



The Origins of Common Action Capacities in EU Foreign Policy

*Observations on the recruitment of
Member States' diplomats and officials to the
European External Action Service (EEAS)*

*Zuzana Murdoch, Jarle Trondal,
and Stefan Gänzle*

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Abstract

The Treaty of Lisbon introduced the rise of common action capacities in EU's external relations administration, notably the European External Action Service (EEAS). One essential capacity is staff resources. This paper analyses to what extent and under what conditions the recruitment practice of staff to the EEAS is *independent* of government influence. One hard probe of this is the recruitment of officials temporarily assigned from EU member-states. The data draws on interviews with officials from all 27 member-states as well as the EEAS charged with the selection of national public servants to the EEAS. Key findings suggest substantial independence of recruitment to the EEAS, and this independence is facilitated under two particular conditions: (i) *the supply of administrative capacities at EU level* strengthen the EEAS' capacity to nurture an independent recruitment of its personnel, and (ii) the recruitment of EEAS personnel is fashioned by *pre-existing organisational traditions, practices and formats*.

Keywords

Capacity, European External Action Service, independence, political order, recruitment, transformation

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Introduction

Institutional innovations often attract significant attention from both policy-makers and researchers alike. The European External Action Service (EEAS) – formally established by Council decision in July 2010 and operational since January 2011 – is no exception. For example, Nivet (2011: 11) suggests that the EEAS is a ‘promising research project’ that allows ‘to study, live, the creation, institutionalisation and socialising process of a new European institution’. However, much of the nascent EEAS literature exhibits a normative bias towards assessing how the new ‘service’ ought to be organised to make the European Union (EU) a coherent actor on the global stage (e.g. Bátorá 2011; Carta 2011; Furness 2012; Nivet 2011). Some recent studies, however, offer ‘positive’ analyses of the EEAS, for example by examining its initial formation (Murdoch 2012), exploring the attitudes of its officials (Duke *et al.* 2012; Juncos and Pomorska 2013; Vanhoonacker and Pomorska 2013; see also various contributions in Vanhoonacker *et al.* 2012) and discussing its promise for the coherence and legitimacy of EU foreign policy (Duke 2012; Raube 2012; Furness 2013; Smith 2013; Wisniewski 2013). Nonetheless, as an analytical laboratory, the EEAS remains under-utilised.

The Treaty of Amsterdam stipulates that EEAS staff shall comprise personnel from three different parent institutions: Namely, the ‘relevant departments of the General Secretariat of the Council and of the Commission as well as [...] the national diplomatic services of the Member States’ (Article 27(3) TEU). Officials seconded by the national diplomatic services of the member-states ‘should be employed as temporary agents’ and are set to make up ‘at least’ 33 per cent of EEAS AD-level staff by mid-2013 (European Parliament and the Council of the European Union 2010: 2).¹ As of June 1, 2012, the EEAS was close to meeting this minimum requirement as 248 out of 920 authorised AD posts (29.9%) were occupied by member-state officials (EEAS 2012: 3). Although disregarded thus far in the literature, the process of recruitment of EEAS staff is important for at least three reasons. First, assuming that the demographic profile of government officials shapes basic features of their decision-making behaviour (e.g. Meier and Nigro 1976), it is important to understand how the demographic profile of government institutions comes about. Analysing recruitment practices (not merely procedures) utilised within these institutions provides one route towards this. Second, the theory of representative bureaucracy contends that officials’ discretion is (or should be) at least partly circumscribed by the interests of the respective societal groups from which bureaucrats originate (Wise 2003). This is a clear dilemma for the EEAS as the member-states officials are *a priori* temporarily assigned and set to

return to their home services (and continue their career) after a period of four, eight or 10 (in exceptional cases) years.² The EEAS seeks to shield itself off by insisting that its staff ‘carry out their duties and conduct themselves solely with the interests of the Union in mind [...] [*and*] shall neither seek nor take instructions from any government, authority, organisation or person outside the EEAS or from any body or person other than the High Representative’ (Council of the European Union 2010: 35). Finally, and most significantly for our purpose, analysing the recruitment process and procedures within the EEAS provides important information about the extent to which EEAS’ capacities in foreign relations remain at arm’s length from the Council and member-states’ influence. More pronounced independence of EEAS’ recruitment practices would thereby be indicative of order transformation in this policy domain (Trondal 2012). Building independent institutional capacities at EU level in the domain of external relations represents a shift of ‘locus of policy-making’ that suggest a transformation of political order (Richardson 2012: 5), a concept upon which we draw to assess the fundamental impact of the EEAS on the executive order in the European Union (see below). Order transformation necessitates that EEAS’ recruitment processes being fairly independent of government influence (Trondal and Peters 2013). Achieving such independence may, however, not be straightforward in the recruitment of staff to the EEAS since it happens in a policy field historically marked by national control and a corresponding lack of EU capacity – legally and administratively.

Hence this paper has a twofold ambition: First, it examines empirically the very first stages of recruitment of European Union (EU) member-state officials to the EEAS.³ The question posed is to what extent and under what conditions recruitment of domestic government officials to the EEAS is *relatively independent* of member-state influence. Independent recruitment of EEAS personnel is seen in this paper as a hard case of political order transformation (see below). The second analytical ambition is to theoretically account for some key conditions under which recruitment of EEAS personnel is relatively independent of member-state influence. Two such conditions are suggested: First, (i) *the supply of administrative capacities at EU level* are likely to strengthen the EEAS’ capacity to nurture an independent recruitment of its personnel. Secondly, (ii) the recruitment of EEAS personnel is likely to be fashioned by *pre-existing organisational traditions, practices and formats*.

