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The UK in EU External Representation: a principled, yet pragmatic intergovernmentalist

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What is the state of EU policy in external representation?

Discussions about British influence in the world form a substantial backdrop to the Brexit debate, and will doubtless emerge as one of the central points of contention in the ongoing referendum campaign in the UK. Optimists on either side will enthusiastically promote the power that Britain wields in the international context. Leaving the EU will finally give the UK unfettered freedom to pursue its interests on an international scene, and allow it to forge agreements with any country it likes. Alternatively, remaining a member of the 28-nation bloc will ensure that Britain's interests are protected by a group of like-minded countries. Pessimists on both sides of the debate will either portray a Britain doomed to isolation, or to the shackles of a political union that is fraught with economic, social and political problems. Both sides will logically declare that British interests are best served in or out of the EU. Whatever the result will be on 23 June, the debate itself will have ramifications for the role of the UK in the EU, particularly in the way the rest of the world views the EU's capacity to work on the international scene.

What is the scope of EU external representation and how is this executed in today's EU? This paper limits discussion to the EU as a diplomatic actor, only one element of the EU's foreign policy.¹ Diplomacy, once considered the playground of heads of states alone, is in transition. Representation on the global landscape is characterised not only by statehood; the EU's external representation has evolved to recognise this. Multilateralism, multipolarity, and the growth of transnational non-state actors are changing the patchwork of international politics. It is also changing the way actors represent themselves. In this 'post-Westphalian' diplomatic environment, the EU seems well suited to participating in these developments, acting alongside the EU's member states. It is itself a product of these post-national times (Cooper 2004; Rosenau and Czempel 1992; Edwards 2014).

Different European actors represent the EU at different times. The relatively young post of the European Union High Representative of the Union for Foreign Affairs and Security Policy (HR/VP) is the most prominent of these actors. In terms of external representation, the HR/VP should 'conduct political dialogue with third parties

By bundling the manifold policy expertise of the researchers of the Institute for European Studies (IES), this paper forms part of a series of analyses investigating the potential implications of a 'Brexit' scenario for different EU policies. All papers ask the same three questions: 1) What is the state of the EU policy in focus? 2) What is the UK's role/interest in this policy field? 3) What are the potential implications of a 'Brexit' scenario at the policy-level?

After Claire Dupont and Florian Trauner [introduce the project](#), Richard Lewis sets [the historical and cultural context](#) and explains how the UK and the EU have come to such a low-point in their relations. Next, five policy fields are analysed: [justice and home affairs](#); [free movement policies](#); [EU external representation](#); [the \(digital\) single market](#); and [environmental policy](#).

on the Union's behalf and shall express the Union's position in international organisations and at international conferences' (Art 27.2 TEU). The current High Representative is supported by the European External Action Service (EEAS). The High Representative's role was originally established as part of the Council after the Treaty of Amsterdam, and evolved into its current shape in the Lisbon Treaty. The EEAS formally started work in January 2011 (Missiroli 2010; Piris 2009), bringing together officials from the Council and the Commission alongside national diplomats seconded from their ministries.²

It is fair to say that the EEAS is an organisation defined by compromise (Blockmans 2012; Vanhoonacker and Reslow 2010). Ambitions and expectations for the EEAS

have been driven by conflicting forces: functionalist aspirations for efficiency, coherence and coordination across EU policy fields led to a strong desire for an institution that could globally represent the EU. The EU's external representation was widely criticised due to its rather complex mechanisms (with the European Commission, rotating Presidency and member states all taking up the role of external representation at one point or another). More intergovernmental aspirations drove the founders of the EEAS to develop an organisation that simply streamlined the coordination of the EU institutions and supported member states, and additionally to reduce the burden on national diplomatic services in this period of austerity. In other words: everyone involved could see a problem (coherence, duplication, inefficiency,...), and everyone involved had their own solution (e.g. the European Parliament: see Fiott (2015b) and Brok and Gualtieri (2013)).

The extensive networks of coordination that exist between national governments, national diplomatic services and EU institutions also extend beyond the EEAS. In areas where the EU has mixed or exclusive competence, the European Commission also participates in EU external representation (environment and trade are two examples). In all instances where an EU body represents the EU, coordination between national- and EU-level actors is enacted. The EU is often bound to negotiating mandates from the member states, either through the Council of the EU or the European Council (Furness 2013). The EU thus cannot represent its member states without their support, even if this autonomy is contested.³

EU external representation also serves to coordinate positions internally as well as to the world. This 'side-effect' of the EU's diplomatic role in the world means that 28 states can already negotiate on policy issues prior to participating in wider international negotiations. The obvious advantage of a combined EU external representation is therefore complemented by the benefits of already having a large bloc of countries in agreement on international policy. Highly appropriately, and in the cases where EU member states do agree on a policy direction, *l'union fait la force*.

