Wednesday 13 March 2019

RECOMMENDATIONS

EUROPEAN PARLIAMENT

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Scope and mandate for EU Special Representatives

European Parliament recommendation of 13 March 2019 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the scope and mandate for EU Special Representatives (2018/2116(INI))

(2021/C 23/23)

The European Parliament,

— having regard to Articles 2, 3, 6, 21, 33 and 36 of the Treaty on European Union (TEU),

— having regard to the Council decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service ([1]),

— having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR on political accountability ([2]),

— having regard to the Annual Reports from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament on the implementation of the Common Foreign and Security Policy,

— having regard to the EU Annual Reports on Human Rights and Democracy in the World,

— having regard to the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy,

— having regard to the Guidelines on appointment, mandate and financing of EU Special Representatives of 9 July 2007 and to the Council Note (7510/14) of 11 March 2014;

— having regard to its resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service ([3]),

— having regard to the Global Strategy for the European Union's Foreign and Security Policy presented by the VP/HR on 28 June 2016, and the subsequent implementation reports,

— having regard to the EU Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, adopted by the Council in 2013,

([1]) OJ L 201, 3.8.2010, p. 30.
([2]) OJ C 210, 3.8.2010, p. 1.
([3]) OJ C 351 E, 2.12.2011, p. 454.

— having regard to the 1975 Helsinki Final Act of the Organisation for Security and Cooperation in Europe (OSCE) and all its principles, as a cornerstone document for the European and wider regional security order,

— having regard to its resolutions on the Annual Reports from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament on the implementation of the Common Foreign and Security Policy,

— having regard its resolutions on the EU Annual Reports on Human Rights and Democracy in the World,

— having regard to its recommendation of 15 November 2017 to the Council, the Commission and the EEAS on the Eastern Partnership, in the run-up to the November 2017 summit ([1]),

— having regard to its resolution of 4 July 2017 on addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide ([2]),

— having regard to its resolutions on Ukraine calling for the appointment of an EU Special Representative (EUSR) for Crimea and the Donbas region,

— having regard to its recommendation to the Council of 13 June 2012 on the EU Special Representative on Human Rights ([3]),

— having regard to Rule 110 and Rule 113 of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A8-0171/2019),

A. whereas the EU has the ambition to be a stronger global actor, not only economically but also politically, striving with its actions and policies to contribute to the maintenance of international peace and security and a rules-based global order;

B. whereas the EU Special Representatives (EUSRs) are appointed by the Council on a proposal from the VP/HR, with the mandate of advancing particular goals of a thematic or geographically specific political or security nature; whereas they have proven to be a valuable and flexible instrument for EU diplomacy, as they can personalise and represent the EU in crucial places and situations, with the backing of all Member States; whereas the flexibility of the EUSRs' mandates means that they are operational instruments which can be deployed quickly when concerns arise in certain countries or on certain themes;

C. whereas, thanks to their frequent presence in the field, EUSRs have a privileged position to establish a dialogue with civil society and local actors as well as to conduct research on the ground; whereas this direct experience allows them to contribute constructively to policy and strategy formulation;

D. whereas there are currently five regional EUSRs (for the Horn of Africa, the Sahel, Central Asia, the Middle East Peace Process, and the South Caucasus and the crisis in Georgia), two country-specific EUSRs (Kosovo and Bosnia and Herzegovina), and one thematic EUSR, responsible for human rights;

E. whereas currently only two EUSRs are women;

([1]) OJ C 356, 4.10.2018, p. 130.
([2]) OJ C 334, 19.9.2018, p. 69.
([3]) OJ C 332 E, 15.11.2013, p. 114.

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F. whereas in the case of EUSRs appointed with mandates for specific countries, the 'double-hatting' by which the EUSR is simultaneously the head of the EU Delegation to the country concerned has contributed to the coherence and efficiency of the EU's external presence; whereas the deployment of further country-specific EUSRs needs to be consistent with the EU's external action strategies, given the strengthening of the EU Delegations via the Lisbon Treaty, through which they acquired responsibility for coordination of all EU action on the ground, including CFSP policies;

G. whereas there are other high-priority areas and conflicts, including in the EU'S immediate neighbourhood, that require special focus, more involvement and EU visibility, such as Russia's aggression in Ukraine and illegal occupation of Crimea;

H. whereas the EUSRs have proved their usefulness, notably in their conducting of high-level political dialogues and their capacity to reach high-level partners in very sensitive political environments;

I. whereas the EUSRs are financed out from the CFSP budget, as co-decided by Parliament, and are accountable for budget implementation vis-à-vis the Commission;