The empirical analysis draws on a new dataset consisting of 29 semi-structured interviews with coordinators of the temporary assignment of member-state officials to the EEAS collected between March 2011 and February 2012. The interviews included coordinators from all 27 member-

states as well as the EEAS, and were conducted during, and specifically concentrated on, the first and second major hiring rounds (or 'rotations') for the EU delegations and EEAS Headquarters in Brussels that were open to member-state officials. These rotations were organised in a period of rapid institutional change, which is important for theoretical reasons since it allows us to analyse the recruitment of personnel during the formative stages of a new institution (see also below). The data suggest that the EEAS is an example of the transformation of Europe's political order in which EU institutions acquire extensive independence from an inherent intergovernmental order in foreign policy. In fact, EEAS represents a hard case of such order transformation due to both the inherent intergovernmental stronghold of this policy area and the historical lack of EU capacity building within this policy field (Duke *et al.* 2012; Genschel and Jachtenfuchs 2013). We furthermore show that the independence of recruitment of EEAS personnel is predominantly facilitated by (i) *the supply of administrative capacities at EU level*, and (ii) *by pre-existing organisational traditions, practices and formats*, notably within the Commission.

The paper proceeds as follows: The next section outlines a theoretical departure in two steps. Step I outlines the dependent variable of the study (independent recruitment). Step II introduces two conditions for order transformation (administrative capacity and pre-existing organisational formats). The subsequent section briefly presents the data and methodology, followed by a presentation of key results from the study. The final section provides a concluding discussion.

The Transformation of European Political Order: A Theoretical Departure

This section involves two steps. The first step addresses the question of how we can empirically observe order transformation in the domain of EU foreign policy administration. This step outlines the dependent variable of the study, i.e. the independence of recruitment of EEAS personnel. The second step proposes two independent variables that may account for conditions under which recruitment to the EEAS may become more or less insulated from government influence, and thus conditions under which order transformation may occur.

Step I: Order transformation through independent recruitment of staff

A vast literature on state building has demonstrated how the formation of new political orders tends to involve delicate balancing acts between creating action capacities for the standardisation and penetration of the territory and concerns for local autonomy (Rokkan 1999). More recently, studies have suggested that the rise of common institutions at international level may profoundly affect levels of political autonomy at government levels below: I.e., international bureaucracies profoundly influencing world politics (Biermann and Siebenhüner 2009), affecting power distributions across levels of government (Egeberg and Trondal 2009), and contributing to transform domestic democratic governance (Keohane *et al.* 2009).

How can we then empirically observe order transformation (in an European context) when we come across it? A comprehensive conceptualisation of European order transformation includes (at least) four variables, of which this study focuses on the first: *Independence, integration, co-optation and institutionalisation* (see Trondal and Peters 2013).

First, and key to this paper, order transformation necessitates the rise of *independent* administrative capacity at EU level. Envisaged already by Saint-Simon in 1814 (1964: 35-38), one necessary factor in building a common political order is the establishment of common institutions, including a permanent congress independent of national governments serving the common interest. More recently, order transformation through institutional capacity building is seen as one key ingredient of state formation (Bartolini 2005). In an European context, it entails the development of administrative capacities that supply the European Commission (Commission) with the capacity to act relatively independently from pre-existing executive orders at the national level. If one focuses on the integration of public administration in Europe, what matters is the extent to which a new European executive centre (here, the EEAS) *in practice* (e.g. regarding its recruitment of personnel) is autonomous from key components of an intergovernmental administrative order.

Secondly, order transformation requires some degree of *integration* of government institutions. This entails both the integration of common administrative resources (for example the *de facto* integration of the Commission and the EEAS) as well as the internal integration of each institution (e.g. inside EEAS), thus reinforcing intra-institutional administrative hierarchies. *Third*, order transformation entails that this independent and integrated order is also able to *co-opt* administrative sub-

centres by stealth. In a European context, this would entail that there is a process of integration of domestic government agencies and relevant EU administrative structures in the field of foreign policy. Furthermore, this might also imply that EU institutions co-opt other international bureaucracies, thus developing a common political order beyond the EU through the emergence of common global administrative architectures in the field of foreign policy. *Finally*, order transformation would involve not only structural relationships among institutions but also the *institutionalisation* of shared values within EU-level institutions (e.g. the EEAS). Those common values may be important in defining common purpose and the social cement of a common order (Elster 1989).

With reference to the first indicator of order transformation outlined above, *independence* can be assessed both when institutions are created and reformed, and during everyday decision-making processes. Analysing the recruitment of personnel during the formative stages of a new institution (i.e., EEAS) one important question is how independent the recruitment process is from the influence of member-state governments (Bátora 2011). That is: To what extent is the recruitment of temporarily assigned national officials in practice not subject to the will of member-state governments? Two proxies are applied to gauge degrees of independence of recruitment to EEAS: I.e., perceptions of appropriate qualities of candidates to EEAS posts, and the formal organisation of the recruitment apparatus.

First, independent recruitment of candidates to the EEAS would imply that decision-makers *perceive* the following qualities of candidates to be particularly appropriate:

- Recruitment by merit – understood in terms of ‘candidates’ ability, efficiency and conduct within the service during their career to date’ as well as the required skills and professional experiences expressed in the individual vacancy notes (European Commission policy as quoted in Duke and Lange, 2013: 10-11) – relatively more than nationality;⁴
- ‘Technical’ expertise of candidates relatively more than their diplomatic expertise;⁵
- Prior diplomatic experiences in Brussels relatively more than prior diplomatic experiences globally.