What is the UK's role and interest in EU external representation?

The British have consistently maintained that the birth of a European 'foreign ministry' should not imply further 'competence creep' in the EU's external role. The Treaty of Lisbon helped to create a patchwork that does not overcome the legacy of past endeavours, or indeed succeed in building up a 'single' supranational EU representation in the world. It tries to accommodate smaller state wishes for a combined presence in diplomatic space, along with the insistence of larger states (notably the UK) that it maintain a low-key role. The EEAS, according to

the Treaty on European Union (Art 27.3 TEU), is to work 'in cooperation with the diplomatic services of the Member States' and not instead of them. It ensures, that 'unnecessary duplication of tasks, functions and resources with other structures should be avoided' (Council of the European Union 2010). The British Government must have been pleased to see the Council Decision; they wished to ensure that their ambitions as a global power would not be undermined by an EU acting as an autonomous actor. Yet there are differing interpretations and implementations of the EU's external role across policy areas: the patchwork is still being quilted, yet the seamstresses are member states and EU institutions alike (Missiroli 2010).

Despite the UK's apparent unwillingness to 'undermine' their own role in international affairs, they have been pushing for a heavy British presence in the EEAS. In recognition of the importance of the UK's support for the EU's external 'face', a British person was given the task of sewing the patchwork together to create the first operational EEAS. Baroness Catherine Ashton was the incumbent British representative in the European Commission and became the first person to fill the combined post of HR/VP.

Pragmatism has dominated the EU's foray into external relations, and member states have maintained an important role in external representation – as 'lead negotiators' in environmental policies, for example (Delreux & Van den Brande 2012). EU external representation has remained as the sum of its parts. Effectively, each member state has the right to represent itself in international negotiations whilst also participating in coordination with other EU member states. The British Government famously blocked over 70 EU statements to UN Committees in 2011, citing that the statements should have been made 'on behalf of the EU and its Member States' and not just 'on behalf of the EU'. Current arrangements concerning external representation (based upon UK insistence) rarely allow the EU to speak when member states do not agree, and certainly do not allow the HR/VP to represent member states if no accord has been made (Kaddous 2015; Piris 2009).⁴

One of the standard criticisms of EU external representation is that it has been multitudinous and incoherent. The House of Lords European Union Committee stated in 2013 that coherence improved with the establishment of the HR/VP post (European Union Committee 2013: 54). Whilst a substantial number of observers have lamented the lack of a single European voice in international affairs, the focus appears to have shifted to an appreciation of a coherent, consistent, and not necessarily single, voice. Such a process has indeed suited the British diplomatic temperament. The UK is a key supporter of maintaining the capacity to act independently on the international stage, and yet has equally clearly been a beneficiary of ensuring that the EU as a whole acts towards

supporting their viewpoints (see Fiott 2015a). British interests can often be far more effectively promoted should there already be 27 other countries supporting them. The backing of the EU in discussions at a global level can be of immense support. The informal and formal coordination mechanisms that the EU provides are valuable assets in the British diplomatic armoury; this has been recognised by the present and previous UK Governments.

Since the establishment of the EEAS, the UK Government (dominated by the Conservative Party) has been driven by an antagonistic approach to Europe, and this has been reflected in its attitude towards the EU's role in external representation. As a member of the ancien régime, a founding member of many international organisations, and a current member of many of the different international fora in its own right (UNSC, G8, etc.), the UK has long pushed for an EU machinery that supports its member states in representing European and national interests internationally. This is clearly a prerogative that the British Government would like to maintain. In essence, discussions over external representation revolve around the presentation of representation, and not necessarily the practice of representation.

What are the potential implications of a 'Brexit' scenario?

As described in the introduction, both optimistic and pessimistic opinions can be found on either side of the debate on a Brexit.

Optimists in the leave campaign may envisage that the UK relationship with the EU itself will witness little change with respect to external representation. The UK will always be free to align itself to an 'EU approach' in any case. In a positive light, one could argue that the years of working together both domestically and internationally would create a mutual understanding that does not need formal institutional ties to ensure continuity. One could assume that the years of institutional interactions, officials would have been 'socialised' into speaking the same language, even if they would not share the same discourse (Juncos & Pomorska 2014).

