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# Intra-institutional coordination and inter-institutional negotiations: The creation of the European External Action Service (EEAS)

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Zuzana Murdoch

## **Intra-Institutional Coordination and Inter- Institutional Negotiations: The Creation of the European External Action Service (EEAS)**

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Abstract

## **Intra-Institutional Coordination and Inter-Institutional Negotiations: The Creation of the European External Action Service (EEAS)**

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Analyses of the rising capacity for coordination within the Secretariats-General of the European Commission and Council have concentrated on their effects within these respective institutions. This article, in contrast, argues that the presence/absence of coordination capacities developed within an institution may have an important bearing also on the relations between institutions (e.g., in inter-institutional negotiations). The empirical analysis traces the negotiation process leading up to the creation of the European External Action Service (EEAS), and finds substantial support for the theoretical argument.

*Keywords: Coordination, European Union, EEAS, inter-institutional negotiations*

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## I. Introduction

Following the Kinnock reform of 2000-01, the European Commission's Secretariat-General underwent important structural and procedural changes that increased its coordinating and monitoring roles (Kassim, 2006, 2010). In parallel, the Council's Secretariat-General adopted several 'co-ordination mechanisms and modalities' (Christiansen and Vanhoonacker, 2008: 762; Christiansen, 2002) such as the '*dorsale*' unit that coordinates information provision to the Member States (Farrell and Héritier, 2004). While the underlying idea in both cases was to 'avoid duplication, redundancy and policy incoherence' (Kassim, 2010: 25; Christiansen, 2002), recent analyses illustrate how these coordination units also 'improve the possibilities (...) to assert political influence' within their respective institutions (Dijkstra, 2010: 528; Christiansen, 2002; Beach, 2004; Christiansen and Vanhoonacker, 2008; Kassim, 2010). This literature strongly supports theoretical arguments that coordination is central to shaping institutions' capacities in the struggle for power (e.g., Panebianco, 1988; Moe and Wilson, 1994).

Rather than concentrating on *intra*-institutional dynamics, this article analyses the role of internal coordination in interactions *between* different institutions: i.e., to what extent, and through which mechanisms, does internal coordination affect inter-institutional interactions? This shift in focus from *intra*- to *inter*-institutional dynamics addresses the idea, recently raised by Farrell and Héritier (2004: 1210), that different modes of internal coordination might have important implications 'for the bargaining strength of these organizations in inter-organizational relations'. Interestingly, during the Kinnock-reform negotiations, a similar idea was explored also in the European Commission, as 'better *internal* management [was] intended to contribute to better management of *external* relations' (Metcalf, 2000: 821, emphasis added). Nevertheless, to the best of my knowledge, no academic studies thus far explore this possibility.

In this article, I address this question by tracing the process establishing the European External Action Service (EEAS), which obtained formal approval in July 2010.<sup>1</sup> There are three reasons underlying this choice: first, all major EU institutions (i.e., European Commission (EC), Council<sup>2</sup>, and European Parliament (EP)) were involved in the EEAS' establishment, and the technical details of its construction were subject to intense negotiations between these institutions. Second, unlike Inter-Institutional Agreements (IIAs), which are concluded increasingly frequently between EP, Commission and Council for everyday legislative planning and procedures (Kietz *et al.*, 2005; Alemann, 2006), the EEAS involved a major institutional reform. Its analysis thus allows extending previous work to this particular institutional dynamic. Finally, the European institutions involved in the EEAS negotiations vary in the extent and nature of their internal coordination, which provides crucial variation

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<sup>1</sup> The EEAS represents part of the new institutional framework conceived in the Treaty of Lisbon to reform EU's foreign policy governance. It was created to assume the foreign policy tasks currently undertaken separately by the Commission (i.e., external, economic relations of the Community pillar – such as aid, development and trade) and the Council (i.e., common foreign and security policy [CFSP] – such as military and civilian crisis management).

<sup>2</sup> Importantly, within the framework of the EEAS negotiations, the Council's two main bodies – the Secretariat General (CSG) and the Member States/COREPER – negotiated separately, rather than jointly.

for my empirical analysis: i.e., while the capacity for internal coordination is hierarchical and formalised within both the Commission and the Council Secretariat (see above), it is predominantly horizontal and informal among Member States (Tallberg, 2003; Hartlapp, 2011), and largely absent in the European Parliament (Farrell and Héritier, 2004) (more details below).

The results – based on both textual evidence and interviews with key players in the EEAS negotiation process – indicate that an institution’s internal coordination can have an important influence also in inter-institutional negotiations. Two mechanisms underlying such external effects of internal coordination are highlighted: a) familiarity with brokering agreements and shaping the agenda *within* an institution provides valuable experience also for *inter-institutional* settings, and b) members of institutions’ coordination units are ideally placed to act as institutional entrepreneurs in inter-institutional negotiations, allowing them to ‘doctor’ information streams (Crozier and Friedberg, 1980), forge alliances (Hartlapp, 2011) and leverage support for shared interests or aims. I also show that, in the EEAS negotiations, hierarchical coordination structures (as in the Commission and the Council Secretariat-General) appeared more powerful than informal, horizontal ones (as those between Member States). These results not only provide a new building block for understanding institutional development and reform (e.g., Pierre and Peters, 2009; Stephenson, 2010), but also indicate that more attention may be due to *inter-institutional* interactions – rather than *intra-institutional* dynamics – in research on EU policy-making.

