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Does the European Union Need a Common Diplomatic Service?



Master thesis
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INTRODUCTION

Since the Treaty on European Union signed in Maastricht in 1992 allowing the Member States to undertake common actions in foreign policy significant progress has been made in the European construction. Without doubt, the failure of the Constitutional Treaty in 2005 was a hindrance on the way of reforms in the sphere of EU foreign policy, namely such innovation as establishment of a European External Action Service – a common diplomatic service of the European Union, bringing together staff from the Commission and the Council with national diplomats – was suspended after the French and Dutch No votes.

The idea of a common European diplomatic service and of the Minister for Foreign Affairs was not abandoned with the rejection of the EU Constitution, on the contrary, the future of Europe and its priorities are widely discussed nowadays.

The diplomatic service for the European Union: myth or reality?

One could assert that at present there is already a common European diplomacy arguing that there is a European political entity whose positions are represented at the international level by delegations and officials who defend its interests. Nevertheless, it seems to be a diplomacy without appropriately regulated embassies and without sufficient coordination with the national diplomatic services of the Member States. If one considers the importance of the EU external activities, it is difficult not to arrive at the conclusion that the diplomatic service for the European Union has ceased to be a myth and represents a tangible reality, some aspects of which, however, should be improved in order to make it compatible with the diplomacies of the Member States.

Questions raised and problems discussed in the thesis.

Will the European Union speak as one or will there be 27 or more different actors within the Union, each with their own foreign policies, embassies and diplomatic services? How can the efficiency, coherence and visibility of the Union's external policies be improved?

The questions that will be raised in the present thesis include:

- Does the EU need a common diplomatic service?
- What are the advantages of its creation?
- What connection will it have with the Commission and the Council?
- How will it be coordinated with the diplomatic services of the Member States?
- How will it be structured?
- What impact will it have on the external action of the EU and the national diplomatic services?

The object of the present master thesis is to present the current situation of the external representation of the EU and to expound the gist of the current debate on the necessity of the creation of a common diplomatic service of the European Union presenting different views and sometimes contradictory statements, giving answers to the above-mentioned questions which are based on the positions of the EU institutions, European policy-makers, and experts on the EU's external relations.

The problematic of the subject of the research is due to the fact that current proposals concerning the common diplomatic service are focused mainly on the idea of how to improve external representation of the European Union at the political level, while some aspects of the administrative dimension of the creation of the European diplomatic service are not well elaborated so far.

Structure of the thesis

The thesis comprises three parts:

- **The first chapter** gives an overview of the historical development and the institutional framework of the diplomatic service. It traces the evolution of the treaties which had a vital importance for the elaboration of a common external policy of the Union which finally led to the idea of the creation of the European External Action Service.
- In **the second chapter** the project of the Constitutional Treaty is analysed, paying special attention to the role of the Minister for Foreign Affairs who will eventually be the head of the European External Action Service. As the idea itself merits detailed consideration and has become a subject of a spirited debate, main arguments for and against are presented and high emphasis is placed on the advantages of the establishment of the common diplomatic service for the EU and benefits for the Member States.
- **The third part** is dedicated to a careful study of the problems that emerge with the creation of the above-mentioned service and possible ways of responding to a numerous questions connected with its institutional dimension, as well as the consequences it will have on the external action of the European Union and on the foreign policy of the Member States.

* * *

EU **diplomacy** and EU **foreign policy** are two terms that are used very often interchangeably, although there is a difference between them. While EU foreign policy is the substance of EU relations with third countries and international organizations and the goals it strives to achieve by those relations, EU diplomacy is a more specific term meaning the process of negotiations and political dialogue between the Union and third countries, which comprises a set of norms, rules and principles regularizing these negotiations and which have a common institutional basis¹. On the other hand, there exists an interdependence of these notions as one can not speak of the establishment of an EU common diplomatic service without

¹ Batora J., “Does the European Union Transform the Institution of Diplomacy?”, Clingendael Discussion Paper in Diplomacy 87, The Hague, Clingendael Institute, July 2003

mentioning the CFSP and the EU external action, and vice versa it is impossible to conduct efficient foreign policy without having an effective instrument.

EU external action is another term which may add to the confusion. Contrary to what one might think, the CFSP does not constitute the whole of the Union's external action; it is a wider concept which covers such policies as development policy, humanitarian aid, common trade policy, environment, and issues such as visa and asylum policy.

Diplomacy as an institution is challenged in the EU; its embodiment can be found in bilateral relations of the Member States, multilateral diplomatic profile of the Council and the Commission, and emerging capacity of the Union to conduct diplomatic relations with third countries. While the role of diplomats in the mediation of relations between the Member States at the bilateral and multilateral level within the EU is being redefined, diplomats acquire new responsibilities at the level of EU's external relations. The EU copies prevailing structures and socialization procedures established in national diplomatic services, which would reduce the existing uncertainty as to what kind of an actor in the international diplomatic system the EU actually is. The fact that the EU is developing its own diplomatic structures makes allusion to the general pattern of a new state establishing its presence in the diplomatic system. What is new and interesting in this context is the fact that the EU is not a state, and still it is developing a legal personality, which creates expectations of the EU fulfilling particular roles on par with the roles fulfilled by the states.

Given the present dynamic of the European integration and institutional development of European polity, the master thesis cannot aspire to provide a definite answer to the question whether or not **the EU needs a common diplomatic service**, it would rather point at possible tendencies in the sphere of EU's external representation and reveal the challenges the Union would have to face.

I Historical Background and Institutional Framework of the Diplomatic Service.

1.1 Evolution of treaties and development of common foreign policy of the EU

Since the signing of the Treaties of Rome, European integration focussed more on economic aspects, like the creation of a common market, but with the passing of time they have acquired a political role which goes beyond the strictly economic sphere. Thus the ideas for cooperation in the field of foreign policy were already in evidence. For almost forty years of European construction the very wording "common foreign policy" was never mentioned in the Treaties. It was in October 1970 that the Member States of the European Community endeavoured to cooperate with each other in the matters concerning major international policy problems. Nevertheless, this was at intergovernmental level in the context of "European political cooperation". In 1986, the Single European Act formalised this intergovernmental cooperation without changing its nature or methods of operation. The change came at Maastricht where, for the first time, Member States inscribed in the Treaty the objectives of a "common foreign policy". The Treaty entered into force on 1 November 1993, and since that time the European Union uses its substantial international influence to protect and promote the interests of each Member State and the EU as a whole, expresses its position on armed conflicts, human rights, deals with transnational problems like environmental threats and any other subject connected to the fundamental principles and common values which form the basis of the European Union and which it is committed to defend.

1.1.1. Maastricht Treaty introducing the Common Foreign and Security Policy (CFSP)

A new stage in the European integration became possible with the signing of the Maastricht Treaty in 1992 that created the European Union with a symbolic structure of three pillars corresponding to three main areas of EU policies:

European Communities (EC), Common Foreign and Security Policy (CFSP), Police and Judicial Co-operation in Criminal Matters (PJCC).

The objectives of this second pillar of the Union are set out in Article 11 of the EU Treaty and are to be attained through specific legal instruments (namely *common positions* which require the Member States to implement national policies that comply with the position defined by the Union on a particular issue and *joint actions* which are operational actions by the Member States under the auspices of the CFSP), which have to be adopted unanimously in the Council. It is distinguished from the other pillars because of the way it operates, the need for Member State consensus in the decision-making procedures and its intergovernmental nature (unlike the traditional pillars of the Community, such as the single market and trade policy).

The Treaty introduces other institutional roles in the CFSP process, as there are a number of different actors who are involved in the elaboration and implementation of CFSP:

- The European Council defines the general principles and guidelines and decides on the common strategies by unanimity (Art. 13 of the TEU) and it functions as a role as the forum for political appeal.
- The Council of the European Union is responsible for taking the decisions necessary to frame and implement the CFSP and it makes recommendations of common strategies to the European Council.²
- The Presidency of the Council represents the Union in all matters related with the CFSP, especially carrying on the political dialogue with the third countries. In its missions it is supported by the Secretary-General of the Council/High Representative for the CFSP, accompanied by the European Commission. The Presidency can also be provided assistance by the member state that will hold the

² The CFSP is dealt with by the General Affairs Council composed of the EU Foreign Ministers.

following presidency. These three actors are called *troika*. The Presidency is responsible for implementing the decisions taken in the frames of the CFSP (Art. 18 of the TEU)

- The European Commission “shall be fully associated with work in the area of the CFSP” (Art. 27 of the TEU), which is necessary to assure the coherence of the CFSP with the external economic relations, the cooperation in development and humanitarian aid as well as common trade policy in which the Commission plays an important role. It has the right to take second pillar initiatives (not exclusive) and it has (with the Council) to “oversee the consistency of external actions”.
- The European Parliament must be consulted with regard to the "key aspects and basic options" of the CFSP (Art.21 of the TEU); it gives opinions and may also make recommendations to the Council that is required to make regular reports to the Parliament.

The Member States of the European Union can make propositions to the Council; they also have to align their positions and coordinate their actions on the common foreign policy matters. Their national diplomatic services must cooperate in order to assure the respect and the implementation of the common positions and common actions.

1.1.2 Amsterdam and Nice Treaties and their contribution to the clarification of the CFSP

The provisions on the CFSP were revised by the Amsterdam Treaty which entered into force in 1999. An important decision in terms of improving the effectiveness and profile of the Union's foreign policy was the appointment of a High Representative for the CFSP. This position is currently held by Mr. Javier Solana Madariaga, who took up the post on 18 October 1999 for a period of five years that

was prolonged³. He assists the Council in foreign policy matters, through contributing to the formulation, preparation and implementation of European policy decisions. He acts on behalf of the Council in conducting political dialogue with third parties and coordinates the EU Special Representatives.⁴

The Amsterdam Treaty spells out five fundamental objectives of CFSP:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principle of the United Nations Charter ;
- to strengthen the security of the Union in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principle of the Helsinki Final Act and the objectives of the Paris Charter , including those on external borders
- to promote international co-operation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

The Treaty also identifies several ways in which these objectives are to be pursued. Firstly, the European Council defines the principles and general guidelines for the common foreign and security policy. Secondly, it decides on common strategies. These instruments set out overall policy guidelines for activities with individual countries. Each strategy specifies its objectives, its duration and the resources that will have to be provided by the EU and the Member States. So far there are Common strategies on Russia, Ukraine, Mediterranean and the Middle East Peace

³ At its inception, it was decided that the Secretary General of the Council would fill the position. This meant that the Secretary General at the time, Jürgen Trumpf was the first High Representative, although he would only serve a few months.

⁴ The European Union currently has nine Special Representatives (EUSRs) in different regions of the world. The EUSRs promote EU policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law.

Process. And thirdly, the General Affairs Council adopts joint actions and common positions which have to be respected by each member state.⁵

Additionally, mechanisms for regular political dialogue with a whole range of third countries have been set up, usually with troika meetings at ministerial, senior officials and working group level, summits and in some cases, meetings with all Member States and the Commission at ministerial or senior officials' level.

With the Treaty of Nice, which came into force on 1 February 2003, the appointment of the Secretary General of the Council/ High Representative for the CFSP, special representatives of the European Union is done by the qualified majority. Besides, it notably increases the areas which fall under qualified majority voting and enhances the role of the Political and Security Committee (PSC, or COPS) in crisis management operations.⁶

1.1.3 Competitive participation of the Council and the Commission in the forming of the EU common foreign policy

The second paragraph of Article 3(c) of the TEU was amended to include an obligation for the Council and the Commission to cooperate in order to ensure consistency in the external activities of the Union as a whole.