The question is then how much relative emphasis is put on each of these qualities. First, how much emphasis is put on recruitment by merit (i.e., track record, formal education and accumulated professional experience) relative to

the nationality of the candidates (country of origin) (Ingraham 1995)? For example, geographical balance of candidates may signal some degree of 'flag-posting' of staff to the EEAS. Secondly, how much weight is put on technical expertise relative to diplomatic qualifications of candidates? The former was key to Commission's hiring in external relations, while the latter reflect the legacy of member-state recruitment of diplomats. Finally, how important is prior work experience of candidates in diplomatic work globally relative to previous diplomatic work in the Brussels institutions? In sum, EEAS officials are expected to be relatively less attentive to the concerns of member-state governments if they are recruited on merit, expertise and previous diplomatic work in Brussels rather than on the basis of nationality and prior global diplomatic careers.

Secondly, the formal organisation of the recruitment apparatus is measured by the extent to which:

- A direct application system is installed at EU-level ensuring that applicants need not apply via an indirect application system in member-state governments. A direct application system would supply the EEAS with administrative capacities for recruitment. One implication might be that the EEAS becomes less dependent on administrative capacities for recruitment at member-state level.
- The composition of (pre-)selection panels is dominated relatively more by Commission and/or EEAS staff than member-state representatives. A recurrent problematic in political science and public administration pertains to those who hold public office. How are they? The demographic profile of officials might affect their decision-making behaviour. Thus, (pre)selection panels dominated by Commission officials would be expected to be biased towards common/European concerns and thus relatively independent of the concerns of particular member-state governments.

Step II: Independent recruitment – under what conditions?

Whether or not the EEAS is *de facto* subject to independent recruitment, the question then arises how we can theoretically account for conditions under which recruitment of EEAS personnel is likely to be relatively independent of government influence. This question is addressed using an organisational theory approach. In such theoretical framework, the behaviour of civil servants is argued to be considerably shaped by the organisational structures embedding them. Civil servants tend to experience overloads of potential and inconsistent information that may be attended to at decision situations. The relation between actors' mental abilities and the complexity of problems are

not always in sync (Bendor 2003: 435). The overload facing civil servants goes beyond the presence of too much data. It is often as much a question of actors' ability to perceive and interpret available data as it is to compute data (Sutcliffe and Weick 2008: 62). Essentially, the organisational capacities embedding civil servants may guide their decision-making behaviour by providing a means to deal with their computational limitations and the need for selective search among the latter. In short, the 'organizational properties compensate for the cognitive constraints of individual decision makers' (Bendor 2003: 450). Organisational capacity may thus regulate, constitute and construct the (recruitment) decision-making processes that emerge within political institutions, ultimately affecting the decisions being made. 'Working rules of behaviour inform the everyday boundaries of what governmental officials must do, what they can do, and what they can expect others to do' (Skowronek 1982: 24).

Organisational theory may thus succeed in explaining decision-making processes and human behaviour by focusing on dimensions such as formal organisational structures, roles, routines and standard operating procedures, physical structures, demography and recruitment (Egeberg 2003). According to this line of argument, two propositions follow as regards recruitment of EEAS personnel.

First, *the supply of administrative capacities at EU level relative to those in the member-state governments would strengthen EEAS' capacity to nurture an independent recruitment of its personnel.* Studies suggest that the supply of independent organisational capacities *inside* the Commission in practice tends to safeguard its autonomy vis-à-vis member-state governments (Trondal 2012). Organisational capacities supply the Commission with capacity for independent policy learning, accountability practices, recruitment processes, etcetera (Richardson 2012: 352). Previous work on the establishment of the EEAS also demonstrates that intra-institutional organisational *capacities* benefit inter-institutional negotiations: The relative strength of the Secretariat-General of the Commission strengthens its influence on the formation of the EEAS relative to other EU institutions (such as the Council) (Murdoch 2012). Thus, the rise of independent administrative capacities for recruitment within the EEAS may contribute to independent recruitment practices of EEAS personnel.

The following proxies are used to gauge administrative capacity: (i) The degree to which exclusive organisational capacities are installed within the EEAS and/or the Commission for the recruitment of EEAS personnel; and (ii)

the provision of relevant information by the EEAS and/or the Commission to new EEAS candidates during the recruitment process: The crucial question is if such information is offered by the EEAS equally to all member-state governments (shared information) or if member-states supply relevant information mainly to their own candidates nationally (local information).

Secondly, an organisational approach suggests that recruitment practices are likely to be fashioned by *pre-existing organisational traditions, practices and formats* (Olsen 2010: 96). Organisational theory ascribes an autonomous role for pre-existing organisational structures to account for the emergence and institutionalisation of new organisational structures, and their effects – even though the match between environments and new institutional structures is not automatic and precise (Olsen 2010). The compound institutional terrain and the ‘genetic soup’ of pre-existing political institutions may serve as important sources of resilience and opportunity in the genesis of recruitment structures and practices (Olsen 2010; Pierson 2004: 47). The pre-existing organisational structure of the Commission served as the building-blocks also for the new EEAS (Smith 2013: 9). Particularly in periods of rapid institutional formation – as faced by Europe at the time of the establishment of the EEAS – new institutional arrangements may be particularly fashioned by pre-existing organisational forms, creating compound institutional architectures (Olsen 2013: 5). Moreover, lack of time when creating new institutions makes decision-makers’ ‘pursuit of intelligence’ *bounded* and their search for solutions *local* (March 2010: 19). They may tend to replicate what is commonly perceived as past successes, even though the origins of the EEAS in different European institutions will then automatically imply dealing with different cultures within the Service (Spence 2012). Learning from experience, however, is also associated with the sample size of past experiences (March 2010). In cases with a large sample size of past experiences, the likelihood of institutional reproduction may be fairly high. It can therefore be expected that member-states with strong organisational capacities, resources and traditions for recruitment of diplomats are likely to co-ordinate the recruitment of EEAS officials more strongly than member-states with few domestic capacities and traditions for diplomatic recruitment. Similarly, the Commission’s tradition of calling upon policy experts rather than diplomats may become reflected in the recruitment of domestic diplomatic personnel to the EEAS.