In the next section, I present the analytical framework underpinning my analysis. Then, in section III, I describe the EEAS negotiations, data collection, and my empirical findings. Finally, Section IV reviews the main results and discusses their implications for future work.

## II. Analytical Framework

Inter-institutional negotiations can be viewed as a two-step process: a) Each institution’s desired outcome results from *intra-institutional* negotiations reflecting power-games among its key actors, while b) these various desired outcomes are the subject of a similar negotiation process *between* the involved institutions (Panebianco, 1988; Moe, 2005; Costello and Thomson, 2011). This reflects the idea that in inter-institutional negotiations ‘a very large part of the work (...) involves negotiators negotiating with their own side, to reconcile internal differences, clarify objectives and priorities’ (Metcalf, 1994: 277; Mayer, 1992).<sup>3</sup> At both stages – i.e., negotiations *within* and *between* institutions – coordination capacities developed within an institution can play a critical role.

With respect to *intra-institutional* negotiations, their role has already been extensively discussed (see introduction). The argumentation builds on Moe and Wilson’s (1994) claim that players’ capacities for exercising power are a function of their ‘bureaucratic structure’. More specifically, a rising capacity for coordination, as well as a more pro-active coordination

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<sup>3</sup> This view likewise shares similarities with Putnam’s (1988) contribution on two-level games. However, Putnam (1988) assumes that *intra-institutional* negotiations ‘are handled by a chief negotiator’, thus ‘avoiding the difficulties of *intra-institutional* co-ordination’ (Metcalf, 1994: 277).

strategy, increases players' ability to act as gate-keepers through positive and negative 'agenda-shaping' powers (Tallberg, 2003: 5; Christiansen, 2002; Tallberg, 2008; Princen, 2009; Dijkstra, 2010; Kassim, 2010). Positive agenda-shaping thereby refers to the opportunity to bring new suggestions to the negotiation table or emphasise certain issues already there, while negative agenda-shaping denotes the ability to de-emphasise issues or keep them off the table altogether (Bachrach and Baratz, 1962; Tallberg, 2003; Moe, 2005). More broadly, such agenda-shaping powers can also be exercised through 'choosing who participates' in the negotiations (Hartlapp, 2011: 191) and active involvement in (co-)producing paperwork relevant to the negotiating parties (Beach, 2004; Hamlet, 2005). As a result, coordination becomes a critical tool 'to exercise power over others' (Moe, 2005: 221; Panebianco, 1988).

Why would internal coordination capacities matter also in *inter-institutional* settings? First, the above-mentioned argumentation is unlikely to hold only within a given institution. Rather, familiarity with brokering agreements and shaping the agenda within an institution provides experience – and creates a reputation for having such experience – that is valuable in brokering agreements and shaping the agenda in inter-institutional settings (Beach, 2004).

Second, in the institutional entrepreneurship literature (for an overview, see Batillana *et al.*, 2009) specific organisational actors are identified as 'relais actors' (Crozier and Friedberg, 1980: 82), 'boundary personnel' (Panebianco, 1988: 205) or 'boundary spanners' (Rothenberg, 2007: 750). These enjoy 'privileged relations with the different parts of [their] environment' (Panebianco, 1988: 205), gain access to more comprehensive information (i.e., develop a 'helicopter view'; Trondal, 2010) and 'control the flow of information' within and between institutions (Farrell and Héritier, 2004: 1188; Crozier and Friedberg, 1980). As such, they are placed ideally to take a central role in modifying existing institutions, or developing new ones (Pierre and Peters, 2009). As the main task of institutions' coordination structures lies in 'ensuring the coherence of the [institution's] work' (Hamlet, 2005: 16; Christiansen, 2002), individuals working in a coordinating capacity are especially likely to become 'relais actors'. Moreover, the development of coordination capacities in various institutions represents a commonality across these institutions along the principle of major process utilised (Gulick, 1937). Such 'experience of working within a common bureaucratic culture' has been shown to generate 'an ideational structure [that] facilitates the cooperation' (Christiansen, 2001: 765). Consequently, coordination structures may play a central role in attempts to work together and form alliances (Aldrich and Fiol, 1994; Dorado, 2005; Hartlapp, 2011).<sup>4</sup>

Coordination capacities in different institutions can vary in form and extent, ranging from formalised structures of hierarchical coordination (Bouckaert *et al.*, 2003) to informal structures of lateral coordination based on 'collaborative networks and informal contacts' (Broman, 2008: 23; Jönsson and Strömvik, 2005). In the European Commission and Council

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<sup>4</sup> Internal coordination structures may not be the only reason why alliances between institutions develop. The empirical analysis accounts for alternative reasons for alliance formation.

Secretariat-General, for instance, internal coordination has a high degree of hierarchical formalisation (see section I above). Among the Member States, however, coordination is ‘formally anchored’ in the rotating presidency and the COREPER<sup>5</sup> meetings, but typically operates based on ‘informal institutional practices’ (Tallberg, 2003: 5). This diverse nature of coordination likely affects its influence on (intra- as well as) inter-institutional dynamics.