The European Council defines the principles and general guidelines for the CFSP as well as common strategies to be implemented by the EU. On the basis of those

⁵ Art. 15: "Member States shall ensure that their national policies conform to the common positions."

⁶The COPS is mentioned in Article 25 of the Treaty on European Union and is set up on 22 January 2001. It is made up of the political directors of the Member States' foreign ministries. Its remit is:

- to monitor the international situation in the areas covered by the common foreign and security policy;
- to contribute to the definition of policies;
- to monitor implementation of the Council's decisions.

guidelines the Council of Ministers adopts joint actions or common positions. The treaties also indicate that the function of the High Representative for the Common Foreign and Security Policy is exercised by the Secretary-General of the Council of Ministers, who assists the country holding the Presidency of the European Union in matters coming within the scope of the CFSP. When appropriate he conducts political dialogue with third parties, acting on behalf of the Council of Ministers, at the Request of the Presidency.

There are two broad contributions of the Commission to CFSP. First, the Commission plays a treaty-specific role in CFSP. The Treaty requires that the Commission be "fully associated" with the CFSP work, where it enjoys, along with Member States, a right of policy initiative, manages the CFSP budget line and brings to the CFSP debate the EC policy areas where it has a clearly defined role. Second, there is the Commission's role as external representative in all the European Community areas - this involves the Commission both in policy formulation in Brussels, and in the representation of EC interests throughout the world by means of its extensive network of delegations. The Commission, in its turn, may, as any Member State, refer to the Council any question relating to CFSP and may submit proposals to the Council - although it does not have the sole right to do so as in Community matters. The Commission may also, as any Member State, request the Presidency to convene an extraordinary Council meeting and make suggestions to the Policy Unit for work to be undertaken. The Commission also implements the CFSP budget (under the EC budget) including through appropriate financial proposals.

The Council and the Commission are jointly responsible for ensuring consistency of EU external activities as a whole, in the context of its external relations, security, economic and development policies.

To sum it up, the Common Foreign and Security Policy provides an exciting dimension to the overall work of the European Union. The institutions of the EU, including the Commission and the Council, are now involved in most of the traditional fields of international diplomacy.

1.1.4 The unanimity in the decision-taking process: is it a drag on the way of reforms?

One of the main features of a decision - making process in the CFSP matters is the need for unanimity which is extremely complex and inflexible. The unanimity requirement means that if only one country dissents from a common position, the EU will fail to adopt a common position.

Paragraph 1 of the new Article 23 (J13) establishes the general rule that on CFSP matters, decisions should be taken by unanimity and constructive abstention: abstentions by Members present in person or represented shall not prevent the adoption of decisions.

Paragraph 2 of the same article states that the Council shall act by qualified majority when adopting joint actions, common positions or taking any other decision on the basis of a common strategy, or when adopting any decision implementing a joint action or a common position but only where a member of the Council does not declare beforehand that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority. In such cases, the Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

While voting on the making of policy is to be by unanimity, voting on the appropriate means of implementing decisions is to be by qualified majority voting. This is highly significant for the effectiveness of CFSP.

One salient disadvantage to unanimity is the potential for decision-making to remain slow and ineffective if countries attempt to negotiate side-payments in other issue areas in return for assent over a common foreign policy position. So the

establishing of the decision-making procedures that are better geared to the needs of speed, effectiveness and credibility in Union action is the key problem, as it was underlined by Javier Solana: “Unanimity at twenty five (or more) on each and every CFSP issue will make decision-making very difficult. We need to seriously reflect on the possibility of enlarging the existing possibilities for majority voting while taking full account of the interests and specific situations of Member States. We should also reflect on the issue of constructive abstention and reinforced cooperation.”⁷

Some propositions have been made aimed at the relaxation of the unanimity rule in order to avoid the risk of deadlock:

A. Clarification of the function of abstention in CFSP decisions. Whether or not abstention stands in the way of unanimity under the CFSP has never been discussed by the Council. It may be asked whether Article J.11 of the TEU should be amended to establish clearly that abstention does not stand in the way of unanimity.

B. Introduction of a special "constructive abstention" arrangement: under this, abstention would not stand in the way of unanimity and would allow an abstaining Member State not to take part in implementing joint action, while still being required to show full political and financial solidarity.

C. Introduction of an opt-out: opting out would exempt a Member State not only from actually taking part in the implementation of action (as in the case of constructive abstention) but also from showing active solidarity and possibly financial solidarity; the Member State could not, however, prevent the Union's name from being used for the joint action or common position and it would have to refrain from behaving in any way which might conflict with the objectives of the action or detract from its effectiveness.⁸

⁷ Javier Solana's speech, "Shaping an effective EU foreign policy", Brussels, 19 February 2002.

⁸ Conference of the Representatives of the Governments of the Member States, CFSP Decision-making procedure, note No 24. Brussels, 24 April 1996

Consequently, to avoid the raised criticism of the CFSP as being ineffective, the Member States are encouraged to move beyond their national self-interests and think in a more “Communitarian” way in order to adopt a common standpoint even in difficult situations.

1.1.5 Recent enlargements of the EU: a challenge for the coordination of various policies in the pursuit of common objectives

The decision of the EU to expand its membership to the Northern, Central and Eastern European countries represents the largest and the most difficult plan in the Union’s history. The enlargement of 2004 took place against a background of complex political and economic changes in Europe and the international system. Nevertheless, it was the most well prepared comparing to other enlargements.⁹ The implications of all the enlargements are significant for the EU in terms of future stability of Europe.

A close examination of the final terms of the EU membership agreement involving Central and Eastern Europe (CEE) helps illustrate the intergovernmental character of the accession process. Some scholars (like Fierke and Wiener 1999; Schimmelfennig 2001; Sedelmeier 2001) have suggested that enlargement has been effectively driven by the constraints of collective identity and social norms, that is by a sense of “community values”. Recent intergovernmental approach (Moravcsik and Vachudova 2003) that insists on the importance of national interests provides a more realistic assessment of the final impact of these agreements. As an analytic tool, the concept of the national interest is employed to describe, explain, or evaluate the sources of the adequacy of a nation’s foreign policy. As an instrument of political action, it serves as a means of denouncing or

⁹ Commission européenne, *Élargissement de l’UE – 20 mythes et réalités au sujet de l’élargissement*, Luxembourg: Office des publications officielles des Communautés européennes, 2006

proposing policies. These two usages share a tendency to confine the intended meaning to what is best for a nation in foreign affairs.¹⁰

The analyst Hans Morgenthau emphasized in his realist theory of international politics that “the objectives of a foreign policy must be defined in terms of national interest.”¹¹ But if every Member State is concerned only about its national interests, who is to say that the goal or act of the Union is contrary to that nation’s interest?

The foreign-policy goals that the EU sets for itself are considered to result from bargaining among the Member States. If some interests carry greater weight than others, it is assumed that the differences will be recognized and accounted for in the policy-making process.

It is important to notice that the accession process has been structured in such a way that it effectively favours Western interests over those of the CEE. Frequently, these interests are couched in terms that suggest the CEE countries, by adopting Western institutions as well as engaging in the policy-making, will be clear winners from the enlargement. On the whole, the potential for the new and old EU Member States will – in the long run - depend on their ability to manage the diverse interest of these many different states.¹²

In terms of the CFSP, with the recent enlargements it is tempting to predict that for the foreseeable future the process of enlargement will have a rather limited impact on the development of the common foreign and security policy. Yet such an assessment would be slightly misleading, in part because the enlargement process already has an impact on the new members, all of which are trying as hard as they can to be in line with EU mainstream positions. Compared to the socio-economic and symbolic dimension of membership, CFSP matters are of minor importance and are generally not allowed to disturb the negotiation process of enlargement. As

¹⁰ The definition is reproduced from the International encyclopedia of the Social Sciences, edited by David Sills, Robert Merton, Macmillan, 1968.

¹¹ Hans J.Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 2d.ed. revised and enlarged (New York: Knopf, 1954), p.528

¹² David L. Ellison, *Divide and Conquer: The EU enlargement’s Successful Conclusion?* *International Studies Review*, March 2006, p.164

such the present round of enlargement of 2007 follows the pattern of previous enlargements in which foreign policy has been a non-issue. However, the logic of the telos of the membership does not last for ever. The central European states with stakes in the first round of enlargement (Estonia, Poland, the Czech Republic, Hungary, and Slovenia) tried to influence the Ostpolitik of the EU, and Hungary and Slovenia additionally demonstrated a pronounced interest in the EU policy on the Balkans. So the CFSP, like international relations generally, will always be shaped by modern geopolitics.

1.2. The current situation of the European diplomacy

With the growing importance of the EU as an international actor (through the Common Foreign and Security Policy and the aid programmes) the issue of a better European Union representation in the world has taken on a new importance. This issue has not yet been examined in detail by scholars of European affairs. Little has been published about European Commission delegations or their precursors, some of which were set up as early as the mid-1950s. These offices were created to answer differing needs. Three situations come to mind: those countries with which association agreements had been signed (as in the case of the UK), countries involved in close information exchange, cooperation or competition with the European Communities/EU (as in the case of the United States), and those countries where control of aid programmes was required (African, Caribbean and Pacific countries, at the beginning of the 1960s).

1.2.1. External representation

Having analyzed the evolution of treaties and their impact on the formation of the external policy of the European Union, it is appropriate to examine now the present day situation, paying special attention to the structure of the EU external activity and the actors involved.

First of all, it should be mentioned that the European Union does not have a legal personality; it is the European Communities that were recognized as legal entities and were given powers in the international sphere. Nowadays their external powers are extended to many areas, such as trade policy, associate countries and overseas territories, relations with other international organizations, research and technological development, environmental policy, education, vocational training and youth, culture, public health, trans-European networks, economic and monetary union, and development cooperation. Some of them are exclusive (e.g. common commercial policy), others are exercised by the Community in tandem with the Member States, which is a general rule.

The internal management of the Community external action is conducted by the institutions according to the supranational method, as it was mentioned in the previous paragraphs. The essential role is played by the Commission as it is responsible for the external representation of the Community and deals with implementing the agreements and managing the funding. The following DGs are involved in external relations: External relations, Trade, Development, Enlargement, Common External Relations Service, and Humanitarian Aid Office.

It is the Commission delegations that represent the EC externally, establishing and maintaining relations with third countries and international organizations in the Community sphere (mainly economic relations), as the CFSP matters are mainly the responsibility of the Presidency of the Council. The Presidency represents the Union (18.1 EU) together with the Commission (18.4 EU), it also has the assistance of the High Representative for the CFSP (18.3 EU) and if necessary, of the next Member State to hold the Presidency (18.4 EU). Besides, the Council may designate a special representative with a mandate in relation to a particular political issue (18.5 EU).

As regards Community policies, the delegations have the monopoly in representing the Community. No Member State, not even that of the Presidency, has the legal power to represent the EC or to speak on its behalf in the host state. When speaking

about the sphere of shared powers, there has to be a partnership between the Commission delegation and the missions of the Member States.¹³

These Commission delegations have expanded spectacularly, currently numbering 128, and have been fully accepted by third countries and international organisations, which have proceeded to open up their corresponding embassies in Brussels. The delegations have the rights, privileges and diplomatic immunities granted to the missions of the Member States according to diplomatic law, and the head of delegation has the diplomatic rank of Ambassador.