Data and Methods

Since officials seconded by the national diplomatic services of the member-states to the EEAS are recruited at the level of AD-level staff (see above), their recruitment to the EEAS represents elite recruitment. For researchers it

represents elite interviewing (Aberbach *et al.* 1981: 33). The empirical analysis exploits information obtained from 29 semi-structured interviews with 31 respondents conducted, recorded and transcribed by the authors. These interviews (referred to as Interviews 1-29 below to maintain confidentiality) took place between March 2011 and February 2012 either via telephone (19 interviews) or face-to-face (eight interviews), and lasted between 30 and 95 minutes. Due to time constraints, two interviewees only provided written answers to the questions in our interview guide. While anonymity was requested by all our respondents, non-response proved to be a minor concern (although we sometimes needed to repeatedly contact our targeted respondent for an appointment). To allow us to cross-validate the obtained information, respondents were not only asked to provide information about their own institution, but also about their opinions regarding the activities of other member-states and the EEAS' Human Resources (HR) directorate. The interview guide presented five general items for discussion: Background characteristics of the programme coordinators, structure of the recruitment programme, objectives of this programme, the practical operation of the programme, and finally selection criteria and support for candidates.

It is important to highlight that the interviews were conducted during, and mainly concentrated on, the hiring rounds for 31 (deputy) heads of delegations between January and March 2010 and that for posts in EU delegations and EEAS Headquarters starting in the summer of 2010.⁶ Crucially, these were the first two hiring rounds in which member-state officials could apply for a position in the EEAS. This might be decisive from a theoretical point of view since, as indicated above, it allows analysing the recruitment of personnel during the critical formative stages of a new institution.⁷

In terms of our respondent selection strategy, it is important to note that our interview list comprised of the officials responsible for EEAS recruitment in *all* 27 member-states' foreign affairs departments, as well as members of the EEAS' Human Resources directorate. In the latter case, we interviewed the Deputy Head of Division in the HR directorate in the EEAS responsible for recruitment of temporary member-state officials. For member-states, interviewees were officials from the Ministry of Foreign Affairs (MFA) in 25 out of 27 countries (with positions ranging from Head of Unit to Director-General and diplomatic ranks from Counsellor to Ambassador), while for the remaining two countries they were employed in the country's Permanent Representation in Brussels (both at the rank of Counsellor). Although all interviewees carried direct responsibility within their work portfolio for the member-state's recruitment policy regarding the EEAS, substantial variation

existed across respondents in terms of their *a)* official institutional affiliation, *b)* length of affiliation to the MFA, and *c)* personal experience within the EU administration in Brussels. Specifically, nine respondents were affiliated to the MFA's Department of Human Resources, eleven to departments dedicated to EU Affairs, four to the cabinet of the country's Foreign Minister, and the remaining six respondents to the MFA's Secretariat-General. While respondents' length of affiliation to the MFA ranged from five to 32 years, 16 had worked for the MFA for 15 years or more (note that our EEAS respondent had 18 years of experience in the EU institutions). Finally, half of the member-state respondents (15 out of 30) had direct personal work experience in the EU institutions in Brussels (most often in the country's Permanent Representation), while eight worked in their ministry's directorate for European affairs and six had no direct experience with the Brussels institutions (one respondent failed to clarify his/her EU experience). We return to this variation in all three dimensions below, as this can be interpreted as a set of indicators for the importance a member-state assigns to the recruitment process in the EEAS.

Results

The main objective of the EEAS has been to foster both vertical and horizontal foreign policy coherence between the EU and its member-states, as well as within and between the different EU policies that has an 'external dimension' (Duke 2012; Gebhard 2011). In addition to strengthening internal coherence of foreign policy in the EU, the EEAS can also be perceived as the prime institution for forging external coherence by supporting the delivery of 'structurally harmonised' outputs in policies – such as external economic, foreign, security, defence and development – and between actors, e.g. member-states' embassies and EU delegations in third countries and to other international organisations (Gänzle *et al.* 2012; Gebhard 2011). In short, the EEAS is expected to accompany a more coherent EU foreign policy, thus reflecting a 'joined-up' and 'whole-of-government' approach to EU foreign policy. While the need for an unified EU foreign policy was first brought up during the 'Convention on the Future of Europe' (December 2001–July 2003), its supporting structures – notably the EEAS – were negotiated between HR/VP Baroness Ashton, the Commission, the Council, the member-states and the European Parliament following the ratification of the Lisbon Treaty (Murdoch 2012). Staffing and personnel issues involved in the EEAS were one of the most difficult key themes tackled during these negotiations. For instance, the design of the organigramme was strategically avoided for both political and legal reasons (*Interview 8*) and did not even feature in the agreement formalised by the Parliament's Plenary on 8 July 2010 (e.g., Art. 4

and 5 of the Formal Agreement of July 2010; see also Murdoch 2012). One of the reasons behind this absence lay in the overt ambitions regarding posts and positions in the EEAS displayed by all member-states already during the negotiations, which made the organigramme politically divisive (Murdoch 2012). This, however, directly raises the question how desires on the side of the member-states translate into their policies and strategies regarding the staffing of the EEAS, and to which extent it influences the possibility of independent recruitment within the EEAS.