- While formalised hierarchical structures may generate important benefits by clarifying roles, rules and procedures, they are not necessarily synonymous with internal coherence. In the Commission’s formal inter-service consultation, for example, all DGs used to have their say with the result that the Commission’s negotiation position became a weak compromise and its negotiators could not credibly ‘claim to be constrained by their parent chamber’ (Costello and Thomson, 2011: 337).
- Informal structures can often be very efficient (Stone, 2011) because negotiators may compensate a lack of formal resources by being more committed (Habeeb, 1988) and exploit such higher ‘preference intensity’ (Tallberg, 2008: 692) through reliance on more demanding negotiation techniques (e.g., procedural tactics, careful preparation and arbitration). Moreover, under the critical condition of mutual trust, ‘the existence of [informal] cooperative network structures will facilitate forms of positive and negative self-coordination that are quite similar to those produced within hierarchical organizations’ (Scharpf, 1994: 49). The Council Secretariat under Javier Solana, for example, was full of informal networks, which made it a dynamic, successful organization (Christiansen, 2002; Dijkstra, 2010). Still, informal, lateral coordination tends to require more effort from the actors involved than its hierarchical counterpart (Mayer, 1992), can be ‘quite vulnerable to high rates of turnover’ (Chisholm, 1989: 142) and requires continued dedication and commitment of those involved (Habeeb, 1988; Kaczynski, 2011).

Overall, it is an empirical question whether ‘hierarchical’ or ‘lateral’ internal coordination is better for one’s outlook in inter-institutional negotiations.

### **III: Empirical Analysis**

#### ***III.1: Case selection and data***

The European External Action Service (EEAS) is at the heart of the new institutional framework of EU’s foreign policy. Created to assist HR/VP Baroness Ashton in her mandate as EU’s ‘foreign policy chief’ (Treaty of Lisbon, Article 27.3)<sup>6</sup>, the EEAS is to assume the foreign policy tasks currently undertaken separately by the Commission and the Council (see also note 1). However, the Treaty remains silent on how to bring this about structurally. It simply delegates organisation of the EEAS to a process of multi-institutional negotiations involving all those with an interest in the service: i.e., European Commission (EC), Council Secretariat-General (CSG), Member States (MS) and European Parliament (EP). As these key actors are characterised by spatial variation in their coordination capacities (more details below), but no temporal variation (i.e., the extent of coordination within the various

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<sup>5</sup> COREPER stands for Permanent Representatives Committee. It ‘consists of the Member States’ ambassadors to the European Union’ and is ‘chaired by the Member State which holds the Council Presidency’ (cited from [http://europa.eu/scadplus/glossary/coreper\\_en.htm](http://europa.eu/scadplus/glossary/coreper_en.htm)).

<sup>6</sup> HR/VP stands for High Representative for Common Foreign and Security Policy (CFSP) and Vice-President of the Commission.



institutions remained constant over the April 2009–July 2010 period analysed), the EEAS negotiations present an ideal opportunity to empirically investigate the whether and how *inter-institutional* negotiations are affected by intra-institutional coordination capacities.

It is important to note that while the birth of EEAS goes back to the ‘Convention on the Future of Europe’ (December 2001–July 2003), the present analysis restricts attention to the negotiation process that started during the ratification process of the Treaty of Lisbon (i.e., April 2009–July 2010). Admittedly, some preparatory meetings and negotiation attempts took place already in 2005, but the negative outcomes of the French and Dutch Constitutional Treaty referenda halted these efforts quickly and they ‘produced very little indeed’ (Missiroli, 2010: 4). Consequently, ‘very little systematic preparation had been undertaken in the years preceding ratification (...) [and] serious preparation therefore only started during Sweden’s Presidency’ (Christoffersen, 2010, 1; Interviews 11, 14, 25), which substantiates taking this presidency as the starting point of the present analysis.

The empirical analysis combines information from two data sources. First, I employ official documents related to the EEAS negotiations. These include, but are not limited to, the ‘Swedish Presidency Report’ (October 2009), the ‘Blueprint for the EEAS’ (March 2010), the Brok-Verhofstadt ‘non-paper’ and ‘Working Document’ on EEAS (March and April 2010, respectively), ‘Parliamentary Updates’ from EP standing Committees involved with EEAS (October 2009–July 2010), the annotated quadrilogue draft (June 2010), annotations to the Council’s draft decision (July 2010), the final Formal Agreement (July 2010), transcripts of speeches made by HR/VP Baroness Ashton, minutes to Commission meetings (esp. 1909<sup>th</sup> meeting on 11 March 2010) and so on. Second, to obtain direct insights into the negotiation process, I conducted, recorded and transcribed 25 semi-structured face-to-face interviews with key actors in the negotiations (referred to as Interviews 1–25 below to maintain confidentiality), and obtained access to fourteen further interviews conducted on 7 and 14 July 2010 by the Sub-Committee C of the EU and Foreign Affairs Committee, and on 19 January 2010 and 14 June 2011 by the Select Committee on the European Union, both at the UK House of Lords. Direct citations from these 39 interviews are italicised below.