J. whereas the VP/HR has committed to respond positively to requests by the European Parliament to hear newly appointed EUSRs before they take up their posts and to facilitate regular briefings of Parliament by the EUSRs;

K. whereas EUSRs are selected from among individuals who have previously held senior diplomatic or political office in their country or in international organisations; whereas they enjoy a substantial degree of flexibility and discretion as to how their mandate is executed, which can be conducive to reaching set goals, implementing strategies and providing added value to the EU;

L. whereas the key role of EUSRs is to contribute to the unity, consistency, coherence and effectiveness of the EU's external action and representation; whereas they demonstrate the EU's interest in a given country, region or thematic area and strengthen its visibility, and contribute to the implementation of a given EU strategy or policy towards the mandated country, region or thematic issue;

1. Recommends the following to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

a. to present a strategic reflection on the use, role, mandates and contribution of the EUSRs in light of the implementation of the EU Global Strategy;

b. to ensure that EUSRs are only appointed if there is a clear added value in using this instrument, i.e. if their tasks cannot be efficiently fulfilled by existing structures within the EEAS, including by EU Delegations, or within the Commission;

c. to ensure that EUSRs are primarily used to step up EU efforts in conflict prevention and resolution and implementation of the EU strategies, in particular through mediation and dialogue facilitation, and to advance EU policy objectives in specific thematic fields, all within the remit of external relations and respecting international law;

d. to avoid a proliferation of EUSRs and a fragmentation of their mandates which would create overlap with other EU institutions and lead to increased coordination costs;

e. to ensure that the mandates and actions of EUSRs when addressing regional security and conflict prevention, mediation and resolution are guided by the principles of international law as outlined in the 1975 Helsinki Final Act and other crucial norms of international law, as well as by the peaceful settlement of disputes, as a key element of the European security order and as emphasised in the EU Global Strategy; and to comply with all rules and policies adopted by the EU towards the region or conflict covered within their sphere of responsibility;

f. to consider all possible means to strengthen the role of the EUSRs as an effective tool of EU external policy, capable of developing and advancing EU foreign policy initiatives and promoting synergy, notably by ensuring that EUSRs can travel freely within the area covered by their mandate, including conflict zones, for the purpose of effective implementation of their tasks;

g. to ensure greater transparency and visibility of the work of the EUSRs, including by public reporting on country visits, work programme and priorities, as well as the creation of individual webpages to allow public scrutiny of their action;

h. to reinforce the assets that constitute the added value of the EUSR, namely legitimacy built on the backing of the VP/HR and the Member States, country/regional/thematic responsibilities, political weight, flexibility, and enhancing the EU's presence and visibility in partner countries, thus strengthening the EU's profile as an effective international actor;

On the mandate

i. to permit an adequate length of mandate that creates a perspective enabling the hiring of qualified senior staff and allows implementation of the mandate, as well as confidence-building with partners, establishing networks and influencing processes; to ensure regular review in line with developments in the country/region or subject concerned and also allow for prolongation of the mandate if required by circumstances;

j. to contribute to implementation of an EU policy or strategy towards the mandated area and to the formulation or revision of strategies or policies;

k. to ensure that conflict prevention and resolution, mediation and dialogue facilitation, as well as fundamental freedoms, human rights, democracy, the rule of law and gender equality, are viewed as horizontal priorities and therefore as cornerstones of the scope of the EUSRs' mandates, and that adequate reporting on action taken in these areas is ensured;

l. to require evaluation and monitoring procedures covering results attained, obstacles encountered, indication of key challenges, input to policy formulation, and assessment of the coordination of EUSR activities with other EU actors, in order to favour exchanges of best practices amongst EUSRs as well as to assess performance and consider the renewal and review of mandates;

m. to ensure the coherence of the mandate for Central Asia with the 2007 EU Strategy for Central Asia, reviewed in 2015 in order to enhance the Union's effectiveness and visibility in the region;

n. to introduce an extensive 'cooling-off' period for EUSRs, with a view to ensuring the highest possible level of ethical standards for cases of conflict of interest;

o. to ensure that Parliament's Committee on Foreign Affairs is involved in the drafting of the mandates, new and extended, of the EUSRs;

On the tools

p. to maintain the flexibility and autonomy that EUSRs currently enjoy as a distinctive CFSP instrument with a separate financing source and a privileged relationship with the Council; to strengthen, however, at the same time, the coordination and reporting links with the related EEAS managing directorates (regional, thematic, CSDP and crisis response) and with the related DGs of the Commission; to ensure a swift and transparent nomination and confirmation process;

q. to address the shortcomings in maintaining institutional memory and continuity between outgoing and incoming EUSRs by reinforcing logistical and administrative support from the EEAS, including archiving, and by primarily seconding policy advisors from the EEAS and other EU institutions as appropriate to join the EUSR teams;

