

## Providing for European-Level Diplomacy after Lisbon: The Case of the European External Action Service

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### Summary

The Lisbon Treaty may well be on ice, may perhaps even be moribund, but there remain compelling reasons to think through the identified shortcomings of the European Union in external relations. Many of the innovations in the area of external relations that are contained in the treaty are dependent upon ratification by the EU's member states, but some are not; the European External Action Service (EEAS) falls into the latter category. Although the actual implementation of the EEAS will face formidable hurdles, as has been outlined in this contribution, the exercise of thinking through these challenges is essential if the EU and its members are to begin grappling with many of the issues examined in this special issue — ranging from the role of national diplomats in today's world to the successful pursuit of structural diplomacy and the effectiveness of the EU in multilateral organizations.

### Keywords

foreign policy, European Union, external relations, High Representative, Council Secretariat, European Commission, European diplomacy, European External Action Service (EEAS), President of the European Council, Lisbon Treaty, delegations

### Introduction

Other contributions in this special issue have discussed the role of national diplomacy *vis-à-vis* European-level diplomacy. The working assumption of this article is that the rise of European-level diplomacy is slowly redefining the understanding and practice of national diplomacy. David Spence's article notes the rise of two epistemic communities of European diplomats — national and supranational — while Stephan Keukeleire has considered the challenges encountered by the EU in 'structural diplomacy', which includes, to a greater or lesser extent, the intergovernmental aspects of EU diplomacy but is still very much driven by the Community. These contributions, along with others, pose the question of who, or what, should underpin efforts to improve the coherence and effectiveness of the emerging European-level diplomacy and make the necessary links between

the national and European levels of diplomacy, as well as the structural, Community, intergovernmental, and national aspects of diplomacy.

Developments during the last 50 years or so have had the effect, as argued elsewhere, of redefining the understanding of both the European and national levels of diplomacy. The European Union, however, remains a rather fragmented actor whose main claim to being a diplomatic actor remains its considerable influence in trade, development and assistance issues. In spite of the treaty-based importance attached to consistency in the external relations of the EU as a whole, the Union remains a confusing hydra-headed actor for many third parties.<sup>1</sup> The coordination problems are not only a concern within the EU institutions but also between the institutions and the EU's member states (referred to in the literature as the problems of horizontal and vertical consistency respectively).<sup>2</sup> The development of the Common Foreign and Security Policy (CFSP) and, more recently, the European Security and Defence Policy (ESDP) has arguably contributed to the EU's voice in international relations, but it has also complicated coordination by throwing up complex issues of competences between the three pillars in the EU's external relations.

The arguments presented below start from the vantage point that the Lisbon Treaty is not a panacea for all of the perceived shortcomings of the EU's current external relations, since much will ultimately depend upon the willingness for change in the institutions themselves and among the member states. It is, however, argued that the structural revisions suggested by the Lisbon Treaty, most notably the European External Action Service (EEAS), provide the necessary underpinnings through which change can be realized. Indeed, even without the Lisbon Treaty, the shortcoming in the current conduct of EU external relations means that something like the EEAS will emerge. Although this contribution rejects the idea that there are institutional solutions, since even the best designed institutions will be stymied by the lack of requisite will to work in and through them, the exercise of thinking through the design and mission of the EEAS will confront practitioners with other vital issues that are of core importance for the future of EU external relations.

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<sup>1</sup> There are numerous references to consistency in the treaty establishing the European Union. In the field of external relations, the main reference is to Article 3, as follows: 'The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency and shall cooperate to this end'.

<sup>2</sup> See S. Duke, 'Areas of Grey: Tensions in EU External Relations Competences', *Eipascope*, no. 1, 2006, pp. 20-26.

## If It Ain't Broke, Don't Fix It

Before moving to the more substantive arguments, a brief discussion is necessary concerning the perceived need for change in the EU's external relations. It is admittedly difficult to frame concepts such as coherence, effectiveness, efficiency or consistency of the EU's external relations in normative terms, but there are a sufficient number of indicators to suggest that business as normal is becoming increasingly unsustainable. As argued above, this does not imply that new decision-making structures *ipso facto* lead to greater coherence or efficiency. Instead, the Lisbon Treaty posits the potential for this since many of the modifications suggested in the treaty were formulated specifically with issues of coherence and efficiency in mind.