Regarding the interview-data, two issues are worth highlighting. First, given the nature of the triologue/quadrilogue system within which the EEAS negotiations took place (i.e., informal or semi-formal meetings without official minute-taking; Farrell and Héritier, 2004) and the fact that the EEAS was approved when most interviews took place, there is no need for interviewees to ‘hide’ opinions previously defended (though ‘misremembering’ may of course be a problem, see below). Second, my interview list included top-level officials directly involved in the EEAS negotiations from all involved institutions, supplemented with representatives from the staff unions and both Special Advisers to HR/VP Baroness Ashton on EEAS. While anonymity was requested by all my respondents, non-response proved to be a minor concern (although I was sometimes referred to the EEAS adviser of my targeted respondent). In the end, interviews were conducted with one Special Adviser to the HR/VP, one union representative charged with the EEAS dossier, (the EEAS advisers of) four MEPs (including two Rapporteurs on EEAS), six representatives of Member States (including three

Antici, one Permanent Representative and two members of foreign affairs ministries), five representatives of DG RELEX (from Head of Unit to Director-General), two of the Commission Secretariat (Secretary-General and advisor to Secretary-General), one Vice-President of the Commission and that VP's Deputy Head of Cabinet, and four representatives of the CSG (from Principal Advisor to Director-General). These respondents were not only asked about the activities of their own institution, but also about those of the remaining institutions. The latter allows cross-validating the obtained information, which is important given that I enquire about historical facts.

### III.2: The EEAS negotiations

Soon after the formal signing of the Lisbon Treaty in December 2007, and under the general anticipation of its ratification, the COREPER took up its preparatory work on the creation of the European External Action Service (Interview 11; see also above). Still, due to the negative outcome of the (first) Irish referendum in June 2008, the process was halted until the (then upcoming) Swedish EU Presidency learned in *'the second half of the first half of 2009 when the Irish were planning to have the [second] referendum'* (Interview 14). Stockholm then dispatched informal envoys between April and June 2009 on a *tour des capitales* to gauge Member States' opinions on five issues (Interview 14): i.e., EEAS' scope (*'What should this thing encompass?'*), legal formality (*'Would it be an agency, or would it be something else?'*), budget (*'How much would it cost?'*), staffing (*'What it would look like in terms of personnel issues?'*)<sup>7</sup> and external dimension (*'How we relate to the 3<sup>rd</sup> countries.'*). After assuming the EU Presidency in July, ambassadorial-level talks began between the Presidency and the Member States on a *'one-by-one'* basis (ibid.). Formal multilateral negotiations were opened on 4 October 2009 (i.e., one day after the 'Yes'-vote on the second Irish referendum), and took place on a strict issue-by-issue basis using reports reflecting only the issue at hand: *'We only surfaced the document in its full two weeks before we should have the decision. And that was quite important'* (Interview 14). Throughout this period (i.e., July-October 2009), twice-weekly contacts were established by the Swedish Presidency with leading members of the Commission (including Secretary-General Day and the head of President Barroso's private cabinet João Vale de Almeida) and the Council Secretariat-General (headed by Deputy Secretary-General Pierre de Boissieu) (Interview 3, 9, 14). The results of these discussions were presented on 29 October 2009 as the *'Swedish Presidency's Report to the European Council on the European External Action Service'*.

When the Lisbon Treaty was ratified on 1 December 2009, HR/VP Baroness Ashton assumed her official role in the negotiations. While, during the Swedish Presidency, suggestions were raised for *'the creation of a transitional team, which the HR/VP could use in setting up the service'* (Interview 2, 11; Swedish Presidency Report §34), Baroness Ashton *'did not trust the*

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<sup>7</sup> The organigramme was consistently kept out of these negotiations despite demands from MS and EP (Interview 2). This was a strategic choice of the Swedish Presidency (Interview 14) as well as, later on, of Baroness Ashton (Interview 1; Parliamentary Update, EP Committee of Foreign Affairs, 23 March 2010) and her Special Advisers on the EEAS (Interview 2). This is also reflected in the absence of a detailed organigramme in official documents up to, and including, the final Formal Agreement of July 2010 (e.g., Art. 4 and 5 of the Formal Agreement of July 2010; see also EP "Conference of Presidents on the External Action Service", 10 June 2010)

*existing institutional structures*' (Interview 2, 4) and set up her own 13-strong 'Steering Committee' – officially established on 28 January 2010 (Interview 2, 4; EurActiv, 2010). It was comprised of her Head of Cabinet, the Secretaries-General and heads of the Legal Services of CSG and EC, the Director-General of Commission's DG RELEX<sup>8</sup>, the Director of Council's Directorate E, the Head of EC delegations in Third countries, the Director of Council's Policy Unit, and four representatives of the 'Tri-Presidency' (i.e., Spain, Belgium and Hungary). Although the idea behind the Steering Committee was to '*establish political lines about the EEAS that the HR could put on the table for the Council and the Commission*' by the end of April 2010 (Interview 3), it collapsed after only a few meetings (Interview 2, 5, 9, 11, 19) and the EEAS-negotiations stagnated due to '*fights between the MS and the European Institutions, including the Council*' (Interview 4) and general distrust (identified by a majority of my interviewees). The deadlock loosened when, on 26 February 2010, Baroness Ashton appointed Poul Skytte Christoffersen and Christian Leffler as Special Advisers on EEAS. These appointments provided the necessary impetus to kick-start the negotiations (confirmed by almost all interviewees) and the ensuing 'Blueprint for the EEAS' received political agreement in the Foreign Affairs Council on 26 April 2010.

With this agreement, the framework of the negotiations expanded into quadrilogues due to the co-optation of the EP (which has co-decision powers on the staffing and budget of the new service). A compromise was reached with European Parliament's negotiators on 21 June 2010. This agreement was formalised by the Parliament's Plenary on 8 July 2010 with 549 votes against 78, with 17 abstentions.