The next three sub-sections will illuminate how recruitment actually works within the EEAS at different levels (such as to provide a clear idea concerning where room for national influence might be apparent), and how administrative capacities at EU level and pre-existing organisational traditions and practices affect the recruitment of domestic government officials to the EEAS. This provides an opportunity to assess under what conditions the recruitment of personnel to the EEAS is relatively independent from member-states' influence, and thus conditions for political order transformation in foreign relations administration.

The organisation of recruitment within the EEAS

The selection procedure in the EEAS is largely similar for non-management (AD5 to AD8), middle-level management (AD9 to AD14) and senior management (AD15 to AD16) posts.⁸ In all cases, applicants have to send in their application personally – consisting of a curriculum vitae, a motivation letter and, for officials from member-states, a 'proof of diplomatic credentials' provided by their Ministry of Foreign Affairs – to the EEAS HR department. All applications are then assessed according to a points-system (taken over from the Commission's application system; see also below) that translates the provided information into a score on a 20-point scale reflecting the quality of the applicant for the vacancy. The resulting scores for each individual applicant are subsequently given to a pre-selection panel, which selects candidates for an interview on the basis of these scores. Finally, the pre-selected candidates are invited for interviews, which are conducted by selection panels brought together especially for that purpose. These panels consist of people from the EEAS, the European Commission, the Council Secretariat and member-state representatives (the latter on a rotation basis such that each member-state is represented at some point).

It is important to note that these final stages are somewhat different in the recruitment process for senior management posts. In this case, the selection

process is run by the Consultative Committee on Appointments (CCA), which appoints the Heads of Mission as well as posts starting at the Director level within the EEAS Headquarters (EEAS 2012: 2).⁹ The member-states have two representatives out of the CCA's six members (the remaining four 'core' members coming from EEAS (2), Council (1) and Commission (1)), while decisions require a two thirds majority. The interviews with candidates short-listed for senior management positions by the CCA are conducted by HR/VP Baroness Ashton herself. Interestingly, this procedure corresponds very closely to that of the selection procedure for senior management appointments in the European Commission (European Commission 2006).

Administrative capacities and pre-existing organisational formats for recruitment to the EEAS

One of the first lessons often mentioned by our interviewees when discussing the organisational architecture of EEAS' recruitment of member-state officials is how strongly it builds on pre-existing procedures and processes employed within the Commission and installed long before the EEAS arrived (*Interviews 5, 6, 13, 14, 19, 21, 27, 28*). This empirical lesson is most relevant as regards the first hiring round for member-state officials in January-March 2010, since it was effectively organised by opening the Commission's internal rotation system - through which EU officials change post on a regular basis within its missions - 'for the first time also to candidates from the two other sources (Council Secretariat General, member-states)' (Europa.eu 2010).¹⁰ Although this was no longer the case in the second hiring round starting in the summer of 2010, many of the Commission's procedures for recruitment were retained at this point. For instance, the EEAS' HR directorate continued to impose upon applicants the Commission style of composing and preparing the application dossiers (*Interviews 10, 24*) and pre-selected among the candidates according to the Commission's point system (essentially translating the candidate's cv into a numerical score depending on the requirements of the job opening) (*Interviews 11, 13, 17, 19*). The latter element is particularly indicative of EEAS' independence since the Commission points system has been notoriously difficult to translate into national equivalents. Moreover, no positions were advertised in 'the organisational chart related to HR' (*Interview 19*), such that the same 'people who were managing for the Commission, its human resources for delegations abroad' remained in charge of EEAS' recruitment (*Interviews 11, 19*). All in all, it was a system 'fundamentally geared towards continuation as a Commission body' (*Interview 11*), thus suggesting that the organisation of the recruitment was profoundly shaped by pre-existing organisational forms within the Commission. '[I]t is the same people from the

DG Relex that are doing the assessment [...] They are looking for the same criteria as they would have been for their own people [...]’ (*Interview 11*).

The administrative capacities of the Commission in the recruitment process of EEAS personnel correspondingly weaken small member-states with few administrative capacities. ‘It is a very lean procedure, and I don’t think there are very detailed assessments being made [...] In the end it is up to the individuals to make a good application [to the EEAS]’ (*Interview 28*).

While such organisational ‘copy-paste’ from already existing formats (*Interviews 7, 15, 19*) can be explained by the urgency with which these procedures were put together (*Interviews 19, 21*; see also below), the EEAS appears to also have taken a number of strategic decisions in its recruitment procedures to retain a strong position relative to the member-states. First, while information about the application process and recruitment outcomes is critical for member-states to optimise their approach and strategy towards vacancy calls in the EEAS and be able to have an influence on EEAS’ recruitment process (see above), such information was generally deemed by member-states to be ‘not moving freely’ (*Interview 20*, but noted by most respondents). For instance, prior to the first hiring round, member-states ‘were not at all aware of the selection procedures and methods the EEAS was going to adopt’ (*Interview 19*) and felt that this ‘leaves our applicants unprepared for the interview, for the whole procedure’ (*Interview 29*). Similarly, information about the reasons behind applicants’ failure to be (pre-)selected could often only be obtained by personally contacting the EEAS: ‘It was not systematic’ (*Interview 20*, also *Interview 26*).¹¹ Although such informational breakdowns might be expected given that the EEAS initially had to rely on relatively few people and operate in a completely new institutional structure, member-states often had the impression that ‘there was a resistance by the EEAS to share certain kinds of information’ (*Interview 21*). Evidently, with the EEAS able to ‘control the flow of information’ within and between institutions (Farrell and Héritier 2004: 1188), it was able to retain a powerful position vis-à-vis the member-states. Such behaviour is in line with Chisholm’s (1989: 32) warning that the provision of information ‘is often potentially damaging to the party who is supposed to supply it’. ‘[T]here is a certain impression that the overanxious approach of the Commission still prevails, which is no wonder because actually most of the personnel is the Commission staff’ (*Interview 4*).

