 2002</p> <p>Christian Schwartz-Schilling (DE) – JA 2006/49/CFSP, 30 January 2006</p> <p>Miroslav Lajčák – JA 2007/427/CFSP, 18 June 2007.</p>	<p>EUPM – JA 2002/210/CFSP, 11 March 2002</p> <p>EUFOR <i>Althea</i> – JA 2004/570/CFSP, 12 July 2004</p>	<p>Field-based (Sarajevo)</p> <p>Double-hatted EUSR – High Representative of the international community</p>
<p>Peter Semneby (SW) – EUSR for South Caucasus</p> <p>JA 2007/111/CFSP, 15 February 2007</p>	<p>Heikki Talvitie (FIN) – JA 2003/496/CFSP, 7 July 2003</p> <p>Peter Semneby – JA 2006/121/CFSP, 20 February 2006</p>	<p>EUJUST-<i>Themis</i> – JA 2004/523/CFSP, 28 June 2004</p> <p>EU/Armenia ENP AP, EU/Azerbaijan ENP AP, EU/Georgia ENP AP, 14 November 2006</p>	<p>Brussels-based</p> <p>Support Team – JA 2005/582/CFSP, 28 July 2005</p>

Current EUSR/mandate	Previous appointments	ESDP Operations/ ENP Action Plans/ Other documents	Brussels-based/ field-based/ Support Team/ other features
<p>Kálmán Mizsei (HU) – EUSR for the Republic of Moldova</p> <p>JA 2007/107/CFSP, 15 February 2007</p>	<p>Adriaan Jacobovits de Szeged (NL) – JA 2005/265/CFSP, 23 March 2005</p> <p>Kálmán Mizsei – JA 2007/107/CFSP, 15 February 2007</p>	<p>EUBAM Moldova Ukraine – Commission financing decision C(2005) 4231, 28 October 2005.</p> <p>EU/Moldova AP, 22 February 2005</p> <p>EU/Ukraine AP, 21 February 2005</p>	<p>Brussels-based</p> <p>Support Team – JA 2005/776/CFSP, 7 November 2005</p>
<p>Torben Brylle (DK) – EUSR for Sudan</p> <p>JA 2007/108/CFSP, 15 February 2007</p>	<p>Pekka Haavisto (FIN) – JA 2005/556/CFSP, 18 July 2005</p> <p>Torben Brylle – JA 2007/238/CFSP, 19 April 2007</p>	<p>Supporting Action to AMIS II – JA 2005/557/CFSP, 18 July 2005</p>	<p>Brussels-based</p> <p>Support Team (ad hoc coordination cell) – JA 2005/556/CFSP, 18 July 2005</p>
<p>Pierre Morel (FR) – EUSR for Central Asia</p> <p>JA 2007/113/CFSP, 15 February 2007 and JA 2007/634/CFSP, 1 October 2007</p>	<p>Jan Kubiš (SLK) – JA 2005/558/CFSP, 28 July 2005</p> <p>Pierre Morel – Council Decision 2006/670/CFSP, 5 October 2006</p>	<p>Council Document 10113/07, 'The EU and Central Asia: Strategy for a New Partnership', 31 May 2007.</p>	<p>Brussels-based</p>

Abbreviations

ACC	Ad Hoc Coordination Cell
AP	Action Plan
APF	African Peace Facility
AU	African Union
BiH	Bosnia and Herzegovina
BST	Border Support Team
CARDS	Community Assistance for Reconstruction, Democratisation and Stabilisation
CFSP	Common Foreign and Security Policy
CHG	Civilian Headline Goal
CIVCOM	Committee on Civilian Crisis Management
CMCO	Civil-Military Coordination
COEST	Council Working Group on Eastern Europe
COREU	Correspondence européenne
CPA	Comprehensive Peace Agreement
CPCC	Civilian Planning and Conduct Capability
CSG	Crime Strategy Working Group
DG	Directorate General
DIAG	Disarmament of illegal armed groups
DITF	Darfur Integrated Task Force
DPA	Darfur Peace Agreement
DRC	Democratic Republic of the Congo
DUI	Democratic Union for Integration
EAS	External Action Service
EC	European Commission
ECHO	European Commission Humanitarian Aid Office
EDF	European Development Fund
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EP	European Parliament
ESDP	European Security and Defence Policy
ESPA	East Sudan Peace Agreement
EUMC	EU Military Committee
EUMS	EU Military Staff
EUPM	European Union Police Mission in Bosnia and Herzegovina
EUPAT	EU Police Advisory Team
EUSR	European Union Special Representative