On the personal profile

r. to appoint as EUSRs persons with extensive diplomatic and political expertise and an appropriate profile, ensuring in particular that they have the political clout needed to establish links and mutual trust with high-level interlocutors; to profit in this regard from the existing pool of persons with political and diplomatic experience across the EU; to respect gender and geographic balance; to make sure that the decision of appointing a specific person is made in a transparent manner and only after confirming the candidate's admissibility, in particular with regard to any potential conflict of interests and to ensuring that the candidate meets the standards of ethical conduct;

s. to ensure that the appointment of EUSRs may only be confirmed after a positive evaluation by Parliament's Committee on Foreign Affairs;

t. to provide greater ease of access to information and justification concerning selected candidates;

On the areas covered

u. to focus the mandates of the EUSRs on strengthening regional security and on conflict prevention and resolution, especially through facilitating dialogue and mediation in which EU engagement can bring added value; to ensure that in case of thematic focus, appointment of an EUSR does not duplicate or undermine the role of the Commission and the EEAS;

v. taking into account the role of EUSRs as a specific diplomatic tool in EU external action and recognising the importance of the stability of the European Neighbourhood, to encourage EUSRs to develop ever closer relations with the countries affected by protracted conflicts, with the emphasis on the strong need for EUSRs to contribute to the peaceful settlement of conflicts in the neighbourhood of the EU;

w. to welcome the appointment of the new EUSR for Human Rights and acknowledge the work of the previous holder of the post, who successfully fulfilled his role of enhancing the effectiveness and visibility of EU human rights policy; notes that the post's responsibilities have been expanded to include promoting compliance with international humanitarian law and promoting support for international criminal justice;

x. to strengthen the capacity and role of the EUSR for Human Rights, taking into account that this position has a worldwide mandate that therefore requires and implies political dialogue with third countries, relevant partners, business, civil society and international and regional organisations, and action in relevant international fora;

y. while being mindful of the importance of not significantly increasing the number of EUSRs so as not to detract from their special nature, to phase out the mandates of the existing country-specific EUSRs and, pending the overall division of responsibilities in the next Commission and the EEAS, to consider the appointment of regional EUSRs; to consider appointing thematic EUSRs for the international coordination of the fight against climate change, for international humanitarian law and international justice, and for disarmament and non-proliferation, in the last-named case to take over from the current EU Special Envoy for this area;

z. to appoint a new EUSR for Ukraine, focusing in particular on Crimea and Donbas, to be responsible for monitoring the human rights situation in occupied territories, implementation of the Minsk Agreements, de-escalation in the Sea of Azov and pursuing the rights of internally displaced persons (IDPs), as previously called for by Parliament in its resolutions;

On interaction and cooperation

aa. to reinforce the interaction and coordination of EUSRs with the different EU institutions, civil society and the Member States so as to ensure maximum synergy and coherent engagement of all actors; to strengthen the involvement of EUSRs in the EU Conflict Early Warning System; to ensure there are no overlaps with other high- level diplomatic figures such as EU Special Envoys; and to ensure cooperation with other like-minded partners and envoys, including those appointed by the UN, NATO and the US;

ab. considering that the European Parliament is co-legislator for the civilian part of the CFSP budget, which is administered by the Service for Foreign Policy Instruments (FPI), to reinforce Parliament's oversight of the EUSRs' activities and to enhance their level of accountability and the transparency of their work, recalling that this goal can be achieved by sharing information on a regular basis about the EUSRs' implementation of their mandate, their work and achievements and the challenges they face, through regular and at least yearly meetings and exchanges of views between EUSRs and the relevant EP bodies, in particular its Committee on Foreign Affairs and its Subcommittees on Human Rights and on Security and Defence, as well as by systematic sharing with the EP of reports and country strategies sent by EUSRs to the Political and Security Committee (PSC) within the Council and to the EEAS; and, to this end, to insist that these documents be included within the Interinstitutional Agreement in the area of the CFSP;

ac. to encourage interaction and facilitate dialogue with civil society and citizens, in the regions covered by EUSRs, as a part of the preventive diplomacy and mediation processes, and also in the interests of the EU's visibility; to ensure, in particular, that EUSRs exhibit a proactive engagement towards civil society actors, human rights defenders or dissenting voices who may be under threat or targeted by the local authorities;

2. Recommends that the next European Parliament should require a commitment from the new VP/HR to come up, within the first six months of his or her mandate, with a strategic reflection on the use of EUSRs, in the context of the implementation of the Global Strategy and along the lines of the principles and recommendations set out above;

3. Instructs its President to forward this recommendation to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the EU Special Representatives.