Suggestive of independence of recruitment, the EEAS acted as a very strict agenda-setter in both the timing of vacancy calls relative to their application deadlines (with often very short application windows; *Interviews 9, 10, 13*) and

the provision of candidates' information relative to the sequencing of interviews with information often reaching member-states' representatives in the (pre)selection panels only a few days before the recruitment committee meeting (*Interviews 4, 7, 11, 14, 19*). Such tight control over the agenda, and the apparent strategic use thereof, by the EEAS obviously has a vast impact on member-states' 'capacities for action' (Crozier and Friedberg 1980: 42). Moreover, by limiting the number of vacancy calls 'in the central office, where [...] policy decisions are made' (*Interview 27*) and excluding positions related to the HR directorate (*Interview 19*; see above), the EEAS not only illustrated its independence in deciding about the recruitment process, but simultaneously signalled its desire to remain independent also in its future decision-making behaviour (cf. Meier and Nigro 1976; Wise 2003).

The individual applications should be submitted directly to the EEAS, not via the member-states' administrations. Even though member-states' MFAs are required to provide a letter illustrating the candidate's 'diplomatic credentials', which might open for the possibility of pre-selecting potential candidates by member-states (*Interviews 3, 24*), this *direct application system* clearly implies that member-state governments would be bypassed. 'If you apply an open approach you cannot really control or steer' (*Interview 4*). 'We don't pre-cook anything' (*Interview 17*). Consequently, it effectively curtails the potential influence of member-states on the proceedings.

[L]et everybody apply provided that they fulfil the criteria [...] and let then the EEAS to make the entire selection (*Interview 17*).

It is also clear that people within the panel [of the EEAS], who are aware of this history, may tend to promote their own candidates (*Interview 18*).

It is true that there is a great influence of the European Commission – now the EEAS – in the sense that those panels are chaired by a person coming from the EEAS [...] But the fact is that, for the pre-selection phase, chaired by the EEAS and the fact that the work of the pre-selection is developed on the basis of what has been prepared by the EEAS, that influences very much the work of the panel (*Interview 13*).

Finally, the EEAS decides upon the composition of the (pre-)selection panels, and thereby appears to consistently place representatives from member-state governments into, at best, a minority position. In fact, member-states are 'not represented in the panels for heads of division, for instance [...] not in all the middle management and junior positions' (*Interview 19*). When they are represented, they consistently face a numerical majority from the EU

institutions. For example, in the Consultative Committee on Appointments (CCA), the member-states have two representatives out of six members (see above) – with decisions requiring a two thirds majority. Moreover, unlike for the representatives from the EU institutions in the CCA, for the representatives of member-states ‘it functions on the rotation basis, so [...] there’s not really a consistency and coherence on who is representing’ (*Interview 11; also Interview 4, 14*). This is, however, already an improvement since no representation was awarded to member-states during the first hiring round (which initiated repeated interventions by several member-states including Austria, Denmark, France, and the United Kingdom; *Assemblée Nationale 2010*), nor was such participation even considered when Baroness Ashton first set up the CCA (*Interviews 3, 4, 10*).¹² Even so, requests for a more equal say were ignored by the EEAS. ‘[P]robably the one single change which was *not* incorporated was precisely more participation’ (*Interview 4*). As a direct consequence, member-states complained. ‘We can help draw up the right shortlist for us member-states, but then the EEAS will decide [who gets the post], or to restart the process completely’ (*Interview 10; also interview 14*).

All this, however, need not imply that member-states did not attempt to influence the results of the recruitment process in their favour. In fact, they developed a number of different strategies with exactly this aim in mind. The most far-reaching of these consisted of ‘a work of diligent and smart lobbying activities’ (*Interview 5; also Interviews 14, 15, 19, 28*) – although this mostly applies for postings at higher (political) levels (*Interviews 5, 14*). More conventionally, many member-states attempted to professionalise the way they manage vacancy notices from the EEAS. Although voluntary preparatory workshops and information booklets for EEAS applicants were thereby widespread (confirmed by most interviewees), bigger member-states tended to thereby exploit well-established routines and programmes – ‘our career development concept, let’s say’ (*Interview 27; also Manley, 2012*) – while ‘new’ and smaller member-states often relied on more ad hoc procedures (*Interviews 6, 21, 22, 23, 29*), which in many cases relied more directly on input from EEAS officials (*Interviews 14, 24, 29*). These patterns might provide an explanation for recent views suggesting that there is a gap between old and new member-states when it comes to the rate of success in terms of bringing national officials into the EEAS. Indeed, albeit to varying degrees, new member-states are under-represented in the new Service. ‘Out of 134 people who applied for 10 senior management posts in Brussels, there were 34 “new” diplomats, 74 “old” ones and 26 EU officials. None of the “new” ones got through’ (Rettman 2012). Under-representation of officials from new member-states may be related to genuine shortages of skill and experience for historical reasons (e.g.

lack of diplomatic representation in specific world regions, such as Africa or Latin America).¹³ Building on our interview data, however, the lack of well-established organisational capacities in new member-states to receive training appears to be an important factor in explaining such differences, which illustrates the effect of administrative capacity for recruitment in member-state governments.