The evidence suggests that the existing structures are certainly not broken, but are increasingly unsustainable as the EU tries to address multifarious challenges in a rapidly changing international environment. Evidence can be found in the conclusions of the Convention on the Future of Europe and, specifically, the working group on external action. Discussions in this forum were framed around the need to 'ensure better coherence between foreign policy decisions on the one hand, and deployment of instruments in the field of external relations on the other'.<sup>3</sup> The European Security Strategy then acknowledged that the European Union has made progress towards a coherent foreign policy and effective crisis management, but that 'if we are to make a contribution that matches our potential, we need to be more active, more coherent and more capable'.<sup>4</sup> In a follow up to the strategy, presented by EU High Representative for the CFSP Javier Solana to the European Council on 11-12 December 2008, it was again acknowledged that the EU has made progress but that to:

[...] ensure our security and meet the expectations of our citizens, we must be ready to shape events. That means becoming more strategic in our thinking, and more effective and visible around the world. We are most successful when we operate in a timely and coherent manner, backed by the right capabilities and sustained public support.<sup>5</sup>

In the aftermath of the negative Dutch and French referendums on the Constitutional Treaty in 2005, the European Commission proposed a number of measures specifically focusing on the themes of coherence and effectiveness. The Commission's 2006 report argued:

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<sup>3</sup> See the European Convention, The Secretariat, *Final Report Working Group VII: External Action*, CONV 459/02, Brussels, 16 December 2002, p. 4.

<sup>4</sup> Javier Solana, *A Secure Europe in a Better World: European Security Strategy*, 12 December 2003, available online at <http://www.iss.europa.eu/uploads/media/solanae.pdf>, p. 11.

<sup>5</sup> European Council, *Report on the Implementation of the European Security Strategy: Providing Security in a Changing World*, 11-12 December 2008.

Unsatisfactory coordination between different actions and policies means that the EU loses potential leverage internationally, both politically and economically. Despite progress with improving coordination, there is considerable scope to bring together different instruments and assets, whether within the Commission, between the Council and Commission, or between the EU institutions and the Member States. Furthermore, the impact of the EU's policy is weakened by a lack of focus and continuity in external representation. Within the framework of the existing treaties, the Community and intergovernmental methods need to be combined on the basis of what achieves the desired outcome, rather than institutional theory or dogma.<sup>6</sup>

Similar efforts to enhance coherence and effectiveness were undertaken in specific areas by the Council Secretariat and the member states, such as, for instance, the combined efforts to draw up an EU strategy for Africa.

In spite of growing day-to-day cooperation between and within the EU institutions and with the member states, these and other sources point to the need for improvement and change. With exactly these concerns in mind, the Convention on the Future of Europe convened and was subsequently built upon by a number of other suggested reforms, such as those in the Commission's 2006 report. More recently, prominent voices, such as Brian Crowe's, have observed that the Brussels institutions managing the EU's external relations have been 'working poorly' for years.<sup>7</sup>

The Lisbon Treaty has tended to focus attention on the institutional aspects of reform, but the suggestion below is that institutions *per se* only provide a framework within which actors can search for these improvements. The presence of these institutions, most notably the EEAS, are potentially significant catalysts, but are not an end in themselves since that would also involve changes in practice.

This section argues that with or without the Lisbon Treaty, there is recognition at the general political level, as well as within the EU institutions, that the EU needs to be more coherent and effective on the international stage. The price of not being so has been shown in the Western Balkans, the frustrations of a number of international partners such as the United States, as well as in the form of inter-pillar tensions over competences and a measure of wariness from a number of EU member states.

### **Raking through the Embers**

Following the negative outcome of the Irish referendum on the treaty on 12 June 2008, the future of the Lisbon Treaty remains uncertain and planning for the EEAS is officially on hold.<sup>8</sup> Unofficially, planning continues apace. The treaty's

<sup>6</sup> *Communication from the Commission to the European Council on Europe in the World—Some Practical Proposals for Greater Coherence, Effectiveness and Visibility*, 10325/06, p. 6.

<sup>7</sup> Brian Crowe, *The European External Action Service: Roadmap for Success* (London: Royal Institute for International Affairs, 2008), p. 27.

<sup>8</sup> 'European External Action Service on Hold after Irish "No"', *Euractiv*, 11 July 2008.

fate was supposed to have been clarified in the European Council of 15-16 October 2008, but concerns about the treaty were overtaken by the global financial crisis.<sup>9</sup>

The Irish 'no' vote has created an anomalous situation as far as the EEAS is concerned: on the one hand there are those who argue that the creation of the EEAS is dependent upon the passage of the treaty, since the service makes little sense in the absence of other institutional reforms, such as the HR/VP; on the other hand, advice emanating from the European Commission and Council Secretariat's legal services suggests that the creation of the EEAS is not dependent upon treaty ratification and that it could be created by existing instruments.<sup>10</sup> There are other broad arguments that also impact on this debate, such as those surrounding the legitimacy of creating the EEAS without the Lisbon Treaty.

In order to understand the EEAS we have to place it in its original treaty-based context. The mission of the service was framed by the High Representative of the Union for Foreign Affairs and Security Policy's mandate, since (s)he 'shall be assisted by an External Action Service'.<sup>11</sup> Under the treaty, the High Representative of the Union for Foreign Affairs and Security Policy would also have been a Vice-President of the Commission, referred to here as HR/VP.

The first obvious question is whether it makes any sense to even think about the EEAS in the absence of its principal defining context? The superficial answer would appear to be negative. It is certainly true that the HR/VP, along with the creation of the Foreign Affairs Council and other innovations in EU external relations, provides the obvious institutional context and mandate for the EEAS. The planning assumption is therefore that the EEAS will primarily assist the HR/VP. Even with the Lisbon Treaty, however, important questions will arise about what sort of support is envisaged, who should provide the support and whether any such support will underpin other principal external relations actors.