The rosy pictures drawn by Brexit enthusiasts, of a UK that would be finally free to represent itself in an international context, grossly underestimates the EU's role in representing European and national interests in international fora. It also ignores the global leverage that comes from having 28 like-minded states working together in international fora. It neglects to consider the impact of isolation from the multiple layers of coordination and interaction that take place in Brussels, Geneva, and New York. Leaving the EU would block the UK's ability to participate in formulating common positions for all EU members, thereby reducing its 'domestic' and 'external' capacity.

The potential implications of a Brexit should be relatively clear. They are three-fold: 1) the removal of the possibility for the UK to pool resources with other European colleagues in international fora, 2) an inability to help shape the position of other EU members and 3) a weakened international presence (and consequent inability to 'punch above its weight').

If the best an optimist can hope for is an argument based on 'not much will change', a pessimist is able to present far more dramatic potentials. As a key trading partner to the EU, the UK will still need to align itself with EU on issues where trade is involved (goods, services, environmental standards, etc.). Yet it will have no influence on the coordination of EU positions in these international negotiations. The UK might be unfettered by coordination responsibilities, but it would also lose the ability to influence the EU's position. It will need to negotiate with EU representatives in plenaries and in corridors, and not inside the EU's official coordination meetings.

Arguments for Brexit that focus on inefficiency in external representation do not take effectiveness into account: when Europeans agree, they are stronger together. The current structure of EU external representation might be inefficient (see Blockmans et al. 2013), but the 'cumbersome internal coordination process between Member States and EU institutions' (Wouters, Chané & Odermatt 2015: 179) often facilitates effective outcomes for the EU's member states when their interests are aligned. The British presence on the international scene would undoubtedly be weakened if it did not have the ability to pool resources with their neighbours.

The UK would undoubtedly (gradually) lose its influential role in the world were it to leave the EU. It may have a Permanent Seat at the UN's Security Council, and it may have a Commonwealth that it can work with, but both of these will require heavy investments from the UK's Foreign and Commonwealth Office at a time when budgets are under pressure (see Carta and Whitman 2013 for more on the EEAS/FCO relationship). This short paper has not even dared to address the legal and political costs that will be brought to bear as the UK extricates itself from international treaties and agreements signed by the EU, and then negotiates to re-enter these same arrangements. The United States Government has already publicly expressed its desire for the UK to remain part of the EU; they do not consider conducting independent and parallel diplomatic activities with the UK and its European partners as ideal. The UK may be able to draw on its ties with the Commonwealth to reinforce its position on the world stage, but this cannot replace the intertwined relationship that has been developing over the past sixty years with other European countries.

An EU of 27 European states would still be an important and powerful diplomatic actor in the world. Despite the UK not being the only such power in the EU (France is also a jealous guardian of its historical role in international relations), it is conceivable that the remaining member states may desire to further the EU's coherence, efficiency and effectiveness in years to come. If the EU did make such a move towards closer political representation beyond its borders, it would be difficult to see how the UK could continue to position itself as an independent global power, playing in the same league as the other G20 countries. Such a situation may lead to an 'independent' UK losing its ability to 'punch above its weight' in the world.

EU external representation is still in its infancy, and a UK departure at this moment may give thrall to those wishing to reshape the EU's diplomatic role into something counter to British interests (a stronger EU may emerge, one that overwhelmingly counts for 'more' than the UK in terms of international presence). The current UK Government has consistently argued that the EEAS and the HR/VP should play a supporting role for member states. The present setup works very much in the UK Government's favour. It does allow for everyone to have the best of both worlds.

Endnotes

1. This paper also will not cover the topic of delegations, which has been covered in more detail in Whitman (2010), Driessens and Schaik (2010).
2. As of 2012, 19% of staff come from member states' diplomatic services and approximately 200 British officials work in the EEAS (see House of Commons European Scrutiny Report, January 2012. Available from: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeuleg/428-xlix/42803.htm>).
3. For a pre-Lisbon example of how this coordination works at the United Nations, see Degrand-Guillaud (2009). Post-Lisbon analysis is provided by Blavoukos et al. (2016). In environmental policies, see Delreux and Van den Brande (2012), and for trade (pre-Lisbon) see Meunier and Nicolaidis (1999).
4. See also correspondence between the UK's Foreign and Commonwealth Office, the Council of the European Union, and the UK Parliament's European Scrutiny Committee, which noted: "[t]he EU can only make a statement in those cases where it is competent and there is a position which has been agreed in accordance with the relevant Treaty provisions"; "[e]xternal representation and internal coordination does not affect the distribution of competences under the Treaties nor can it be invoked to claim new forms of competences". See <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeuleg/428-xlix/42821.htm>, and <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015901%202011%20INIT>, both last accessed 24 March 2016.

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