Regarding the actual recruitment practice in the EEAS, it is illustrative to regard the relative importance attached by the EEAS and member-states to certain qualities of candidates, and how this translates into EEAS' recruitment decisions. We thereby concentrate on three elements: (i) The relative emphasis put on merit versus nationality; (ii) technical expertise versus diplomatic qualifications; and (iii) the importance of work experience in the Brussels institutions for candidates to EEAS posts.

First, while the EEAS favours merit over nationality, many member-states have argued that 'this one third quota needs to be fulfilled proportionally by all member-states' (*Interview 29*), implying a need to have some degree of geographical balance (*Interviews 4, 5, 12, 18, 24, 21, 28*). That is, 'from a [country] point of view, it's about trying to find a good [country national], but from the institutional point of view, it's trying to find the best person to do the job' (*Interview 7; also Interview 19*).

The issue of nationality appears, however, to be treated by the EEAS as a matter of relatively minor concern. Several respondents indeed indicated that 'how the panels have been working, it has been merit proof' (*Interview 7*), while geographical balance 'does not seem to us to be happening right now' (*Interview 12*). Hence, even though geographical balance may signal some degree of national 'ownership' of international institutions (see above), there is little evidence of member-states' ability to impose positive weight on candidate's nationality in the recruitment process. Although recruitment into (Deputy) Head of Delegation positions has been particularly favourable to officials from the twelve member-states that joined the EU since 2004, this seems to predominantly reflect a catch-up process inherited from DG RELEX (where these countries remained under-represented at senior positions) as well as the importance attached by the HR/VP to geographical (and gender) balance (EEAS 2012: 8; see also Duke and Lange 2013).

Second, technical expertise has been a key concern in Commission's hiring in external relations, while diplomatic qualifications form a core requirement for member-states. These credentials, most often acquired at diplomatic academies and always following a highly competitive selection process, are

often perceived as the cornerstone of the diplomatic *esprit de corps* (Hocking and Spence 2006). Following Commission's posting practices, EEAS has put substantial weight on candidates' technical and management expertise (*Interviews 4, 11, 14, 16, 17, 27*) despite its formal requirement that member-state candidates should have relevant 'diplomatic credentials'. As a response, several member-states allowed for a fairly broad and encompassing interpretation of 'diplomatic credentials' when deciding on granting the candidate a 'letter of support' (*Interviews 3, 4, 11, 19, 22, 24*). Such leniency in interpretation was thereby seen as a key means to satisfy a desire to 'maximise our success possibility' (*Interview 19*). Evidently, a lenient translation allows sending in more applicants, which increases the chance of having at least some successful candidates (*Interview 14, 19*). However, it might also increase member-states influence on EEAS' recruitment process *if* EEAS conforms to this broader interpretation. Exactly such readjustment of the EEAS' application requirement occurred after the first rotation (see also Murdoch 2013). Although this initially suggests that member-states had at least some influence on the decision-process of the EEAS, the EEAS did not communicate exact nature of the changes in its application requirements at the time of the change (*Interview 3, 6, 20*), thus generating 'a lot of questions all over Europe' (*Interview 20; also Interview 3, 28*). Clearly, such ambiguity benefits the EEAS' ability to retain independence of its recruitment practice, as it keeps member-states continuously lagging one step behind. 'We had to improvise because the service improvises as well a lot' (*Interview 6*).

Finally, EEAS appears to also have stood its ground (against member-state demands) when it concerns the importance attached to work experience in the Brussels institutions. While such experience is of lesser importance to member-states - given that countries' diplomatic traditions often varies substantially from the Commission's view of external relations - 'if you look at what is making the grade in the EEAS, it is clear that having served in Brussels gives you an edge' (*Interview 28*).

Overall, therefore, EEAS appears to have kept a firm hold over both the formal organisational architecture of the selection process, and the practical implementation thereof. As a consequence, it has been able to ensure, thus far, that its recruitment procedures and practices - particularly at the elite level of appointments discussed here - remain largely independent of member-states' influence. This indicates that the EEAS might well be seen as another reflection of an independent European political order in the making. Moreover, given that the EU historically lacked substantive capacity within this policy field

(Duke *et al.* 2012), the EEAS may serve as a hard case for such order transformation.

Concluding Discussion

The EEAS seems to reflect yet another example of the creeping transformation of Europe's political order in which EU institutions acquire relative independence from member-state governments. Building independent institutional capacities at EU level in the domain of external relations represents a shift of 'locus of policy-making' that suggest a transformation of political order (Richardson 2012: 5). This paper provides evidence supportive of such claim by illustrating the substantial independence of the recruitment of domestic government officials to the EEAS. We also argue that EEAS represents a hard case of order transformation due to both the inherent intergovernmental stronghold of this policy area and the historical lack of EU capacity building within this policy field (Duke *et al.* 2012; Furness 2013).