The delegations are not only responsible for managing commercial policy and development aid, but also for the political representation of the Community, which is recognized as a major player on the international stage.

In the functioning of the delegations some aspects remain vague, such as their legal status, their role and their relationship with other EU institutions, as well as a great confusion on what is actually represented: the EC or the EU. Frequently the delegation and its head in third countries are perceived by the public as representatives of the whole of the Union and even of Europe in general¹⁴. Basically, the Commission is only an institution of the Community, and does not have international legal personality. Besides, the delegations are formally answerable solely to the Commission, but in fact they have relations with the Council and the European Parliament, which permits them to fulfill a broader representation role on behalf of the Community as a whole, and that has become a source of the confusion.

The role of the delegations has always been very diverse, as has been the status of their staff: some were supposed to have a purely political and diplomatic role (a role

¹³ Galeote G., B. Becerril, "Towards a common European Diplomacy? Analysis of the European Parliament resolution on establishing a common diplomacy." Jean Monnet European Centre of Excellence, 2005

¹⁴ See "Diplomacy without a state: the external delegations of the European Commission", Journal of European Public Policy, Glasgow, 1999, p.186-197

of representation and information as in the case of the US, the UK, Japan), while others were intended to have a more technical function (running the European Development Fund in the case of the African, Caribbean and Pacific Group of States). Some of their staff were senior EC civil servants, others were hired by the Association Européenne de Coopération. Not until 1988 were these latter employed on the same footing as their EC colleagues. This development was the result of long battles between different institutional interests (Member States, European Parliament, Commission, DG VIII, DG I).

The Delegations of the Commission act in the interests of the European Union in 123 countries, and at five centres of international organisations (OECD, OSCE, UN, WTO). As defined by the treaties, their official role is:

- to present, explain and implement EU policy;
- to analyse and report on the policies and developments in the countries to which they are accredited;
- to conduct negotiations in accordance with a given mandate;
- to provide assistance for other institutions of the European Union such as High Representative of the EU for the CFSP/ Secretary General of the Council of the EU or the European Parliament. Besides, they support local presidencies of the Union. Hence the heads of delegations regularly take part in the troikas and assist the presidency.

Besides, there are currently nine EU Special Representatives (EUSRs) in different regions of the world who promote EU policies and interests and play an active role in efforts to consolidate peace, stability and the rule of law in the following regions: Afghanistan, the African Great Lakes Region, Bosnia and Herzegovina, Central Asia, the Republic of Macedonia, the Middle East, Moldova, the South Caucasus and Sudan. In addition, another EUSR is going to be appointed to Kosovo as part of the post-status arrangements. Some EU Special Representatives are resident in their country of activity while others are working on a traveling basis from Brussels.

Special Representatives of the European Union support the work of the EU High Representative for CFSP in the regions concerned. They play an important role in the development of a stronger and more effective EU Common Foreign and Security Policy and in the efforts of the European Union to become a more capable and coherent actor on the world stage.

There is one special case of a double-hatted EU Special Representative who is at the same time a EUSR and Head of a Commission delegation in the Republic of Macedonia, Erwan Fouéré. He reports to and is instructed by the Council on CFSP issues and is responsible to the Commission for areas of Community competence. The success of the “Skopje model” is recognized in the numerous reports of the House of Commons in the United Kingdom and the double-hatting proves to be “a practical, pragmatic and cost effective solution” to the specific requirements of that region¹⁵.

To understand better the present-day situation of the external representation of the Union, one needs to look into the original sources. In 1993 the Maastricht Treaty defined precisely the diplomatic framework of the EU giving political support for the change in the nature of the foreign policy governance in the Union: “The diplomatic and consular missions of the Member States and the Commission delegations in third countries and their representations to international organizations, shall cooperate in ensuring that the common positions and common measures adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in article 8c of the Treaty Establishing the European Community”.¹⁶

After the signing of the Treaty some changes were introduced within the Commission – responsibility for foreign policy were shifted from EPC unit in the Secretariat General to a new Directorate General DGIA within which a new

¹⁵ 38th Report of the House of Commons, 8 February 2006.

¹⁶ Treaty on European Union; title V J.6.

Directorate was responsible for management of the Delegations and their staff within a framework of a “Unified External Service”.¹⁷

The status of the External Service was subject to some changes after “The Williamson Report” which recognized the necessity for the Commission to create a homogeneous body of diplomats serving overseas. The interest in the External Service getting deeper, the Santer Commission produced every year “communications” to the Council and the Parliament. These communications focused on the External Service management and development, covering many aspects such as its role, priorities and resources, as well as profound modifications to the network of the delegations and their activities.

Thus the debate on the necessity of the creation of the European common diplomatic service was launched, heated up in 2000 by an important resolution of the European Parliament proposing the establishment of a common European diplomacy and turning the Commission delegations into Community delegations accountable to Council and Parliament and making the External Service “a professional permanent Community Diplomatic Service”.¹⁸

1.2.2 Internal management

The European External Service has come a long way since the opening of the first diplomatic mission in London in late 1955 by the High Authority of the European Coal and Steel Community, who was accredited to permanent diplomatic missions from a number of then non-EC European countries. In 1967 the treaty merging the executive institutions of the three European Communities (ECSC, EEC, Euratom) made a new single Commission take over the already existing delegations and in the course of the following decades set up delegations in all the major capitals and seats

¹⁷ It was created in 1994. The name is due to the fact that disjoint administrative elements were now brought together under one management umbrella.

¹⁸ European Parliament “Galeote Report”, EP Committee on Foreign Affairs, Human Rights, Common Security and Defense Policy “Report on a Common Community Diplomacy” (2002/2006 [INI], A5-0210/2000).

of international organisations in the world. During the same period a network of delegates was created to implement co-operation and partnership agreements concluded with countries or groups of countries.

The Delegation has the full status of a diplomatic mission (it is granted diplomatic privileges and immunity as per the Vienna Convention on diplomatic relations) and officially represents the European Commission in third countries. The Head of the Delegation is formally accredited as the official representative of the European Commission to the Government of the host country and is referred to as His Excellency, Ambassador. The staff working in the Delegations comprises about 4.900 officials, contractual staff and local agents. The management of the staff, the buildings and residences housing the Delegations, automobile park, information and telecommunications equipment, etc. centres in DG External Relations, Directorate K: External Service, in close contact with the Heads of Delegation and their Heads of Administration.

The Directorate is composed of nine units: RELEX/K-1 (responsible for coordination and programming of activities, human and budgetary resources), RELEX/K-2 (ex-post control), RELEX/K-3 (career of officials and contract agents), RELEX/K-4 (rights and obligations of officials and contract agents), RELEX/K-5 (local agents), RELEX/K-6 (the development of the External Service, exchanges with Member States, training, protocol and diplomatic questions), RELEX/K-7 (infrastructure), RELEX/K-8 (security), RELEX/K-9 (informatics).

As the importance of the delegations and the number of tasks conferred upon them grew, it became necessary to organise the management of the External Service in a more unified and integrated way so that the delegations could perform their tasks properly. With this end in view, the Commission decided to integrate all Delegation staff administratively in DG External Relations (with the exception of certain specialist staff seconded from other Directorate Generals, or from Member States or other EU institutions) by establishing a Unified External Service, a single management system for all its Delegations operating in third countries and with international organisations.

How the Commission delegations are managed internally can be shown on the example of the EC delegation in the United States of America, one of the biggest one. Recognizing the importance of the support of the US government for European integration, the first information office was opened in Washington, DC in 1954. Seventeen years were needed for it to become a Delegation with full diplomatic privileges and immunities. The Head of Delegation was accorded full ambassadorial status not earlier than in 1990. The Delegation represents the European Commission in its dealings with the US Government for all matters within EU competence or purview. It reports on US developments to headquarters in Brussels and acts as a liaison with other international institutions in Washington, DC.

A close examination of the structure of the delegation staff allows to single out the following key figures and sections:

- Head of Delegation (Ambassador);
- Deputy Head of Delegation;
- Administration Section (Admin), responsible for provision of support services for the Delegation staff, building and residences through the authorized allocation of budgetary resources, liaising with appropriate authorities in the European Commission and the US (including the US State Department) on all protocol and administrative matters related to EU officials.
- Economic and Financial Affairs, which monitors and assesses US economic performance and liaises with the International Monetary Fund, World Bank and Multilateral Development Banks in areas of interest to the EU.
- Food Safety, Health and Consumer Affairs, which maintains close contact with the US Administration, US Congress, industry and consumers in the above-mentioned areas.
- Political and Development section, which follows all aspects of the New Transatlantic Agenda and maintains close contacts with the US Administration and Congress on foreign policy. Further, this section serves as liaison between the EU and the US in the development assistance area, covering cooperation with the US

Government, the International Financial Institutions, the Organization of American States and a broad range of Washington-based NGOs and think tanks.

- Press and Public Diplomacy, with the crucial task of enhancing awareness of the European Union in the United States. It produces and distributes information materials, maintains the Delegation's website, organizes speaking tours and deals with public inquiries. The section also maintains close contact with all US media; produces EU News Releases; provides the media with information and analyses of EU developments, positions and statistics.
- Science, Technology and Education, which maintains close contact with the US authorities at the Federal and State levels, research universities, national laboratories and the high tech industry. It processes information for the European Commission services in Brussels, Luxembourg and the JRC Institutes pertaining to trends in science, technology and education.
- Trade and Agriculture. This section monitors trade and regulatory developments in the US, including agriculture.
- Transport, Energy, Environment and Nuclear Matters, monitoring and analysing US political, economic and regulatory developments in these areas¹⁹.

It is important to note that the Delegation of the European Commission does not deal with consular matters (such as passports) or other issues that have traditionally been handled by the Member State embassies, consulates, trade commissioners or national tourism offices directly concerned.

The presented internal structure is the common model of the EC delegations, although in many countries the size of it is much more modest and the number of tasks and responsibilities is less important. For instance, the delegation to Chile is currently a mid-sized one with close to 30 employees; its tasks include following the EU-Chile Association Agreement which involves trade, political dialogue and co-operation.

Thus, the Delegation of the European Commission is a fully-fledged diplomatic mission and has the task to officially represent the European Commission in the

¹⁹ The official site of the EC delegation to the US: www.eurunion.org

country. The Delegation deals closely with the diplomatic missions of the EU Member States. It serves as a venue for meetings and press conferences that involve the EU as a whole, acts as the contact point for joint cultural initiatives, and offers the Member States resources for specific information, such as EU market access to third countries. It particularly works closely with the Member State holding the EU Presidency.

1.2.3 European responsibilities of Foreign Ministries of the Member States.

The membership of the countries in the EU defines to a considerable degree the work at the national Ministries for Foreign Affairs. This affects almost all the Ministry's areas of responsibility; officials at all levels are engaged in EU work and both the Ministry for Foreign Affairs in the country's capital and its missions abroad, including the Permanent Representation of the Member State to the EU in Brussels, are involved.

In daily activities, European aspects touch on almost all Foreign Ministry's areas of responsibility, from work on bilateral relations (between the Member State and other countries) to the shaping of security policy or development assistance policy. These aspects may include any political contacts of the EU, like those with Africa or Latin America, where all the Member States give their opinions, or they may include EU statements in the United Nations on human rights in a particular country, where the Member States contribute their views. They may also apply to the cooperation on consular affairs existing between EU member countries, i.e. the assistance given to the nationals of a Member State abroad, where, as Union citizens, they can obtain aid from the embassy of another member country in places where the country has no embassy of its own.