### III.3: Evaluating the role of institutions' internal coordination capacities

To operationalise the extent of internal coordination capacities within each European institution, I follow Farrell and Héritier (2004: 1189) in gauging the degree to which an institution allows 'for a plurality of external relations that are not (...) controlled by one internal decision-making process'. To incorporate information on the nature of such coordination structures, I take into account whether it is based on a structural, 'hierarchical' or an informal, 'lateral' approach (Bouckaert *et al.*, 2003; Jönsson and Strömvik, 2005; Broman, 2008). Identifying both elements from a close reading of the relevant literature, one can designate internal coordination within both the Commission (EC) and the Council Secretariat-General (CSG) as extensive, hierarchical and formalised (Metcalf, 2000; Christiansen and Vanhoonacker, 2008; Kassim, 2006, 2010). In the European Parliament, on the other hand, 'there is no effective coordinative capacity' (Farrell and Héritier, 2004: 1206). The various parties and standing committees expend a lot of effort 'to guard [their] particular prerogatives', such that the EP 'may be characterised as quite decentralized' (Farrell and Héritier, 2004: 1195-1196). Finally, the Member States (MS) represent an intermediate case. Although COREPER and the rotating Presidency *de jure* represent a formal coordination framework, both *de facto* operate based on lateral, 'informal institutional practices' (Tallberg, 2003: 5; Hartlapp, 2011). The Presidency does not head the MS in a hierarchical sense, but rather represents a 'first among equals' (Tallberg, 2003: 7). As a result, and given the

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<sup>8</sup> A post then filled by João Vale de Almeida, former head of Mr. Barroso's private cabinet (see above).

temporality of each Presidency, much of a Presidency's coordinating ability relies on the 'personal qualities' (Tallberg, 2008: 687) and 'dedication on the part of the political elites of the country' (Kaczynski, 2011: 3). Moreover, as encoded in the Treaties, each Presidency is assisted in its tasks by the CSG and relies on the latter's expert information regarding technical and legal issues for achieving feasible compromise proposals (Kerremans and Drieskens, 2003; Farrell and Héritier, 2004; Tallberg, 2008; Kaczynski 2011). MS' coordination capacity thus critically relies upon external agents' actions.<sup>9</sup>

#### ▪ Member States

The COREPER negotiations under the Swedish Presidency (July-October 2009) were generally seen as a '*successful process*' (Interview 3, Interview 1). The Swedes did an '*excellent job*' (Interview 4) to generate a credible compromise among the 27 MS on all five central EEAS issues characterised. Still, while holding the EU Presidency comes with important agenda-shaping powers (Tallberg, 2003, 2008; Warntjen, 2008), this does not suffice to explain the Swedish success. The Spanish Presidency – which followed the Swedish one – could, in principle, rely on the same institutional framework and agenda-shaping powers; yet, it did not play an equally decisive role in the EEAS negotiations. A more comprehensive explanation of the Swedish success rather lies in their strategic choice of negotiation tactics in terms of agenda-setting (i.e., issue-by-issue and bilateral-before-multilateral talks), agenda-order and agenda-control (i.e., the timing of the negotiations as well as the provision of key documents). The unity this engendered among the MS disappeared at the onset of the Spanish Presidency due to their '*relative absence*' (Interview 19) and '*defensive*' stance (Interview 4). Indeed, Spain's programme for its presidency – generally deemed 'over-ambitious' and 'sadly lacking in detail' (Heywood, 2011: 79) – as well as its limited resources and internal disagreements (Interview 24) meant it initially lacked the commitment of the Swedish Presidency with respect to the EEAS negotiations (Interview 25). Moreover, Spain's bad domestic economic situation, coupled with the global financial crisis, detracted some of the Spanish government's concentration and interest in the negotiations (Fernández Pasarín, 2011). As a consequence, it was perceived to have failed at keeping order in the house<sup>10</sup> (although this improved in the finishing stages of the negotiations; Interview 1, 12, 19).

Admittedly, the Spanish Presidency was hampered in two respects. First, during the Spanish Presidency, the representatives of the Tri-Presidency in Baroness Ashton's Steering Committee were to take part only 'on an individual basis and were not to represent or speak on behalf of COREPER' (Rettman, 2010). As a result, MS were explicitly prevented from giving the Tri-Presidency representatives a clearly defined mandate based on a common position. This, in turn, undermined the informal coordination processes that had been

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<sup>9</sup> Note that a similar evaluation occurs from applying Metcalfe's (1994, 2000) 9-point 'policy coordination scale'. The characteristics of the Secretariats-General of Council and Commission imply that these institutions can be ranked around position 8 on this scale. The Member States and the EP would, at best, be scaled around position 4 or 5.