Theoretically, this paper shows that the recruitment of EEAS personnel reflect both (i) the supply of administrative capacities at EU level, and (ii) pre-existing organisational traditions, practices and formats. With regard to (i) the supply of EU administrative capacities, the paper demonstrates that the supply of independent administrative capacities *inside* the Commission and the EEAS in practice tends to safeguard independence of recruitment of EEAS staff from member-state governments, and thus one condition for political order transformation in the domain of EU's foreign relations administration. The data suggests that the EEAS treat member-states as 'external counterparts', whereas member-states feel they 'should be considered as full stakeholders' (*Interview 19*). Secondly, the data reported also shows that that the recruitment practice of EEAS personnel is considerably fashioned by pre-existing organisational traditions, practices and formats. Organisational theory ascribes an autonomous role for pre-existing organisational structures to account for the emergence and institutionalisation of new organisational structures, and their effects. Particularly, during periods of rapid institutional formation - as faced by Europe at the time of the establishment of the EEAS - new institutional arrangements may be profoundly shaped by pre-existing organisational forms. Moreover, lack of time when creating new institutions makes decision-makers' 'pursuit of intelligence' *bounded* and their search for solutions *local* (March 2010: 19). The likelihood of institutional reproduction may be particularly high in cases with few institutional 'models'. The paper shows empirically that member-states with strong pre-existing organisational capacities and traditions for recruitment of diplomats seem to co-ordinate the recruitment of EEAS officials more strongly than member-states with few

domestic capacities and traditions for diplomatic recruitment. Similarly, the Commission's tradition of calling upon policy experts rather than diplomats is reflected in the recruitment of domestic diplomatic personnel to the EEAS as well.

The rise of a genuine European public administration in the domain of EU external relations thus seems to reflect pre-existing organisational architectures, supplemented by the build-up of new administrative capacities at the new executive centre – EEAS (see also Vanhoonacker *et al.* 2010). These observations lend support both to organisational theory and to the research on an emergent European administrative order. Essential is the extent to which an executive centre builds organisational capacity for independence and is able to act relatively independently from key components of an inherent administrative order (Madison 1788). Formulating and implementing public policy in Europe has been a prerogative of national administrations. The capacity of the state has largely been determined by 'the [administrative] capacity of the state to effectively achieve the chosen policy outcomes' (Matthews 2012: 281). This paper has shown how these prerogatives have become complemented with the rise of EU-level administrative capacities for independent recruitment.

Notes

- ¹ 'AD' refers to individuals at the level of administrators/advisors and higher. Note also that the individuals concerned remain member-state officials since their positions are set up as temporary four-year posts (extendable with another four years and, in exceptional cases, two more years after that), upon completion of which the official's home institution is required to re-integrate him/her among its staff.
- ² As of February 2013, foreign ministries of the EU member-states have expressed a preference for four years as the 'normal stay' for their officials (Foreign Ministries of Austria *et al.* 2013: 3).
- ³ Note that a separate recruitment procedure applies to Seconded National Experts (SNEs), which is not covered in our analysis.
- ⁴ The Council Decision of 26 July 2010 establishing the Organisation and Functioning of the European External Action Service ensures the primacy of merit over nationality by stating that '[r]ecruitment to the EEAS shall be based on merit whilst ensuring adequate gender and geographical balance' (Council of the European Union 2010: 35). Even so, 'merit' may become a subjective issue when knowledge concerning candidates' track record differs between candidates from the European institutions or from national diplomatic services (Duke and Lange 2013: 11).
- ⁵ Experience suggests that recruitment panels often look for managerial experience when it comes to hiring member-states officials, notably for the EU delegations. Elite positions within the EEAS – such as Heads of Delegations (HoD) – are primarily managerial positions and thereby far different from that of a national ambassador. This could be seen as the completion of a shift from 'negotiation' to 'international technical management', a consequence of the rise of non-traditional issues in international politics, such as economic and environmental co-operation (Bull 1977: 174–5). In this sense, a new type of 'technical expert-diplomat' seems to acquire a place in European diplomacy (see Diez *et al.* 2011: 128ff.; Murdoch 2013)
- ⁶ A very large majority of the appointments from the first rotation had been awarded when our interviews started, while the application and appointment process of the second rotation was on-going throughout the entire interview period.
- ⁷ Obviously, this also carries some risk as individual decisions may still carry more weight in the formative stages of an institution. In the case of the EEAS, the personal interest of the HR/VP in gender and geographical balance made the entire process inherently politicised with member-states lobbying for a 'national representative' and greater representation of women (particularly at the elite level we consider here). We carefully account for this in our interpretations below, and are grateful to an anonymous referee for pushing us further on this point.
- ⁸ Note that in the career structure of the European Institutions, Heads of Unit can occupy grades AD9 to AD14, directors can occupy grades AD14 and AD15 and Directors-General (as well as Heads of Delegations) can occupy grades AD15 and AD16. For more details, see http://ec.europa.eu/civil_service/job/managers/index_en.htm
- ⁹ Additionally, the CCA has a mandate to regularly supervise and review the EEAS' recruitment and selection procedures, as well as monitor the development of staff within the EEAS over time (including its gender and geographical balance) (Council of the European Union 2010). Judging from minutes of the initial meetings of the 'Core Membership' of the

CCA in 12 January 2012 and 14 June 2012, it has been commendably self-critical in this regard.

¹⁰ Although the Commission had no foreign policy competencies and as such had no embassies, it maintained 'representations' in 136 countries. After the ratification of the Lisbon Treaty, which conferred a legal identity on the EU, these were transformed into EU 'delegations' (i.e., embassies).

¹¹ Rejected candidates often only received a generic 'Thank you' letter, without any feedback regarding their performance or the reasons behind their unsuccessful application (Bruxelles2.eu 2012).

¹² Both the characteristics of the initially proposed CCA (i.e., no member-state involvement), and the way it was brought forward (i.e., no input requested from member-states in its development), signalled that the EEAS saw the CCA as 'their prerogative [...] [which] member-states should not mingle in' (*Interview 3; also Interview 19*). Interestingly, a similar approach was taken by Baroness Ashton with the introduction of new rules for the secondment of member-state officials into EEAS: 'The change in secondment rules has been passed by Ms Ashton and her Headquarters, but not announced or anything' (*Interview 3*).

¹³ The third round, incidentally, reversed some of these trends and led to complaints from the older member-states.

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