Officials at all levels, appointed state secretaries and ministers are involved in the process and they try to ensure the efficiency of the Ministry's EU work. Although

initial contacts are often made at official high level, very often contacts taken by political appointees are preferable as per the principle of the subsidiarity.

EU work is undertaken in the capital of the Member State, in Brussels and at the various missions abroad. In simple terms, this means that the Ministry for Foreign Affairs lays down the policy and the missions abroad convey messages and reactions between the Member State and the government of the country of operations or the international organisation. The Permanent Representation of the Member State to the EU in Brussels represents the Government of the Member State in the EU. Officials both from the Member State and those in Brussels participate in EU meetings, discussions of the issues taking place between the national government, Brussels and the missions abroad. Work pertaining to the European Union varies depending on the country of operations, particularly when the country is a member of the EU as opposed to a non-EU member.

So the Ministry of Foreign Affairs usually is the central coordinating institution for EU issues in a Member State. The ministry coordinates development and implementation of EU related issues and analyzes the country's priorities in the EU. In cooperation with Prime Minister's Office, the Ministry of Foreign Affairs prepares Prime Minister's participation in European Councils and other EU meetings as well as prepares proposals for development of the Member country's EU related policy.

II The idea of the creation of a common diplomatic service.

Respecting the existing institutional balance, the most outstanding innovation of the EU Constitutional Treaty in the matter of foreign policy is the creation of the post of the Minister for Foreign Affairs of the European Union and a common diplomatic service under his authority.

2.1 The project of the Constitutional Treaty

In the beginning of the twenty first century, it became clear for a large number of European leaders that the EU required a re-foundation and renovation. From an initial agenda that included the distribution of competencies, simplification and the incorporation of the Charter of Fundamental Rights, the Convention on the Future of Europe produced a fully-fledged proposal for a Constitution for Europe. Italian and Irish Presidencies had led the negotiation and final approval of this document. In October 2004, the Heads of State or Government of the 25 Member States and the 3 candidate countries signed the Treaty establishing a Constitution for Europe which then needed to be ratified by all the Member States of the enlarged Union.

In May and June 2005 the French and Dutch voters rejected the Treaty in referenda. The failure of the constitution to win popular support in these two countries caused some other countries to postpone or halt their ratification procedures. Had it been ratified, the treaty would have come into force on 1 November 2006.

Now the Constitution is on hold and it has a highly uncertain future. After some period of reflection several options presented themselves. The first one is to try to resurrect the existing treaty with only minor additions and amendments without changing the substantial part of it. But another option of a “Mini-treaty”, proposed by the French President Nicolas Sarkozy and echoed by the Italian Prime Minister and former President of the European Commission Romano Prodi, has drawn much more attention of the European leaders. It consists in taking up about two-thirds of novelties from the Constitution that were not critical issues during the failed

referenda in France and the Netherlands. This “cherry-picking” in the matters concerning the foreign policy favours the creation of Minister for Foreign Affairs and replacing unanimity by qualified majority.

John Palmer, Political Director of the European Policy Centre in Brussels, predicted that there would have to be another treaty and this would be needed two or three years after the negative results of the French and Dutch referenda.²⁰ Whether the European Union will have sooner or later its constitution and if yes what changes it will bring is not known yet, but the fact that the initial project had some innovations that should be retained and should be taken into consideration while elaborating a new treaty raises no doubts.

2.1.1 Creation of the post of Minister for Foreign Affairs

One of the main innovations of the Constitutional Treaty was introduction of the post of Minister for Foreign Affairs by merging the functions of the High Representative for the CFSP and the External Relations Commissioner (Article I-28) with the purpose to make the European Union's external action more effective and coherent, as he would become in effect the voice of the Union's common foreign and security policy. His role consists in conducting the CFSP and ESDP, using all instruments at his disposal.

However, the Minister for Foreign Affairs will not have sole charge of the Union's external representation. The Constitution specifically assigns the task of representing the Union to the Commission, except for CFSP issues. Article I-22 of the Constitution provides that the President of the European Council, as well as preparing and chairing the work of the European Councils, is responsible at his level for ensuring the external representation of the Union on issues concerning its CFSP, without prejudice to the responsibilities of the Minister for Foreign Affairs. The Constitution does not, nevertheless, go into detail about how these functions

²⁰ BBC News website, 6 June 2005.

are to be divided between the European Council President and the Foreign Affairs Minister, leaving their respective roles for institutional practice to decide.

The “double-hatted” Minister for Foreign Affairs, who is one of the Vice-Presidents of the Commission and the Council’s representative for the CFSP, is appointed by the European Council by qualified majority with the agreement of the President of the Commission. He will have a right of initiative in foreign policy matters and implement that policy under mandate from the Council of Ministers.

The responsibilities of the Minister for Foreign Affairs will be:

- to represent the EU in matters concerning the CFSP,
- to conduct political dialogue on the EU’s behalf,
- to coordinate different aspects of external actions and to ensure the consistency between the areas of external action and EU’s other policies²¹,
- to express the Union’s position in international organizations and at international conferences,
- to coordinate Member States’ action in international forum (Art. III-305), and
- to be the head of the Union’s special representatives who are appointed and mandated by the Council of Ministers to deal with specific policy issues (Art.III-302)

²¹ The necessity of the coordination of activities between the Commission and the Council of Ministers is mentioned in the Article III-292. The Commission also argues that “unsatisfactory co-ordination between different policies means that the EU loses potential leverage internationally”, see COMMUNICATION FROM THE COMMISSION to the European Council of June 2006 “Europe in the World — Some Practical Proposals for Greater Coherence, Effectiveness and Visibility”

2.1.2 The Establishment of the European External Action Service (EEAS).

Besides the above-mentioned functions, the Minister for Foreign Affairs will be in charge of a diplomatic service with delegations in almost 125 countries around the world. The Constitution provides for a European External Action Service to be set up to assist the Minister in his or her functions (Article III-296).

This service will be established by a decision of the Council of Ministers, after consulting the European Parliament and after obtaining the consent of the Commission, and will be placed under the authority of the Foreign Affairs Minister. It will be composed of officials from relevant departments of the General Secretariat of the Council of Ministers and of the Commission and staff seconded from national diplomatic services.

The staff of the Union's delegations operating in third countries and within international organisations will be provided from this joint service. Additional necessary arrangements for establishing the European External Action Service will be made once the Treaty establishing a Constitution for Europe is signed.

At present, after the negative French and Dutch votes on the Constitutional Treaty, it has not been done and a number of disputes arose between Council, Commission and Parliament, as well as between big and small Member States. The moot points include the following aspects:

- First of all, the issue of the institutional setup. Commission and Parliament demand a strong connection of the European External Action service to the Commission and are supported by the Secretary-General on this issue. The Parliament aims to strengthen its grip on Foreign and Security Policy. The Member States support an agency separate from Commission and Council which leans close to the existing working structures dealing with Foreign Policies in the Council. Even a totally independent structure like the current Translation Service is discussed.

- As far as the funding is concerned, the budget size will not differ much from the budget of the External Service of the Commission. But if the EEAS is integrated into the Commission, he would have to be financed from the Budget of the Commission as well. If there is no institutional integration into the Commission, the Council would have to establish a separate budget for the EEAS.
- The question of the institutional reforms. Up to now the presidency of the Council rotates through the member states every six month. The Constitutional Treaty intended to create a Council presidency with the electoral period of 30 months. It is unclear how such a change will shape the work of the European External Action Service. Up to now the Council working groups on Foreign Affairs are chaired by a representative from the presiding Member State. Especially the small Member States want to keep that position to gain or keep influence on the common foreign and security policy.
- Without a doubt the EEAS will concentrate on the CFSP issues. Yet many other policy areas overlap with the CFSP, like the Terrorism Prevention (from the field of Internal Affairs) or Trade Policies (from the field of Economic Affairs). It is to be expected that the Commission will still handle these policy areas if mandated by the Council, but the EEAS will assist in the coordination of these policies.
- The major problem is the relation to diplomatic service of Member States. At the moment, the diplomatic services of the Member States carry out a number of important functions and it is unclear whether in the long run the EEAS will take over some of these functions, such as the issue of visas.

The future European Foreign Service, compared to the size of the diplomatic services of the Member States, will be relatively small and will dispose of a comparably low budget; nonetheless it should not be underestimated. The various disputes show that there is a need to rebalance the power structure of the European institutions. Especially the Parliament is gaining influence and has recently manifested it, to take the example of the rejection of the agreement on the EU Financial Framework for 2007-2013 in January 2006. The compromise on the European External Action Service will indicate how the power has shifted between the institutions. To establish the EEAS through an Interinstitutional Agreement would be the most practical solution, but also the most problematic one.

2.2 Does the EU need a common diplomatic service?

Before exposing the quintessence of the current debate on the necessity of the creation of a common European diplomatic service, it should be underlined that the eventual establishment of the above-mentioned service together with the introduction of the post of the Minister for Foreign Affairs has for an object to assure coherence, efficiency and visibility of the EU external action.

2.2.1 Pros and cons

- Differences in the attitudes and expectations of the Member States

The origin of the faction can be traced back to the Constitutional Treaty that explicitly says that “the service shall work in co-operation with the diplomatic services of the Member States.” Some of the Member States, indeed, expect that some time later with the development of the common diplomatic service it may be possible for the EEAS to take over some of the representative and analytical functions currently fulfilled by their own expensive and over-stretched diplomatic services. Big Member States such as the United Kingdom and France are less sanguine. They view the European common service on the contrary, in some cases, as a potential rival to their national diplomacies. Although in a number of countries, like in the United Kingdom, ironically, this suspicion co-exists, with a more positive view of the External Service as a possible instrument to counterbalance the increasing external profile of the European Commission. The British Foreign Secretary observed that “you find all sorts of odd bods from the European Union running all sorts of odd offices around the world and it would be a good thing if arrangements for the European External Service gave us more control than we have at the moment”.²² The “odd bods” running “odd offices around the world” are a

²² “A European Diplomatic Service?” European Policy Brief, the Federal Trust for Education and Research, January 2006, Issue 20

major element of the general debate concerning the future work of the common diplomatic service.²³

- How will the European foreign policy be defined then?

The issue that has provoked lively debates is whether a new common diplomatic service will be able to cover the areas of the CFSP and trade as well as the areas of aid, technical assistance and humanitarian intervention, and what kind of interaction there will be. One of the questions that arise is, for instance, should representation of interests and humanitarian intervention be treated separately or should these two aspects of diplomatic service be integrated into one solid and coherent EU foreign policy. The point of view of the High Representative for CFSP Javier Solana was expressed in his speech to the European Council; he underlined that “the challenge now is to bring together the different instruments and capabilities: European assistance programmes, military and civilian capabilities from Member States and other instruments such as European Development Fund... Our objective should be to create synergy through a more coherent and comprehensive approach. Diplomatic efforts, development, trade and environmental policies should follow the same agenda”.²⁴

The same opinion is shared by many Commissioners who back up a similar coherent and comprehensive institutional approach, although opposed by partisans of the separation of responsibilities within the Relex family of DGs, like Chris Patten, former Relex commissioner.

In general, the dominant opinion is that the creation of a common diplomatic service of the European Union, which is supposed to link together the European Community aspects with the intergovernmental Common Foreign and Security Policy, will contribute to a better consistency and coherence of the Union’s external policies as a whole.

²³ Cf. Romano Prodi asking the question “Who will do what?” in his speech in Strasbourg, 13 May 2003.