<sup>10</sup> For example, it was Baroness Ashton's Special Advisers on the EEAS, rather than representatives of the Spanish Presidency, that '*managed to also bang heads*' to align Member States in COREPER meetings at this time (Interview 14).

maintained successfully during the Swedish Presidency because (the belief in) the benefit of such coordination declines when it does not generate an enforceable mandate (note that the EP's principal negotiators faced the same problem; see below). Second, the Spanish Presidency was the first one under the new institutional architecture installed by the Lisbon Treaty (with a permanent president – Herman van Rompuy – and a *de facto* foreign minister – HR/VP Baroness Ashton). This reduced the Spanish Presidency's political leeway and media visibility (Heywood, 2011; Kaczynski, 2011; Interview 25) and introduced considerable uncertainty about its powers, which, in turn, increased its reliance on expert legal information from the CSG (Interview 25). However, the CSG was at this stage felt to limit or obstruct the information flow on the EEAS negotiations to both MS and EP (Interview 12, 19, 20; Parliamentary Update, EP Committee of Foreign Affairs, 23 March 2010). Lacking necessary information, MS' unity dissolved as distrust increased (Interview 4, 9, 11, 20).

Both handicaps substantiate the crucial role of information and trust in collaborative networks and negotiated coordination (Crozier and Friedberg, 1980; Scharpf, 1994; Bouckaert *et al.*, 2003; Broman, 2008). They also underline MS' inability to coordinate without the explicit interest of political elites in the country holding the Presidency as well as the (semi)external imposition of the type of negotiation strategies employed by the Swedish Presidency. This 'falling-apart' of the MS-front corroborates the idea – raised in section 2 – that negotiated coordination is sensitive to leadership turnover (Chisholm, 1989) and requires continued dedication and commitment of those involved (Habeeb, 1988; Kaczynski, 2011). Indeed, although the Spanish Presidency rallied during the final stages of negotiations and at the Madrid summit of June 2010 (Interview 7, 12; EP-Debate 'Review of the Spanish Presidency', 6 July 2010), the consequences of their initial shortcoming continued to be felt (Kaczynski 2011, Fernández Pasarín, 2011). Hence, even though informal, lateral coordination is feasible (as under the Swedish Presidency), 'a more formal structure (...) [helps] to overcome the weaknesses of informal groups' (Drahos, 2003: 79).

#### ▪ European Parliament

In contrast to the MS, the European Parliament (EP) never managed to overcome its lack of internal coordination structures. In effect, intra-EP negotiations on the EEAS were based on 'broad consultation within the Parliament (...) engaging also all [six] committees involved in the process of the establishment of the EEAS' (Brok and Verhofstadt, 2010, 1). Finding 'a common language' between these various participants proved extremely difficult (*ibid.*).<sup>11</sup> Besides being a recurrent theme among my interviewees (Interview 4, 7, 18, 22), this division also shows from various parliamentary reports on the EEAS (e.g., EP Session Documents A7/0041/2009 from 20 October 2009 and A7-0228/2010 from 6 July 2010), which consistently include separate opinions of all EP's standing committees involved with EEAS, rather than one unified statement. Moreover, the various committees mostly worked in

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<sup>11</sup> The EP seemed to only agree on the fact that EEAS' political and financial accountability should be guaranteed (Interview 7, 18; Day, 2010; Ashton, 2010). There was '*surprising unison*' also on the fact that recruitment for the EEAS should be based on '*merit, not any kind of quotas*' (Tannock, 2010). The fact that this unanimity is described as 'surprising' underscores that agreements within the EP were rare during the negotiations. These issues mirrored, however, similar concerns within the Commission (e.g., 1909<sup>th</sup> meeting of Commission, 11 March 2010).

parallel with little apparent coordination between them ('Working Document' on EEAS, EP Committee on Legal Affairs, 20 May 2010).

As a result, even ten days before the final compromise was reached at the Madrid Summit (i.e., 21 June 2010), intra-EP discussions turned into a '*really fundamental discussion about the procedural approach*' (Interview 7) and disputes over the exact mandate of its principal negotiators (Interview 7, 18). Also, after the European Commission and the Spanish Presidency reached a compromise with EP's negotiators on 21 June 2010, a significant group of MEPs criticised the agreement – and threatened to postpone the necessary plenary vote on EEAS (Interview 18; Quatremer, 2010) – because the EP negotiators were alleged to have no clearly-defined mandate to conclude an agreement on behalf of the EP (Interview 18).

This reflects one of the fundamental differences between institutions lacking and those possessing internal coordination. In the latter, intra-institutional discussions are characterised by top-down information-sharing (Mayer, 1992; Scharpf, 1994). The negotiation power itself is, arguably, delegated to – or captured by – their coordination units. In the former, intra-institutional discussions are much more concerned with finding an agreement, or convincing others of one's point of view (Mayer, 1992). Within the EP, the three main negotiators (i.e., MEPs Brok, Verhofstadt and Gualtieri) '*had different priorities (...) so they needed to make an effort to bring these priorities in line with each other*' (Interview 22). The same was true for the six EP committees discussing the EEAS (e.g., EP Session Documents A7/0041/2009 from 20 October 2009 and A7-0228/2010 from 6 July 2010). Moreover, as EP's negotiators never obtained a clear and well-defined mandate, they '*could do whatever they want to do, but they need to come back next day and explain to the Parliament*' (Interview 7).<sup>12</sup> As mentioned, a similar issue arose between the MS during the Spanish Presidency: i.e., the '*most difficult task is actually the internal coordination*' (Interview 2). This lack of internal unity not only weakens one's stance in inter-institutional negotiations, but also detracts energy from *inter-* to *intra-*institutional discussions.