FNL	Forces nationales de Libération
FYROM	Former Yugoslav Republic of Macedonia
GAERC	General Affairs and External Relations Council
GDP	Gross Domestic Product
GFAP	General Framework Agreement for Peace
HoM	Head of Mission
ICTY	International Criminal Tribunal of the Former Yugoslavia
IFOR	NATO Intervention Force in Bosnia and Herzegovina
IGC	Intergovernmental Conference
JCMB	Joint Coordination and Monitoring Board
LRA	Lord's Resistance Army
MEPP	Middle East Peace Process
MONUC	United Nations Mission in the Democratic Republic of Congo
NATO	North Atlantic Treaty Organisation
NLA	Albanian National Liberation Army
OHR	Office of the High Representative in Bosnia and Herzegovina
OSCE	Organisation for Security and Co-operation in Europe
PAG	Policy Action Group
PMG	Political Military Group
PRT	Provincial Reconstruction Teams
PSC	Political and Security Committee
PU	Policy Unit
RS	Republika Srpska
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SDSM	Social Democratic Union of Macedonia
SFOR	NATO Stabilisation Force in Bosnia and Herzegovina
SG/HR	Secretary General/High Representative
SPLM	Sudan People's Liberation Movement
SSR	Security sector reform
TACIS	Technical Assistance for the Commonwealth of Independent States
TEU	Treaty on European Union
UN	United Nations
UNDP	United Nations Development Programme
UNSG	United Nations Secretary General

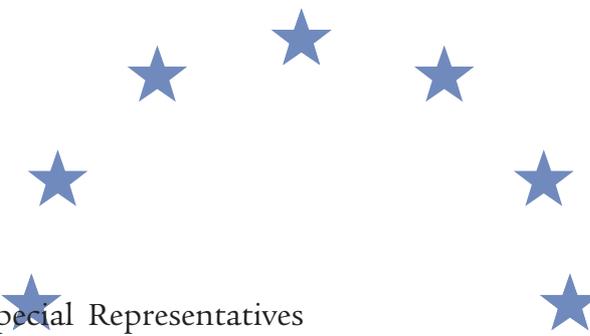
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Over the last ten years, the EU Special Representatives (EUSRs) have pioneered EU foreign policy in countries and regions of direct interest to the Union. EUSRs are a face of the Union, enhancing its visibility, and they give it a voice, seeking to deliver a single message to local and international partners. In addition, they provide information and analysis from the field to EU decision-making bodies and they help coordinate the panoply of instruments that the EU deploys on the ground. In a permanent interaction with EU institutions and Member States, the EUSRs play therefore an important role in EU foreign policy.

The function of the EUSRs has been developing in a relatively pragmatic, and not always effective, way. Their number has grown from two in 1996 to nine today, and their geographical scope and policy mandates have been steadily expanding. What are the main tasks of the EUSRs? How has their role evolved over time? How do the EUSRs fit and deliver within the EU institutional framework? This *Chaillot Paper* seeks to address these questions, and outlines some proposals on what could be done to enhance the performance of the EU Special Representatives.

The measure of the success of the EUSRs in fulfilling their mandate is a relevant indicator of the success of the Union as an international actor. The experience of the EUSRs reflects the achievements of EU foreign and security policy over the last few years, and dispenses important lessons with a view to introducing future innovations.

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Institute for Security Studies
43 avenue du
Président Wilson
F-75775 Paris cedex 16
phone: +33 (0)1 56 89 19 30
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