²⁴ Javier Solana, “A Secure Europe In A Better World”, speech to the European Council, Thessaloniki, 20 June 2003.

- Addressing the problem of weakness in current institutions.

The EU and its Member States have not been able to translate their massive diplomatic resources into comparable international influence due to a lack of effective coordination between policy and action. Although some of this influence deficit can be attributed to the understandable attachment of Member States to their national interests, the end result is that the EU and hence its members “seriously under-perform” in the international arena.²⁵

The weak point is that the competences are not clear-cut between the EU institutions. The Union’s external relations are handled by a wide range of bodies, a fact that results in its public face something being shared by a multitude of actors which creates confusion first of all for the actors involved and for third countries. Functionally, EU foreign affairs are unified, but institutionally there is a great segmentation. Even within the European Commission there is no leading commissioner for international relations, as the Relex Commissioner is an equal with the Commissioner for Enlargement, Trade, Development, and EuropeAid. The Commissioners have legal competences that put them beyond the authority of the EU’s High Representative for Foreign Policy and even beyond the authority of the European Council.

The establishment of a common diplomatic service can help to eliminate the inefficiency in the area of the Union’s external action. To maximise the EU’s potential influence and effectiveness, the common diplomatic service will have to be structured so that it can continuously focus on promoting the coordination of its activities with those of the Member States while at the same time ensuring that all of the EU’s external action programs are in line with the Union’s foreign policy priorities. Likewise, and especially given recent and coming enlargements, the European external service will have to accommodate the continuing need for the inwardly focused functions of EU diplomacy, that is, the use to which EU foreign policy is put as an instrument of, and alternative to traditional bilateral relations between Member States. In this respect the function of the European foreign service

²⁵ Steven Everts, “Shaping a credible EU foreign policy”, CER, May 2002

‘as a catalyst for different national positions, facilitating dialogue, and providing a platform for building consensus’ is of vital importance.²⁶

The proposed common Foreign Service should provide a central point for the administration of the EU’s external relations. But there are some “ifs” to make it possible for the EU to achieve its goals in the field of the foreign policy: the Union will have its external relations concentrated and administered in one place if the Minister for Foreign Affairs disposes of clear lines of administrative and budgetary authority for the service, if the service itself has a tailor-made structure independent of any alternate power structures and if it has a recognised and accepted legitimacy within the EU.

- The control of the future EU diplomatic service

There is an open debate over the institutional implications of the EEAS which is taking place between the Council, the Commission and the European Parliament. The differences between the three main interested parties were aired in public at hearings in the European Parliament on 15 March 2005 and have also been expressed in internal Commission and Council documents.

1. The position of the European Parliament. Elmar Brok, a German MEP and chair of the influential Foreign Affairs Committee of the EP, expressed his concerns about the emergence of a “super administration” operating without a link to the Commission and has proposed that the Service should be fully integrated into the staff structure²⁷. The EP Constitutional Affairs Committee called for the planned EU diplomatic service to be subject to scrutiny by the European Parliament rather than being entirely in the hands of EU governments. On 10 May 2005 MEPs approved a motion for a resolution by Jo Leinen (PES) on the European diplomatic service in which they call for the preservation of the "Community model" in the EU's external relations.

²⁶ Grevi G., Cameron F., Towards an EU Foreign Service, 2005.

²⁷ Elmar Brok has written a report on behalf of the Committee on Constitutional Affairs (AFCO) on setting up an EEAS. The Committee adopted a resolution, a midterm report, on 21 April, 2005. The European Parliament adopted this midterm report on 26 May, 2005.

2. *The Council*, represented by Jim Cloos, an official in the Council General Secretariat, recommended the establishment of a new service between the Commission's structure and the Council's secretariat without setting up a different body. The Commission's powers on trade, development and humanitarian assistance do not need to be integrated in the EEAS, according to Mr. Cloos, who concluded that this was not a case "for intergovernmentalising the Community aspects of external relations".²⁸
3. *The Commission*. Graham Avery, director at the DG RELEX, stressed the need to avoid duplication of existing Commission responsibilities, which leaves open the question of whether the EEAS should assume no, partial or extensive responsibilities for external trade, development and assistance policy or enlargement-related issues. Other important issues, such as the manner in which staff are recruited into the Service, the relationship of the EEAS to the current External Action Service of the Commission (the 128 delegations overseas), the extent to which the crisis management aspects of the Union's work should be represented and the budgetary arrangements, all remain open.

The points of mutual consent comprise:

- Acknowledgement of the need for an EU Minister for Foreign Affairs and the accompanying EEAS. It is worth noting that the disagreements are primarily about the institutional design and specific duties of the European diplomatic service.
- Non-replacement of the national diplomatic services. It is clear that the EU Member States will play a vigorous role in the EEAS through officials seconded from the national diplomatic services who will form part of the Service's staff; if anything, their role will actually be enhanced compared to the current arrangements. In spite of this many of the functions currently exercised by national diplomatic services fall outside the EEAS's likely remit (such as trade promotion or the protection of national political, economic and cultural interests). It is also worth noting that the EEAS is, by definition, an external service and will not therefore

²⁸ EP News Report, 17 March 2005

have a role in bilateral relations within the EU or the formulation of national EU policies.

- The EEAS as a part of the constitutional package, which means that the eventual establishment of the EEAS and the post of Minister for Foreign Affairs is closely connected with other changes brought by the Constitutional Treaty, such as the introduction of the Foreign Affairs Council, changes to the Presidency, the introduction of the President of the European Council as well as more general changes in decision-making. In short, it is difficult to see how a fully effective Minister and EEAS could be created out of the context in which the constitutional treaty places them. Although it is also argued that the EEAS might come into being anyway by intergovernmental agreement.

2.2.2. Advantages of its creation

- Consular affaires

One of the challenges the European Union has to face is the national visa arrangements in the European space with no inner borders. On the grounds of the Schengen Agreement the nationals of third countries can get a visa to go to France and then move easily throughout Europe and go to Italy or Germany if they wish so. The question arises: what is the use of having so many different embassies granting visas to different EU countries if at the end of the day people will move freely within the EU? The Commission leads serious discussions on the future of the European visa service and probability of the creation of the European consular and visa agency under the common diplomatic service which will help to reduce the staff needed in consular departments of foreign ministries, interior ministries and embassies abroad. To illustrate, France and Great Britain has both their embassies in Bangladesh, with staff numbering forty and sixty people respectively; so all in all there are one hundred people working in such a small country. The rationality of the Commission idea is evident.

- Global presence of the 27

One thing to remember, the EU diplomatic service is designed not as a replacement for, but as a complement to the national diplomatic services. Hence national diplomats will be deeply involved in the EU external service, which will improve mutual expertise and give the Member States direct influence over EU relations with third parties. Moreover, it is interesting from the strategic and geopolitical point of view as the smaller Member States through association with EU embassies will have an opportunity to effectively increase their global presence. For example, whereas the United Kingdom has twenty-six embassies within the European Union alone, Malta has only eighteen bilateral embassies world wide.

- Administrative arrangements

Besides, it is attractive financially as many Member States have to face budget cuts of foreign ministries and to reduce costs of maintaining their network of embassies abroad, so joint EU embassies will be a good solution of the financial problem and it will allow small Member States to be represented in the countries where they do not have their own embassies at present as they can not afford to keep them. All large countries in the European Union have embassies in almost all countries and representations to international organizations like the United Nations. The smaller EU Members have fewer embassies and rely more on the services of consulates. Often an embassy in a country coordinates relations to several countries in the region. For instance, the Scandinavian countries have coordinated their Foreign Service and share their embassy buildings – but internally all countries still have their own administration and are functionally separated.

Pooling embassies will thus be helpful for achieving greater coordination between the Member States' external activities and will be a great relief for many of them, especially those with modest financial means.

- Big Member States versus small Member States.

For all the Member States a common European diplomatic service could provide an opportunity to establish a more coherent foreign policy and save resources that could be spend otherwise. If, for instance, the issuing of visas is executed by the EEAS, then the national embassies could focus more on the political, cultural and

economic ties between the Member States and third countries. This is a significant succour especially for small countries.

The advantages for the larger member states are not as clear. For Germany it would provide an opportunity to influence France and UK's politics in the Security Council. Yet it is unlikely that in a case of dispute, Great Britain and France would let their position be based on the German position. Here arises the question of what a common diplomatic service will provide to the big Member States. Without a doubt the proportion of diplomats from these three member states inside the service will be high. Working in the EEAS will be radically different from working in national diplomatic services. The joint EU embassies will receive different information and have different contacts abroad than the national diplomatic services. If the big (and the small) member states adequately train the diplomats working in the EEAS, ensure their connection to the national diplomatic services and commit themselves to a real information flow, the common diplomatic service could provide a perspective that none of the national services can provide.

- Assurance of consistency of the EU representation.

If we take for example one policy area, Common Foreign and Security Policy, the representation of the CFSP matters falls under the responsibilities of the Presidency. In Brussels even the smaller state can manage the presidency role, but when it comes to the representation abroad, it can be faced with the problem of not having its embassy in a particular country. In this case the presidency role falls to another Member State with a resident ambassador, which creates certain confusion for third countries although legally the presidency is represented but there is a clear lack of consistency of the EU representation. The Commission, according to Brian Hocking and David Spence²⁹, is the only consistent element in the representation of troika. Its extensive network of delegations abroad allows it to cope with its external relations role both in the Community sphere and in CFSP. The High Representative Javier Solana has a team of policy advisors (Policy Unit), but as the number of them is limited, there has been resort to special envoys and special representatives. Still

²⁹ Hocking B., Spence D., "Towards a European Diplomatic System?", Clingendael Discussion Papers in Diplomacy, 2005

the problem of the coherence and consistency of the EU representation is not solved as yet.

- “One telephone number for Europe”

The creation of a common diplomatic service will be an answer to Henry Kissinger’s question asked some thirty years ago what number he could dial to speak to Europe. It is true that at that time the Member States, although united, did not have a common service responsible for representing the Union and defending the EU’s interests abroad. Now with the establishment of such service the EU’s external relations will no longer be handled by a wide range of bodies which creates a “cacophony of voices”.³⁰

- Strengthening of the EU’s role as a global partner for development.

The EU is the biggest donor providing around fifty-five per cent of the world's development assistance which goes to more than 150 countries and focuses on the global challenges of the twenty-first century: tackling poverty, promoting democracy and security, social equity, economic prosperity, and environmental sustainability.

In the time being, the responsibility for the implementation of assistance is shared between:

- the Commission DG EuropeAid, responsible for the transforming political commitments into concrete results in the fight to eradicate poverty and to promote peace, human rights and sustainable development throughout the world;
- the European Commission Humanitarian Aid Office (ECHO), which provides food, medical supplies, water purification systems, shelter and other essential items to disaster victims around the world;
- the EU's Development Directorate General, which has as its mandate to enhance EU international aid policies in all developing countries worldwide. It provides policy guidance on development policy and oversees the programming of

³⁰ Jean Asselborn, “The European Union as an External actor”, 2005.

aid in the ACP countries (Africa, Caribbean and Pacific) and the EU's Overseas Countries and Territories.

The European diplomatic service is supposed to be a liaison between the European Union and third countries in the development assistance area as well, covering cooperation with other government agencies, international financial institutions, such as the World Bank and International Monetary Fund, and a broad range of NGOs and think-tanks. The eventual establishment of the Union's external service will facilitate this work by providing information from all over the world, helping to identify areas of common interest, negotiating with needy countries, and organizing formal visits of EU officials. Besides, a close cooperation with Member States' national diplomatic networks will contribute to increase to efficiency of EU assistant programmes, as development is a task that is shared between the European Union and its Member States.