#### ▪ Secretariats-General of Council and Commission

Turning attention to both institutions with access to hierarchical formalised coordination structures – i.e., the Secretariats-General of the Council and the Commission – it is clear that both played a very prominent role throughout the EEAS negotiations. Commission Secretary-General Catherine Day explicitly defended this involvement before the UK House of Lords by referring to the pre-eminent position of the Secretariats-General in terms of their institutional and legal knowledge and experience (Day, 2010). Interestingly, she offered this explanation as an opening statement *without* being prompted to defend their involvement. This not only suggests that she personally felt that this requires defending (rather than being a 'natural' course of events), but also that the Commission's Secretariat-General realizes that its

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<sup>12</sup> This echoes the rules the EP has set up to approve inter-institutional agreements (IIAs) (Kietz *et al.*, 2005; Alemann, 2006). Moreover, it substantiates Costello and Thomson's (2010, 2011) finding that, while Rapporteurs can have substantial influence over EP's position, their influence in negotiations that fall under the codecision procedure is 'limited to proposals that are fast-tracked through the EP without undergoing the full process of plenary amendments' (Costello and Thomson's, 2011: 339).

possession of such knowledge and experience allowed it to create a space for itself at the heart of the EEAS negotiations.

One could argue that – even though Ms. Day feels this requires explicit defence – both Secretariats-General are institutionally designed to play such a prominent role (Hartlapp, 2011). Yet, two elements indicate that strategic decisions were taken by the Secretariats-General to strengthen their position in the EEAS negotiations.

- First, officials working in coordinating bodies such as the Secretariats-General are ‘trained to be generalists and thus may lack detailed technical knowledge of some issues under negotiation’ (Hamlet, 2005: 27). Hence, their involvement should supplement, rather than replace, groups with issue-specific expertise (Hartlapp, 2011). Such replacement, however, appears to have been commonplace in the EEAS negotiations. For example, Commission’s DG RELEX was not ‘*terribly heavily involved in the construction of the EEAS*’ (Interview 16; also Interviews 1, 7, 12, 15, 18, 20, 21, 22), even though a majority of its staff was to be transferred to the new service. In fact, its Director-General was appointed head of the EU delegation in Washington in February 2010,<sup>13</sup> while the leader of its internal ‘working group on EEAS’ maintained that ‘*I have seen a lot of how the thing developed, but I have not always been present at the key decision-making moments, I have to make this clear*’. Interviewee 21 states that a similar feeling existed at affected units in the Council: ‘*I think this is a feeling of both sides of the Rue de la Loi*’. Thus, the strong leadership of Catherine Day, backed by an omnipresent president Barroso (e.g., 1909<sup>th</sup> meeting of Commission, 11 March 2010) and the expertise of the Secretariats-General provided the opportunity to act as gate-keepers and agenda-shapers in the EEAS negotiation process, and side-step the autonomous DGs.
- Second, under the Spanish Presidency, MS’ Permanent Representatives complained that they failed to receive notes from meetings and were not kept sufficiently up-to-date about developments (Interview 12, 19, 20). Such information-provision is, as mentioned, a key task of the Council Secretariat-General (CSG), and some felt that it had made a ‘*conscious decision*’ (Interview 19) to reduce the amount of information MS received about the EEAS negotiations. The same feeling lived in the EP, which complained that it received legislative drafts only with substantial delays (Parliamentary Update, EP Committee of Foreign Affairs, 23 March 2010; EP ‘Conference of Presidents on the External Action Service’, 10 June 2010). As up-to-date information ‘about the bargaining process(es) at the different levels (...) [and] about what is acceptable and unacceptable’ is necessary to undergird one’s negotiation strategy (Kerremans and Drieskens, 2003: 165), CSG thus appears to have heeded Chisholm’s (1989: 32) warning that the ‘information most needed for coordination is often potentially damaging to the party who is supposed to supply it’. The ensuing comparative information advantage increased CSG’s influence over the negotiations and, by having a ‘profound impact on the recipient’s capacities for action’ (Crozier and Friedberg, 1980: 42), made it easier to keep control over the agenda.

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<sup>13</sup> This was widely regarded as an explicit attempt by President Barroso to (help) steer decisions on the EEAS as well as exert influence on key external relations postings while still under Commission authority (Mahony, 2010).

The influence of both Secretariats-General also surfaced prominently in the process of drafting proposals throughout the negotiations. Interviewee 2, for example, explicitly affirms that a group of eight people, including representatives of ‘*the two legal services (...), people from the Secretariat-General of the Commission and from the Secretariat-General of the Council (...) sat together and drafted the basic decision [i.e., the Blueprint]*’, while other interviewees confirm the general nature of this pattern throughout the EEAS negotiations (Interview 1, 11, 12, 14, 19). While the presence of both legal services is explained by their position as principal interpreters of EU law, the involvement of the Secretariats-General cannot fall back on this interpretation. Nonetheless, as argued above, translation of ideas into drafts of legal text generates the ability to obtain influence. In the case of the EEAS negotiations, this occurred both by exploiting the opaqueness of legal texts for additions or modifications (Interview 8) and arguing that there is no legal course of action for certain (undesirable) proposals (Interview 8, 22). Once again, therefore, experience with intra-institutional coordination was exploited by the Secretariats-General to gain a stronger foothold over the inter-institutional dynamics in the EEAS negotiations.

