The EU's High Representative for Common Foreign and Security Policy

The European Union's High Representative for Foreign Affairs and Security Policy, and Vice-President of the European Commission, (HR/VP) appears, at least on paper, to hold a very powerful post. The assignment has however been characterised as almost impossible, owing to the number of different roles merged into one.

The Treaty/legal base

The HR/VP in the Treaty on European Union (TEU)

Art.18: Post and role
Art. 21.3; 26.2: HR and consistency
Art. 15.6: Division of tasks with President of European Council
Art. 21-41: Common Foreign and Security Policy (CFSP)
Art. 42-46: Common Security and Defence Policy (CSDP)

The Lisbon Treaty introduced the post of High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission (HR/VP). The incumbent also chairs the Foreign Affairs Council. (It may be noted that only the first of these tasks was in the remit of the old High Representative for CFSP/General Secretary of the Council, created by the Amsterdam Treaty, and held by Javier Solana from 1999 to 2009.)

The unique position is thus often referred to as "triple-hatted", which gives an indication of the enormous workload and the difficulty of performing this role well. Many have dubbed the job description "mission impossible". British Labour politician Baroness Catherine Ashton was appointed the first HR/VP in November 2009.

According to the Treaty, the HR/VP conducts the EU's CFSP and CSDP. She helps the Council and the Commission ensure consistency between the different areas of external action and other EU policies. Jean-Claude Piris, former head of the Council's legal service, explains that the main purpose of the HR/VP is to increase visibility and stability of the EU's external activities.

The European External Action Service (EEAS) (Art. 27.3 TEU) supports the HR/VP and is thus an important factor in determining their success. Indeed, as first HR/VP, Ashton has been responsible for establishing the EEAS. It was set up in January 2011 by a Council Decision on which the EP was consulted. Moreover, the HR/VP exercises authority over the EU's Special Representatives (EUSRs, Art. 33 TEU), on whose role the EP has also taken a position. A review of the functioning of the EEAS is in preparation for 2013. The EP’s AFET Committee organised a hearing on the service and its future development in March 2012.

Observations since 2009

When assessing the post's effectiveness, many analysts use the coherence of EU foreign policy as a benchmark. Other criteria used include the "volume" of the EU's voice in the world. Simon Duke of EIPA, though, reacts to Ashton having issued 504 CFSP statements between January and November 2011 with the question: "So what?" He says that a high number of statements is not enough to ensure coherence or a strong European voice in the world.

The success of the post also depends on the HR/VP's personality, and on the support ("buy-in") of the Member States (MS) and of the Commission.

The personality factor

Ashton did not have much previous experience in foreign policy (she was EU Trade Commissioner immediately before, in 2008-09). The academic Carolin Rüger recalls that, in 2009, MS were accused of having deliberately chosen a weaker candidate whom they could keep under control. Peter Chase, a US diplomat, reports that Ashton was subsequently criticised, for instance, for her slow response to the Haiti earthquake and a...
"weak" paper on the EU's strategic partnerships, but with the aid of the newly established EEAS she was able to step up her Middle East activities.

AFET chair Elmar Brok notes positively the HR/VP's and EEAS crisis response activities in Libya. However, Jean-Claude Piris considers that leaders' personalities are especially important when determining who speaks for the EU, and in what cases: the HR/VP, the President of the European Council or the Commission President.

MS buy-in
Sometimes, the foreign policies of MS are just too different to allow for a genuinely common European stance. Brok gives the example of the Iraq war, with Germany against it and the UK supporting the USA. Analysts agree that in these cases, not even an extremely able HR/VP could have forced them to create common positions. Art. 24 TEU obliges MS to "actively and unrestrainedly" support the EU's external and security policy "in a spirit of loyalty and mutual solidarity". Duke points out the importance of MS sharing intelligence with the EU and other MS to enhance EU foreign policy.

Commission support
As Vice-President of the Commission, the HR/VP coordinates the Commission's external action beyond CFSP (Art. 18.4 TEU). However, academic Anne-Claire Marangoni points out that the HR/VP does not have hierarchical superiority over her fellow Commissioners. Furthermore, she explains that Commission President Barroso reorganised some units before they could be merged into the EEAS in order to keep control over them, for example the European Neighbourhood and Partnership Instrument (ENPI) and competences linked to humanitarian aid.

Lack of deputy
Ashton has been criticised, especially during her first year in office, for her absence from important Commission and Council meetings. The academic Martin Schmid explains that this problem and many other agenda-related ones stem from the fact that the Lisbon Treaty does not provide for a deputisation system for the HR/VP, a fact also criticised by the EP. Public Service Europe considers that the Council might not accept a second double-hatted person.

Policy areas

CFSP (Art. 23-41 TEU)
The HR/VP takes over all CFSP functions previously carried out by the rotating Council presidency and the former Council Secretary General/High Representative. Presiding over the Foreign Affairs Council (FAC, Art. 18.3 TEU) gives them the possibility to set the agenda and work towards coherence with trade and development policies, areas also covered by the FAC, but not chaired by the HR/VP (as Marangoni notes). They have a shared right of initiative and may also convene extraordinary Council meetings (Art. 30.2 TEU).

CSDP (Art. 42-46 TEU).
In close contact with the Political and Security Committee, the HR/VP coordinates civilian and military aspects of the extended Petersberg tasks in Common Security and Defence Policy operations. They are consulted when a group of MS want to engage in "permanent structured cooperation" for more ambitious missions (Art. 46.2 TEU).

Main reference:

Endnotes
1 Now we are one... A rough start for the EEAS / Simon Duke, Eipascope 1/2012