The objective is to reinforce the profile, significance and impact of Europe's development aid including that of the Member States, to bring about more efficient interaction among donors within the framework of an effective international aid architecture.

III PROBLEMS OF THE CREATION OF THE EUROPEAN DIPLOMATIC SERVICE

Problems of the establishment of the EU common diplomatic service are of different nature: economic, political and administrative.

The economic difficulties are connected with the initial budget allocation. The budget funds of the national foreign ministries are limited and they have to be spent rationally on the increasing needs of the diplomatic networks of the Member States abroad. The difficulties to convince the public opinion and national parliaments of the importance of the missions of the national diplomatic services have a negative impact on the budgetary considerations. In this context of the budget constraint, the creation of the common European diplomatic service will entail an increase in the national diplomatic staff that will be needed for a common external service. Sooner or later, some reorganisation of the national diplomatic networks will be needed.

The political challenge the Union has to face is the complexity of its composition. The diversity of the cultures of administrations and great difference in the financial and human resources of the diplomatic services of twenty-seven Member States represent a complicated problem for the establishment of the common European diplomatic service. On the other hand, it can be considered as a means to reinforce the coherence and to promote cooperation with the old and new Member States.

When speaking of the administrative problems, it makes allusion to the public management as any change in the political process provokes reluctance and resistance on the part of some Member States, who are uncertain about the stability of the labour market, possibility of job creation, and new methods development. More specifically, as to the common diplomatic service, this uncertainty concerns individual management of career. But taking into account the mobility and versatility of the diplomatic work, the change in the strict sense of the word is not something to refrain from. Hence it will contribute to the diversity of the work and will promote further detachment.

1.1. Questions which arise with its creation

Javier Solana was quite clear when expressing his position towards the problem of the composition of a future European diplomatic service in October 2002 in Brussels in his address to the External Action working group of the Convention. He stated that “pragmatic pooling of resources would allow us to find better ways of using the vast resources available (national ministries of foreign affairs, Member State embassies, the Commission services and delegations) for the collective goals of European foreign policy. Bringing together high quality national diplomats on secondment from the capitals with permanent officials in the Council secretariat and the Commission allows for an invaluable exchange of ideas, information and trust. Such pragmatic pooling of resources offers the potential to develop a "European Foreign Ministry" at a pace and in a manner that the Member States feel comfortable with”.³¹

In his speech the High Representative for the CFSP made allusion to a European Foreign Ministry but it was not specified when and how this Ministry will be created. This gave rise to some reflections and discussions, stimulated by his phrase that the European Foreign Ministry must be established by common consent of all the Member States. The result was the general agreement on some aspects.

Firstly, the European External Action Service will be composed by officials of the DG RELEX, officials of the Council Secretariat and staff from national diplomatic services of the Member States.

Secondly, concerning its institutional attachment, it is the Minister for Foreign Affairs who will be in charge of this service.

And finally, another important aspect is that the European Union will get a legal personality that will allow it to have its own delegations or embassies on the basis

³¹ Solana’s address to the External Action working group of the Convention, 15 October 2002.

of the Commission delegations plus a certain number of officials of the Commission, Council Secretariat and national diplomatic services.

All the thorny questions about its relationship with the Council and the Commission, its size, structure and terms of its establishment are still in the air and are open for discussion.

3.1.1 The debate on its relationship with the Council and the Commission.

The necessity and importance of a clear breakdown in the competences of the EU institutions in order to know who is accountable politically and institutionally for action undertaken in the field of the international relations was underlined in Romano Prodi's speech on the legislative programme.³² It is desirable for the administration serving the new Minister to be organised in a clear and simple way with a transparent hierarchy headed by the Minister for Foreign Affairs. In order to avoid conflicts and overlapping with the other administrations dealing with the Union's external action, the President of the Commission has suggested that the European External Action Service should form an integral part of the Commission's departments, at least from the administrative point of view. His arguments were first of all to guarantee the coherence of the EU external action, to make optimum use of knowledge and resources, and to avoid intergovernmental replica. If the system is to be properly effective, the Union's Foreign Minister must take his or her decisions in agreement with the President of the Commission. This means there will be some interaction between Community and intergovernmental aspects in foreign policy, keeping in mind that the President of the Commission also sits on the European Council.

“The Foreign Minister will therefore need to work closely with the College and in particular with the President of the Commission and must have the backing of a

³² Romano Prodi, speech 03/242. Strasbourg, May 13, 2003.

genuine European diplomatic service. This structure must be linked administratively with the Commission in order to work together with the other Commission departments. The Union's external representation will thus be truly unitary and able to utilize Community and intergovernmental instruments effectively, and this will give us the international influence and role we should have.”³³

According to the European Commission, the future European diplomatic service should not be separated from other EU institutions as it will allow a close cooperation with them while undertaking external actions. Besides, it is difficult not to acknowledge the necessity of this cooperation and to create a diplomatic service institutionally separated from other Commission departments and the Secretariat of the Council when it was already decided for the Minister for Foreign Affairs to be one of the Vice-presidents of the Commission. By the same logic, the European Commission advocates that the EU delegations should be included in the future common diplomatic service and continue to be administratively dependent on the Commission for financial and practical reasons.

If compared to the Member States' point of view, one can easily see some discrepancies in position. As an example, Germany and France in the Franco-German contribution to the European Convention on the institutional structure of the Union have claimed that “the European minister of foreign affairs relies on the support of a European diplomatic service in which the Commission's directorate-general works together with a foreign policy unit which has to be created. This includes the foreign policy services of the Council's secretariat and is strengthened by civil servants sent by the member States and the Commission. The European diplomatic service is working in close liaison with the diplomatic services of the

³³ Romano Prodi, speech 03/274, “Ahead of the Thessaloniki European Council”, European Parliament, Strasbourg, June 4, 2003.

Member States. This set-up would provide a framework within which a European diplomatic service could emerge.”³⁴

In Great Britain the position was clearly expressed by Lord Bowness who opined that “although member states, the Commission and the Council all have their own role in external relations, the European Union itself has a growing and wide responsibility on the international scene, but even if the objectives are clear, implementation falls to different parties. The three must therefore work together to ensure that whenever possible there is a unified global presence.”³⁵

It is worth noting the evidence of Director-General for External Relations in the Council Robert Cooper, who stated that there are three people to fulfill the EU's “laudable ambition to speak with one voice - the Presidency, the High Representative and the Commissioner”.³⁶

For certain, the final outcome will be determined by the institutional attachment of the European diplomatic service to the double-hatted Minister for Foreign Affairs who will combine the functions of the High Representative for the CFSP and Vice-president of the Commission.

3.1.2 What will be its structure?

At present, there are two possible ways of responding to the question of its organization and composition. The first one suggests that the European diplomatic service should be incorporated into the Commission or the Secretariat of the Council. In this case, a significant reorganization of these two latter bodies would need to take place. On the other hand (and that is the second possible solution) if the

³⁴ Franco-German contribution to the European Convention on the institutional structure of the Union, Paris and Berlin 15.01.2003

³⁵ Europe in the World, EUC Report: 8 February 2006, House of Lords debates.

³⁶ Quoted from the 48th Report of the Committee on European Union “Improved cooperation and coherence in EU external relations”, 7 November 2006.

common diplomatic service were to be established autonomously of the Commission or the Council, some duplication of staff already engaged in the Commission and Council would be the inevitable consequence.

The situation is further complicated by the discrepancy in present staffing levels between the institutions. The Commission has over 3000 staff members working in the three DGs most directly engaged in foreign affairs, while the Council has only 225 equivalent staff, admittedly supplemented by a further 140 working on the Military Staff.

There are three main approaches widely discussed for the structure of the European diplomatic service:

- The first one incorporates only the Foreign Affairs Directorate from the Council Secretariat and the Directorate General dealing with external relations from the Commission. The drawback of this approach is that with such limited staff the Service will be quite weak to ensure coherence and consistency of the EU foreign policies.
- Another approach advocates that all officials dealing with the EU external relations from the Council to the Commission seconded by the officials representing the Union in third countries should be brought together in the common diplomatic service. Definitely, there would be no lack of resources, but it is far from being easy to supervise all its activities even for the EU Foreign Minister.
- The third approach is influenced by the Constitutional Treaty which stipulates that the External Service shall not only comprise “officials from the relevant departments of the General Secretariat of the Council and of the Commission” but also “staff seconded from national diplomatic service of the member states”. How many such staff should be detached to the common diplomatic service, how long they should work for the Service, whether their terms of employment should be the same as those for Council and Commission officials are obviously crucial and controversial questions, with obvious implications for the identity and political culture of the Service. The Treaty places the EU external delegations under the authority of the Minister for Foreign Affairs. On the contrary,

there is no mentioning in the Constitution of whether their staff should be drawn from the External Service.

There are today more than one hundred twenty such delegations reporting directly to the Commission and the Council. If the Foreign Minister of the European Union eventually takes over the permanent chairmanship of the Foreign Affairs Council, it would be logical that the external delegations controlled by the Foreign Minister should take on the work relating to CFSP in third countries. Until now, much of this work has been carried out by the national delegations of the country holding the rotating Presidency in the Council. It is definitely a heavy load for small countries, of which they would like to get rid. The larger Member States have an absolutely contrary point of view; some of them remain at least hesitant before the prospect of reinforcing the autonomous role of the European delegations.

The High Representative for the CFSP Javier Solana and President of the European Commission José Manuel Barroso between March and June 2005 made some progress on finding consensual solutions among the Member States on some important issues dealing with the future common diplomatic service and its internal structure.³⁷ The great majority of Member States considered a unique status for the European diplomatic service under the authority of the Foreign Minister, with close links to both the Council and the Commission. Most of the Member States agreed with the organisation of the Service proposed by Solana and Barroso, which consisted in including in it the services dealing with CFSP in the Commission (DG RELEX) and in the Council (Policy Unit, DG-E and Military Staff), and to set up within its internal structure both geographical and thematic desks.

3.1.3 The size of it.

The question of the size of a future common diplomatic service of the EU has two possible answers. The first one is a version of a minimalist model. Placed under the authority of the Minister for Foreign Affairs, it can be just a body of diplomats

³⁷ See “*A European Diplomatic Service?*”, European Policy Brief, the Federal Trust for Education and Research, January 2006, Issue 20.

forming official EU delegations, answerable to the Commission and the Council, and the size of this “Minister’s agency” will be unpretentious in the beginning but constantly growing and developing, as was always the historical evidence of the European integration. But even in the minimalist model, for the sake of coherence and consistency, it will be essential to establish the headquarters of a new common diplomatic service which can bring together both policy development, residing primarily in the Council, and implementation capabilities, currently in the Commission. Logically, it will be impossible to manage the EEAS exclusively through the Commission, so decisions on the future staffing, training, budget and priorities will need to be made with the approval of the Council to suit its purposes and priorities.