Finally, it is interesting to observe that both Secretariats-General provided a ‘*united front*’ throughout much of the negotiations (Interview 2, 3, 4, 8, 11). Clearly, institutions whose staffs are most directly affected by the creation of EEAS (i.e., EC and CSG) have most at stake in the negotiations. This might make them ‘*natural allies*’. Still, this argument weakens substantially when one considers the highly asymmetric nature of the effects of EEAS – both in terms of staff and competencies affected – on EC and CSG. Specifically, CSG loses all its foreign policy competencies and staff to EEAS, whereas EC is ‘*keeping a huge interest in the external relations*’ (Interview 6; 1909<sup>th</sup> meeting of Commission, 11 March 2010). As such, the creation of EEAS puts a bigger constraint on CSG than EC, weakening the case for an ‘*affected-parties-stick-together*’ alliance. Also, differences in their decision-making dynamics – i.e., inter-governmental (CSG) versus supranational (EC) – make that ‘*the Commission is the ... sort of enemy number one for the Council*’ (Interview 18; also Interview 2, 8). In fact, a more natural alliance was expected between the Commission and the EP (Interview 2, 7, 12, 18, 22; 1909<sup>th</sup> meeting of Commission, 11 March 2010). While the attraction of such alliance is illustrated by the fact that the Commission ‘*threatened the Council with the EP: If you don’t... Don’t push the Commission into the arms of the EP*’ (Interview 11), it never materialized. Instead, there developed ‘*a situation where we can join forces also vis-à-vis the EP. (...) Even though the EP probably would have liked to play on the difference between the Commission and the Council – that is not happening*’ (Interview 2). This lends credence to various interviewees’ opinion that the accord between the Secretariats-General constituted part of ‘*a deal*’ between the Commission and the Council (Interview 7, 12, 18). The ability of both institutions to engage in such deal-brokering – despite the difference in their outlook on foreign policy – suggests that their representatives’ experience with a common culture of internal coordination can pave the way for a mutual language and a point of understanding (Christiansen, 2001).



#### **IV: Conclusion**

This paper argued that coordination capacities developed *within* an institution may not only prove beneficial for that institution's *internal* management, but can also have important effects on *external* (i.e., inter-institutional) dynamics. Tracing the negotiation process leading to the creation of the European External Action Service (EEAS) provides evidence in line with this argument. The findings are most aptly summarized by Interviewee 23, who argues that EEAS is a compromise that came about '*mostly through the coordination functions of the Secretariats-General of the Council and the Commission*'. Clearly, from a policy perspective, this increases the benefits of investing in the creation of such coordination capacity, or, once obtained, in defending it: '*She [i.e., Baroness Ashton] has the responsibility to do all the coordinating and so on, but I'm not sure to what extent Commission is willing to allow all this coordination to be done from within the EEAS*' (Interview 1).

A number of further questions arise at this point. For one, I concentrated exclusively on the negotiation *process*. Future work should evaluate to what extent the *outcome* of inter-institutional negotiations is similarly affected by involved institutions' (lack of) internal coordination structures (for a recent analysis in this direction, see Costello and Thomson, 2011). If so, increases in institutions' coordination capacities are likely to have implications reaching further than currently recognized. Second, several contributions in Peters *et al.* (2000) as well as Bouckaert *et al.* (2003) and Johansson and Tallberg (2010) suggest that a similar concentration of powers at the executive level is likewise taking place at the national level. This raises the question whether this article's findings carry over to the national arena and, if not, why such differences might arise. Third, the analysis regarded coordination as a mainly positive force. In some cases, however, it may well be that 'lack of coordination or inadequate coordination may be functional (...) in ensuring latitude at the bargaining table' (Peters and Wright, 2004: 173). Finally, given the case-study approach employed here, it has not been possible to evaluate how the speed of the EEAS reform or the political sensitivity of the foreign policy issue affects the role of coordination structures. Such scope conditions are clearly worth more research. One route to fruitfully tackle this issue might involve analysing negotiations between different international organisations, or looking into the negotiation process of the growing number of Inter-Institutional Agreements (IIAs) between EP, Commission and Council, both of which cover a wide range of issues.

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## **Appendix A: Interviews on EEAS by the British House of Lords**

Full transcripts for all interviews listed below are available from <http://www.parliament.uk/business/committees/committees-a-z/lords-select>

### 1. British House of Lords' EU and Foreign Affairs Committee

Robert Cooper, Director for External and Politico-Military Affairs, European Council.  
Catherine Day, Secretary-General of the European Commission (together with her adviser, William Sleath).  
Arnaud Danjean, MEP (France).  
Alain Déléroz, Vice-President (Europe) International Crisis Group.  
Andrew Duff, MEP (UK).  
Christian Leffler, Deputy Director-General, DG Development (Relations with African, Caribbean and Pacific States), European Commission.  
David Lidington, MP, Minister for Europe.  
James Kariuki, Head of Europe Global Group, Foreign and Commonwealth Office.  
Angus Lapsley, Counsellor for CFSP, CSDP and Enlargement, UKRep, Brussels.  
Koos Richelle, Director-General, EuropeAid.  
Dr. Charles Tannock, MEP (UK).

### 2. British House of Lords' Select Committee on the European Union

Baroness Ashton of Upholland, High Representative for Foreign Affairs and Security policy, Vice-President of the European Commission.  
HE Carles Casajuana, Spanish Ambassador.  
Beatriz Garcés, Agriculture and Environment Counsellor.  
José Antonio Zamora, Economic Counsellor.