



Civil Society Expectations of the European External Action Service



About the Platforms:

The **Human Rights and Democracy Network** (HRDN) is an informal grouping of NGOs operating at EU level in the broader areas of human rights, democracy and conflict prevention.

The **European Peacebuilding Liaison Office** (EPLO) is the platform of European NGOs, networks of NGOs and think tanks active in the field of peacebuilding, who share an interest in promoting sustainable peacebuilding policies among decision-makers in the European Union.

CONCORD is the European NGO **Confederation for Relief and Development**. Its 18 international networks and 22 national associations from the European Member States represent more than 1600 European NGOs vis-à-vis the European Institutions.

VOICE - **Voluntary Organisations in Cooperation in Emergencies** - is the main NGO interlocutor with the European Union on emergency aid, relief, rehabilitation and disaster preparedness. The network represents 84 European NGOs active in humanitarian aid worldwide.

European civil society networks and platforms on peacebuilding, human rights, development and humanitarian aid have decided to issue this joint document to express our expectations about the revision of the European Union's institutional structure for external action as foreseen in the Lisbon Treaty, and our concerns about the lack of transparency and civil society stakeholder involvement in the process.

Despite the Irish referendum throwing the future of the Lisbon Treaty into doubt, the desire to proceed with the reforms and institutional changes foreseen by the Treaty remains strong, both within the European institutions themselves and in a majority of Member States. It therefore seems likely that, in one form or another, the main changes to the EU institutional structure introduced in the Treaty will sooner or later be adopted. This paper is based on this assumption.

Discussions on the establishment of the European External Action Service (EEAS)¹, which shall assist the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, have been taking place over the past few months. While these may be suspended following the result in Ireland, negotiations on its scope, role and composition could resume very quickly so as to ensure that the service is in place at the earliest opportunity. However, the negotiations have so far been conducted behind closed doors and little reliable information is available on the options under consideration. The reluctance to provide information, or to promote public debate no doubt results from concerns regarding interfering with the ongoing ratification of the Treaty by the 27 Member States of the European Union; a concern which has only been exacerbated following the results of the Irish referendum.

The lack of involvement of Parliaments and civil society, and even some parts of national administrations, in the debate raises serious concerns. A lively, open and inclusive debate on the revision of the EU external action institutional structures and roles is paramount, both for reasons of legitimacy and accountability, and for overall effectiveness of the established new structure.

Equally, it is essential that the EEAS complies with the legal provisions of the Treaties. The debates on the structure and functioning of the EEAS must therefore be conducted within the following framework and principles:

- "The Union is founded on the **values** of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities." (TEU § 2²). "The Union's aim is to promote peace, its values and the well-being of its peoples." (TEU § 3(1)). "In its relations with the wider world, the Union shall uphold and promote its values" (TEU § 3(5)).
- "The Union's action on the international scene shall be **guided by the principles** which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law." (TEU § 21(1)).
- "The Union shall ensure **consistency** between the different areas of its external action and between these and its other policies." (TEU § 21(3)).
- **Development cooperation** "shall have as its primary objective the reduction, and in the long-term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries." (TFEU § 208(1)).

¹ Treaty on European Union, article 27. OJ 2008, C 115.

² Article references are to "Consolidated versions of the Treaty on European Union (TEU) and the Treaty on the functioning of the European Union (TFEU)". OJ 2008/C 115.

- To meet the humanitarian needs of victims of natural or man-made disasters, “**humanitarian aid** operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination.” (TFEU § 214(1-2)). “EU humanitarian aid is not a crisis management tool.”³
- In conformity to its common security and defence policy the Union may use **civilian and military assets** on missions outside the Union for peacekeeping, conflict prevention and strengthening international security (TEU 42(1)). In accordance with the principles of the United Nations Charter and according to international guidelines⁴ military means should only ever be considered as a last resort and once civilian means have been exhausted. In responding to crises the EU should always emphasise conflict prevention, peace-building, development and humanitarian aid activities rather than military-driven crisis management.

In addition, the EEAS should conduct its work in an open and transparent manner and be open to dialogue with civil society stakeholders. Only by adhering to all of the above will the EU realise its ambitions to be a more active, capable and coherent global actor with a solid value-basis shared by the European citizens.