Another probable way of the creation of the EU diplomatic service may be the establishment of a European Foreign Ministry with a more considerable material resources and staff, who had been specially trained for the service in an EU Diplomatic Academy. In this case, the creation of such a service will require the creation of a new institution, and taking into account a usual bureaucratic system of any institution, we can just imagine the grandeur of this project. The European Parliament provides more accurate information on the composition of the European Foreign Ministry: “The Union Embassies would be made up of the Commission delegation and the delegations of the Member States that wished to be present in the third country. In this way, the national missions would maintain, within the framework of the Union Embassy, their legal personality, being available to provide their country with the appropriate services, while the interests of the Member States that did not consider it necessary to assign their own mission would be represented by the Union Embassy. In order to establish these embassies it would be necessary to identify the priorities of the Member States and of the Union, it being particularly appropriate to open them in those countries in which the majority of the Member States do not have diplomatic representation”.³⁸

³⁸ Quoted from Galeote, *Towards a Common European Diplomacy? Analysis on the European Parliament Resolution on Establishing a Common Diplomacy (A5-0210/2000)*, 2001.

Even if no definite answer has been given to this question so far, one can suppose that the service will take the form of a flexible and mobile body developing into a more institutionalized structure staffed with professional diplomats, experts on the EU foreign policy.

3.1.4 How to obtain a closer coordination with the diplomatic services of the member states?

The need for better cooperation and coordination between the Member States, the Commission and the Council has been a recurrent theme of many reports on the EU foreign policy. Fortunately, there are areas in which the coordination, at least between the Commission and the Council, is improving. For example, Erwan Fouéré argued that his double-hatted role as EU Special Representative and Head of Commission Delegation for Macedonia had led to closer working relationships between those Commission and Council officials responsible for providing him with instructions. More generally, Robert Cooper argued that relations between the Commission and the Council Secretariat "work on a practical, day-to-day level extremely well."³⁹

As to the coordination with the Member States, the Commission admits that the result of an unsatisfactory coordination will be that the EU will lose potential leverage internationally, both politically and economically. Despite progress with improving coordination, there is considerable scope to bring together different instruments and assets between the EU institutions and the Member States. Whilst recognising the need for increased coordination and cooperation, the first question to ask must be how successful the Commission's proposals are likely to be in achieving that aim.

A lot of attempts have been made to encourage a closer relations with the national diplomatic services through different methods, like organizing courses for national

³⁹ Both E. Fouéré and R.Cooper are quoted from the 48th Report of the Committee on European Union "Improved cooperation and coherence in EU external relations", 7 November 2006

diplomats, establishing regular contacts between the officials responsible for managing the external service and their counterparts in the national foreign ministries, and arranging for a certain number of diplomats from the Member States to work through the partnership programmes for the RELEX DGs and in the Commission delegations.⁴⁰

The willingness of the Member States to endorse further cooperation will also be essential to the success of the EU's external relations, as there is only a limited amount of what the institutions can do without an overall agreement by all the Member States for this or that aspect of foreign policy. Coherence and solidarity among member states was pointed out by Javier Solana in his address to the external action working group of the Convention: "Ultimately our effectiveness as a global actor will depend on the willingness of member States to share analysis and set joint priorities. It also depends on their commitment to act together, and above all to share the burden fairly. Burden-sharing can take different forms: member States that may not be able to contribute much in terms of military capabilities, can still bring a lot in terms of finance, refugees, development aid."⁴¹

Article 20 of the Maastricht Treaty stipulates that the delegations and the diplomatic missions of the Member States must cooperate to assure the respect and the implementation of the common positions and common actions adopted by the Council.

Furthermore, the Constitutional Treaty had for an object to establish the European External Action Service to work in the cooperation with the diplomatic services of the Member States.

At the Gymnich Meeting in Evian in September 2000 the French Foreign Minister launched a project aiming at the improving of the efficiency of the EU external

⁴⁰ Not all of these attempts were successful, as the diplomatic services of some Member States, which are obliged by the partnership programme to bear the salary costs, have indicated that they did not have enough resources to fund their diplomats to work outside their own service.

⁴¹ Javier Solana, "To the External Action Working Group of the Convention", Brussels, 15 October 2002.

action, starting with the reinforcement of the cooperation between the EU embassies and the Commission delegations in third countries. To this end the following measures has been taken: firstly, Political and Security Committee adopted guidelines in this field, and secondly, General Affairs and External Relations Council approved on the 22nd of January 2001 general orientations for the reinforcement of the operational coordination between the heads of European missions in the sphere of the external aid. Since then, the General Affairs Council discusses every year the possible ways of improving the coordination with national diplomatic services of the Member States.

3.1.5 Possible ways of responding to the problems.

The deliberations of the ten Working Groups in the Convention⁴² concerned the question of the adaptation of the existing institutions and procedures in the Union to the changing reality and the proposals concerning the future common diplomatic service. The main recommendations of the Working Groups on External Action may be summarised as:

- There should be a better definition of principles and objectives;
- The role of High Representative/Secretary General and Commissioner for External Relations should be merged into that of a "European External Representative" (EER). The EER should be appointed by the Council, receive direct mandates from the Council for CFSP issues, and enjoy the (shared) right of initiative. The EER should also be full Commission member, preferably a Vice-President, and replace the current Troika;
- A specific External Action Council should be established (distinct from the current General Affairs and External Relations Council which considers both horizontal issues as well as external relations);
- A focal point should be established for External Relations in the Commission and one joint service (European External Action Service) should be established;

⁴² See the Final Report of the Convention's Working Group (VII) on External Action, CONV 459/02

- An EU Diplomatic Academy and diplomatic service should be established;
- New instrument should be created. Specifically, a joint initiative could be forwarded by EER and the Commission;
- Maximum use of Qualified Majority Voting should be made by European Council agreeing unanimously to extend its use in CFSP.

One of the interesting points is that during the work of the European Convention it was intended to establish a diplomatic school of the European Union that would provide education for the officials who would join the European diplomatic service (DG RELEX officials, Council Secretariat officials and staff seconded from the diplomatic services of the Member States) and the national diplomats charged with the Community affairs. The objective of the subsequent training proposals and the revised career structure was to “develop a culture of diplomatic service”⁴³. These reforms to the External Service of the EU were widely supported by the Member States. More recent reforms featured the deconcentration and decentralisation of its External Service. In 2000 the European Parliament contributed to the debate by calling for a “professional, permanent Community diplomatic service”⁴⁴, to which the creation of an EU diplomatic training academy was central. So the education was generally recognized as an indispensable integrating part of a good functioning of the institution. Nevertheless, bearing in mind financial restrictions and the initial cost of the establishment of the EU common diplomatic service, the creation of the EU diplomatic school was not a foreground task of the Member States.

Under the circumstances, it seems more feasible to heighten the role of the national diplomatic schools integrating modules on European studies into the curriculum. At the same time the theoretical part of the studies should entail, if needed, the arrangements to work in the EU institutions or delegations abroad. The idea is that all the national diplomats must have a good knowledge of European external affairs and the education in this field should not be reserved for the solely European diplomats.

⁴³ Ibid.

⁴⁴ The resolution on establishing a common diplomacy adopted by the European Parliament on 5 September 2000 (A5-0210/2000)

Another perspective is the reorganisation of the national diplomatic networks which has two dimensions: the internal management of the human resources and the structure of the national diplomatic networks.

The foreign ministries of the Member States of the European Union are involved in the deep reflection on this reorganisation which takes into account the peculiarities of each governmental structure and each diplomatic service in terms of their traditions as well as in terms of the organisation of the diplomatic services abroad. The lion's share of the work was focused on the internal management of the human resources in order to face the difficulties that might be caused by the establishment of the common diplomatic service and hence to pave the way for a new "Europeanized" external action. It should be mentioned, however, that the reforms in the internal management of the human resources will be introduced in the short run while the reorganisation of the national diplomatic networks is not done at one stroke and it is a time-consuming procedure. It must be done progressively and in coordination, refraining from copying the existent structures and driven by a new international context.

Moreover, one should remember that the structure of the national diplomatic networks is determined by the traditions in the administration of the Member State and its strategic objectives: either promotion of the values and defense of its interests on the global scale or concentration on a certain geographical zone or on some issues of its interest.

The necessity of a closer coordination between the diplomatic services of the Member States and a new common external action service requires a better information management. Consequently, a direct communication between national foreign ministries and the European diplomatic service should play a key role.

With all this going on, the establishment of the common diplomatic service does not mean that the bilateral embassies will disappear. They can be turned into places of coordination and management of the foreign policies of the Member States. Even the preparations of the European Council meeting take place in the national capitals

as well as some decisions are made in the course of direct negotiations, which underlines the increasing importance of the national embassies.

3.2. Impact on the EU external action and on the national diplomatic services

The impact on Member States' foreign ministries is a challenging issue as the attitude towards a common diplomatic service differs from one state to another. Some states would prefer not to charge the European External Affairs Service with many responsibilities thus keeping it relatively weak and avoiding competition with national diplomatic services, while others have already begun to vie for getting influence in whatever structures of external representation emerges through the common diplomatic service.

The national diplomatic systems have a changing character that turns on developments at two interconnected levels:

1. At the first one there is an inner organization of the ministry and its place within the governmental structure. At this level the establishment of the European diplomatic service will just strengthen the coordination within Member State international policy processes, reinforcing the relationship with other domestic departments involved in managing the European diplomacy and with central coordinating units. Else, there is a real human resources implication. Once the European diplomatic service offered the perspective of additional post and career opportunities, it would certainly have an impact on the career patterns within the national diplomatic services.⁴⁵

2. At the second level there is a network of diplomatic representation maintained by the foreign ministry abroad. The patterns of representation are affected by resource constraints combined with the appearance of new ways of

⁴⁵ Hocking B., Spence D. "Towards a European Diplomatic System?", Clingendael Discussion Papers in Diplomacy, 2005.

communication. Even if pooling of embassies seems to provide a solution, it invites caution as it ends up being, as David Spence puts it, “sharing premises” rather than “shared representation”.⁴⁶ What we can observe is that the development of the network of Member States’ representation is influenced by their international involvement and the creation of the European diplomatic service can help to avoid a variable geometry of representation as each state will be equally represented under the EU flag.

3.2.1 Will it bring more coherence and efficiency?

The system of political cooperation has been criticised for not being more effective as it has performed particularly weakly at times of international crises. At the same time, the level of cooperation between member states that has been achieved on more routine matters of foreign policy is surprisingly high. Still the need for more coherence, visibility and effectiveness is one of the main issues. The factors that will contribute to a better representation of the EU and will help to increase effectiveness of the Union’s external action include reinforcing “public diplomacy”⁴⁷ in order to explain and promote EU’s policies and models, improving accountability and visibility by a higher level of involvement of the EP and national parliaments, better cooperation between EU institutions and Member States through national diplomatic training schemes, double-hatting of the EUSRs and Heads of delegations, developing cooperation between Member States in the area of consular assistance, exchange of personnel with diplomatic services of the Member states etc⁴⁸. The EEAS is supposed to face these challenges and deal with many issues aiming at the promotion of the coherence and visibility of the EU’s external action, although it is far from being evident that it will be an answer to all the questions of a greater coherence and effectiveness of the EU’s actions at the global scale.

⁴⁶ Ibid.

⁴⁷ Compare the citizens’ awareness of one of the issues of EU’s external action in the graph 2 (p.70)

⁴⁸ Communication from the Commission to the European Council, “Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility”, 10325/06

3.2.2 EU as a single actor in the international arena

The Convention's mandate, provided for in the Laeken Declaration⁴⁹, included the study aimed at solving the problem of how to improve the performance of the Union on the international scene and to make of it "a power...to change the course of world affairs in a way which is to the benefit of all"⁵⁰. The debate in the Convention reflected on the successes and the failures of the past and on the shortfalls of existing structures and procedures.

On the one hand, the synergy developed by the High Representative, Javier Solana, and the Commissioner in charge of External Relations (RELEX), Chris Patten, was recognised and considered a positive basis to overcome inter-institutional barriers, although things have not always gone as smoothly at a lower bureaucratic level. On the other hand, the limitations of intergovernmental cooperation in promoting strategic thinking, proactive decision-making and coherent action, were denounced by a large majority of the Convention's members. A diagnosis of EU shortcomings in this domain was almost consensual, but the prognosis and certainly the prescription highlighted divergences between its members.

The Working Group on 'External Action', headed by Jean Luc Dehaene, convened at the end of September 2002 to examine and propose solutions on ways of enhancing the performance of the Union on the global stage. On 15 October, Javier Solana presented a list of pre-requisites for effective action in foreign and security policy. Notably these included continuity, quick reaction, coherence and solidarity among Member States, along with the political will to tackle sensitive issues in the EU framework, and the need for a clear division of competences and responsibilities between the European institutions. Interestingly, on the latter point, Solana spoke against the fusion of the functions of the High Representative and of

⁴⁹ The Laeken Declaration laid down three main goals:

- a better division and definition of EU competences,
- simplification of the EU's legal instruments and action,
- and lastly, more democracy, transparency and efficiency in the Union.

The basic aim is to assert the values that guide the Union, define the citizen's fundamental rights and duties and clarify the relationship between Member States within the Union.

⁵⁰ CONV 6/02

the Commissioner in charge of External Relations, explaining that it would add confusion and would not bring additional synergies. Instead, efficiency and coherence would be undermined by a conflict of interest whereby the post-holder would have to gain the trust of foreign ministers in the Council while also be bound by collegial rules and loyalties within the Commission.⁵¹

Besides, it was argued that if no changes in the area of the European foreign policy and common diplomatic service are made by the Member States and the European institutions, the EU would continue separate representation for the Community and the Union. This would reduce the effectiveness of the Union and may lead to frustration on the part of third parties. There is a risk that the Union's goal stated in the Treaties to assert its identity on the international scene will not be advanced. In addition, a continuation of the status quo may also lead to constant inter-pillar turf battles between the Commission and the Council. The welcome improvements that have already been undertaken in the Commission's External Service may be slowed down. So it is evident that some changes are needed, especially know that one can clearly observe that the former division between Community and intergovernmental competences in external relations has been obliterated.

President of the European Commission, Jose Manuel Barroso emphasized another aspect of the European presence on the international stage, namely assuming the Union's global responsibilities as expected by EU international partners. According to him, the EU can have greater impact by acting collectively, rather than as a sum of its component parts and he believes the Commission presents very constructive and concrete proposals to strengthen the Union's role as a global actor in the Communication "Europe in the World: Some Practical Proposals for Greater Coherence, Effectiveness and Visibility"⁵². The communication makes proposals to enable the Union to define a strong sense of collective purpose and to develop new ways of working to ensure the maximisation of EU leverage and influence in

⁵¹ See CONV 342/02.

⁵² Commission Press Release "EU External Action: Commission presents proposals to strengthen the Union's role as a global actor", 8 June 2006.

international affairs, and it ensures that political will is backed by the necessary policy instruments.

Taking into account all that has been studied and analysed, we can come to a conclusion that the European Union has all necessary assets to create a common diplomatic service but there is still a big question mark on the phrase “a single actor” on the international stage. It is not a coincidence that the foreign and security policy that Europe pursues is called “common” and not “single”. Indeed, the twenty seven sovereign States which make up the policy maintain their own role on the international scene. Whether it will be always like that nobody knows, but this is one of the reasons why the European Union's external action is sometimes difficult to understand and explain as it goes beyond the traditional concept of foreign policy.

CONCLUSION

In the course of the European integration the shift from economic aspects to political cooperation entailed the creation of the Common Foreign and Security Policy which provides an exciting dimension to the overall work of the European Union. The institutions of the EU, including the Commission and the Council, are now involved in most of the traditional fields of international diplomacy. The EU has become a global actor who has a substantial international influence used to protect and promote the interests of its Member States. The Union expresses its position on armed conflicts, human rights, deals with transnational problems like environmental threats and is engaged in many aid programmes.

With the growing importance of the EU on the international scale the issue of a better European Union representation in the world has taken on a new importance. Now the essential role is played by the Commission which is responsible for the external representation of the Community. The Commission delegations have been fully accepted by third countries and international organisations, they have the rights, privileges and diplomatic immunities granted to the missions of the Member States according to diplomatic law, and the head of delegation has the diplomatic rank of Ambassador.

The proposition of the European Parliament to turn the Commission delegations into Community delegations accountable to Council and Parliament and to make the External Service a professional permanent Community Diplomatic Service, thus establishing a common European diplomacy, provoked a wide debate, main issues of which is its institutional attachment, the relationship it will have with the Commission and the Council, its internal structure, composition and size, as well as the ability to coordinate its activities with the Member States.

The Commission's standpoint on the creation of the common diplomatic service of the EU consists in the following: it should not be detached from other EU institutions and it should carry out its activities in close cooperation with all the Commission services.

From the Member States' point of view, the establishment of the European diplomatic service should not much alter the existing institutional balance in the sphere of external action. All the Member States of the European Union are to introduce reforms, especially concerning the management of human resources, in order to adapt the national diplomatic services to a new common service. Solidarity among the Member States, coherence of their actions, their willingness to set joint priorities, their commitment to act together are the factors that will determine the success of the common diplomatic service and, more generally, the effectiveness of the EU as a global actor.

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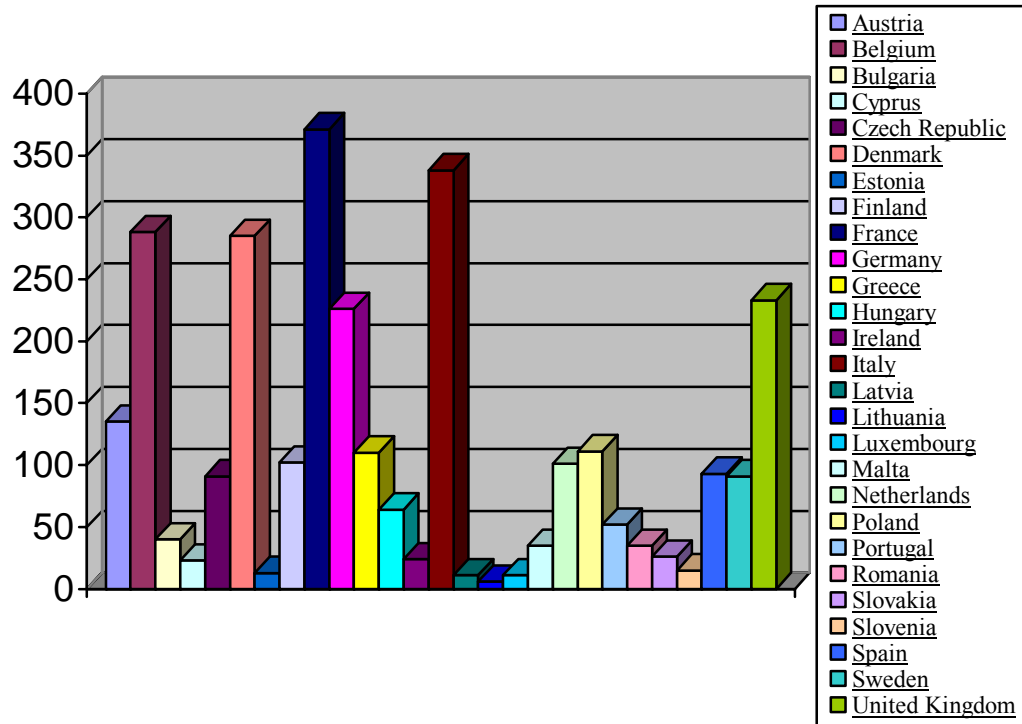
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ANNEX

Abbreviations and acronyms

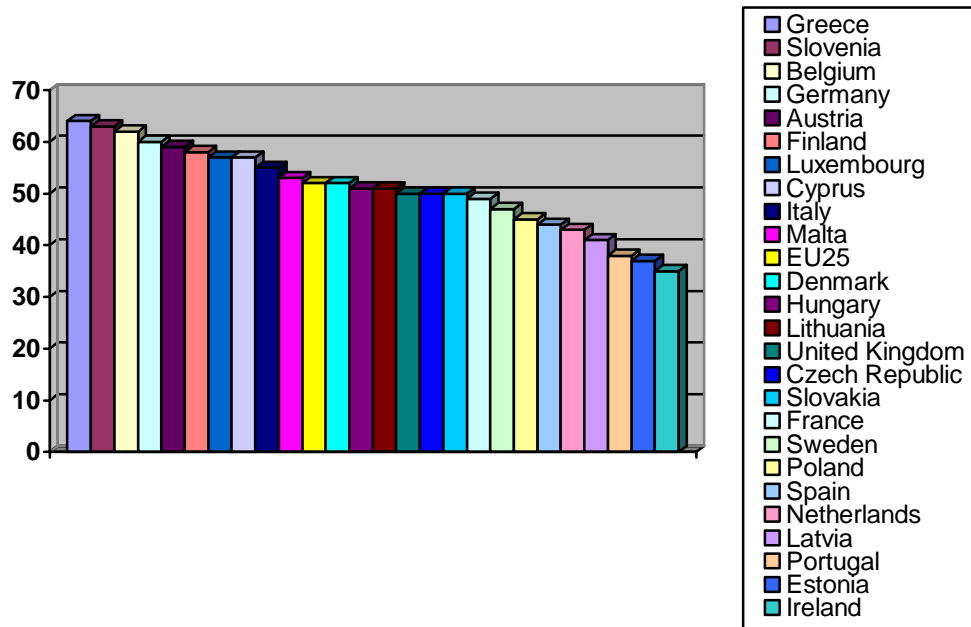
ACP	African, Caribbean and Pacific countries
AFCO	Committee on Constitutional Affairs
BBC	British Broadcasting Corporation
CEE	Central and Eastern Europe
CFSP	Common Foreign and Security Policy
DG RELEX	Directorate-General External Relations
EC	European Communities
ECHO	European Commission Humanitarian Aid Office
ECSC	European Coal and Steel Community
EEAS	European External Action Service
EEC	European Economic Community
EER	European External Representative
EU	European Union
Euratom	European Atomic Energy Community
EP	European Parliament
ESDP	European Security and Defense Policy
EUSRs	Special Representatives of the European Union
HR	High Representative
MEP	Member of the European Parliament
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
PES	Party of European Socialists
PJCC	Police and Judicial Cooperation in Criminal Matters
PSC/ COPS	Political and Security Committee
TEU	Treaty on European Union
UN	United Nations
US	United States of America
WTO	World Trade Organisation

Graph 1: The EU Member States' diplomatic and consular missions abroad.



Source: own compilation. Data from the homepages of the Member States' Ministries of Foreign Affairs and embassies and consulates at www.embassyworld.com, www.embassiesabroad.com, www.embassypages.com. The information may not be completely accurate due to different forms of representations.

Graph 2: EU citizens' awareness of the fact that the Constitutional Treaty provides for the creation of the position of an EU Minister for Foreign Affairs and a common diplomatic service (in %).



Source: Own compilation. Data on the opinion poll from Eurobarometer, the Draft European Constitution, Fieldwork: 2-28 November 2004, face to face interviews EU25: 24786.