In practice, our expectations in relation to the European External Action Service (EEAS) are the following:

Transparent and inclusive consultation process

The EU needs to engage as soon as possible with relevant stakeholders in a serious and open dialogue about the reforms needed to create the EEAS. The Treaty also obligates the Council to consult with the European Parliament. This consultation must be timely and allow the Parliament’s opinions to be taken into account prior to taking the decision on the organisation and functioning of the EEAS. Relevant civil society organisations and sectoral NGO platforms should also be included in this dialogue to ensure the new service is shaped in the view of best addressing the needs of local populations in third countries.

Improved consistency

The overall aim of the EEAS should be to improve the coherence of the EU’s external policies. This includes the institutional working relationship and division of competencies for the Council and the Commission, but also the coherence between the whole range of EU policy areas. As no particular area of EU external action policy has primacy over another, coherence should therefore be seen primarily in terms of adherence to the principles stated at the beginning of this paper, which in turn reflect legal obligations in the Treaties.

Policy goals in all areas in which the EU is active should be harmonised, and the EEAS should have primary responsibility for ensuring that European Union values and principles are reflected in all EU policies with external implications, including trade policy.

Role of High Representative / EC Vice President

The High Representative should - in consultation with the European Commissioners and the Council Secretariat - coordinate and ensure complementarity of EU external action policies and financing instruments. These include Common Foreign and Security Policy (CFSP), European Security and Defence Policy (ESDP), Community External Relations, the Neighbourhood Policy, Enlargement, Trade and Development. Regardless of the eventual form of the EEAS, it is essential to continue to ensure that the decisions on the delivery of EU Humanitarian Aid to crises affected

³ European Consensus on Humanitarian Aid, § 15. OJ 2008/C 25/01.

⁴ Guidelines on the Use of Military and Civil Defence Assets to support United Nations Humanitarian Activities in Complex Emergencies (March 2003), and The Use of Foreign Military and Civil Defence Assets in Disaster Relief (Oslo Guidelines).

populations are based on identified needs, and that the humanitarian action remains independent from all political considerations related to other EU external actions⁵.

Democratic Accountability

The European Parliament should play a greater role in external relations, including CFSP and ESDP, despite enjoying fewer competencies in this area than in others. The EEAS should seek to bridge this gap in democratic accountability by actively seeking to involve the Parliament more in the formulation of policy and to share information with it. Lack of democratic oversight is particularly acute in the area of ESDP and should be addressed in current negotiations.

Effective Coordination

The administration of external actions' thematic issues and geographical areas is managed in a number of Commission services and Council Secretariat, which challenges the coherence in EU responses. A certain level of duplication inside and between the two institutions is unavoidable and even necessary. Innovative institutional reform should seek to reduce this as much as possible, while ensuring that the capacity required by the relevant services is maintained. Where duplication remains regular information flow should be ensured between actors and units working on similar subjects in order to achieve greater overall coherence.

The fact that management structures at Brussels and at Delegation level differ may create structural, management and policy coherence issues. The structures put in place within the EEAS need to take account of this and address it so as to ensure effective and efficient delivery of policies and programmes. Any lack of coherence that results from this situation should be resolved on the principle of giving priority to the needs and interests of the beneficiaries of development, humanitarian aid and peacebuilding programmes/projects.

Continuous civil society participation

Dialogue between the EEAS and relevant civil society stakeholders, both at headquarters and delegation levels, should be made regular and formalised. Consultations with the civil society stakeholders on EU external actions should take place at the organisational level (access to, and representativity of, the dialogue); at the policy level (geographic and thematic priorities); and at the operational level. The EEAS should be open to and promote dialogue with local civil society organisations in third countries as much as possible.

Expert Personnel

The primary criteria for selection of personnel for roles in the EEAS must be specific expertise and professional competence, rather than political considerations. Means of selection must take this into account to ensure that only qualified personnel with adequate competences and background are selected. This is equally relevant at both EEAS headquarters and Delegation level.

In regard to the training of EEAS personnel, experts from civil society should be engaged in curriculum development and course delivery, and a healthy exchange of ideas from a wide variety of perspectives would also result from conducting trainings alongside people from outside the organisation. The EEAS staff must be provided with serious and ongoing training on key cross-cutting issues.

⁵ It is crucial that the new EU institutional set-up for external action, as defined in the Lisbon Treaty, adhere to and support the existing EU external action policies, such as the European Consensus on Humanitarian Aid (OJ 2008/C 25/01).