The introduction of the EEAS is not, however, entirely dependent upon the Lisbon Treaty and there may well be a virtue in introducing an EEAS within the existing structures. This could be done by means of a CFSP Joint Action that, like the appointment of Special Representatives, would lay down the composition, tasks, administrative and budgetary arrangements. In the absence of the Lisbon Treaty, the existing High Representative for CFSP could be extended greater coordination tasks, albeit less formal than those proposed by the treaty. The High Representative could, for example, routinely attend meetings of the

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<sup>9</sup> Ireland was subsequently given 'legal guarantees on the three primary areas of concern' (taxation; security and defence; and the right to life, education and the family). See *Presidency Conclusions*, Brussels European Council, 17271/08, 11-12 December 2008, p. 2.

<sup>10</sup> For an overview of these arguments, see S. Duke, 'Administering EU Foreign Policy after Lisbon: The Case of the EEAS', paper prepared for the EU Consent Workshop, Edinburgh, 16-18 May 2008, available online at <http://www.eipa.eu/en/publications/show/&tid=1825>.

<sup>11</sup> Consolidated Version of the Treaty on European Union (the Lisbon Treaty), *Official Journal of the European Union*, C115/13, 9 May 2008, Article 27 (3).

Commission as well as the '*famille* RELEX' Commissioners. In this case, an argument could be forwarded for some sort of support structure to facilitate information exchange and coordination, such as the EEAS.

The Lisbon Treaty remains silent on whether or not the EEAS should support the President of the European Council. His/her precise duties remain unclear, but they will be centred on representing the European Union at heads of state or government level, but not conducting political negotiating on behalf of the EU. The President of the Commission ensures the European Union's representation in its external relations as a whole, while the HR/VP represents the Union at ministerial level or at international organizations on CFSP-related issues. In areas outside the CFSP, the HR/VP would be subject to decisions of the College of Commissioners. The HR/VP would also be the external voice of the Foreign Affairs Council. This will demand close coordination with the HR/VP, President of the Commission and the rotating Presidency of the General Affairs Council. The precise balance between these key external relations actors will depend very much upon the characters (and egos) of the incumbents. Nevertheless, it would make sense for the EEAS to play an active role in eventually providing support for the HR/VP and the President of the European Council, and to instil an element of coherence between them. In the case of the rotating EU Presidency, support would be less direct, but would provide a more central point of coordination and information for the Presidency and EU member states.<sup>12</sup>

Coordination should not be limited to the highest level either, since the working party level — as well as between the Commission's external service (the delegations) and parts of the Council Secretariat — could benefit from a service that provides for even greater exchange and coordination. This could then become the catalyst for initiatives at higher levels.

It is also important to recognize that, in spite of the malaise surrounding the Lisbon Treaty, considerable effort and energy has already been expended within the Commission, the Council Secretariat and the member states on preparing for the EEAS. It is more a question of when rather than whether.

### **Preparation for the Service**

Preparatory work on the EEAS progressed in fits and starts, commencing with the signature of the Constitutional Treaty in October 2004 and halting after the French and Dutch referenda in late May and early June 2005. Until this point progress had been made in discussions between the parties on the legal status of the EEAS, personnel issues, budgetary questions, some administrative aspects

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<sup>12</sup> For more on the institutional implications of Lisbon (or non-Lisbon), see Richard Whitman and Ana Juncos, 'The Lisbon Treaty and the Foreign, Security and Defence Policy: Reforms, Implementation and Consequences of (Non-) Ratification', *European Foreign Affairs Review*, vol. 14, 2009, pp. 25-46.

and the management of the EU's delegations. A number of subsequent external contributions to the debate have spurred thinking about the role and shape of the service.<sup>13</sup> The member states were consulted between 27-29 April 2005 (including Bulgaria and Romania) and a stocktaking of these meetings took place in the *Comité des Représentants Permanents* (COREPER) on 12 May 2005.

The European Parliament also held a debate on the EEAS in its plenary session on 15 March and adopted a resolution on the service on 26 May.<sup>14</sup> The resolution included the firm desire to see the service:

[...] incorporated, in organizational and budgetary terms, in the Commission's staff structure, while the directorial powers of the Foreign Minister, who will also be a Commission Vice-President, should ensure that the Service is bound in the 'traditional' foreign policy sphere (the CFSP and the CSDP) by the decisions of the Council — as provided for by the Constitution — and subject in the Community external relations sphere to the decisions of the college of Commissioners.<sup>15</sup>

The European Parliament's resolution reflected an earlier opinion of the Commission, which argued that 'the essential point is that the European External Action Service should not be separate from the other institutions of the Union and should be able to carry out its work in close conjunction with all the Commission departments'.<sup>16</sup>

EU High Representative for CFSP Javier Solana and European Commission President José Manuel Barroso were less emphatic than the European Parliament in terms of the institutional locale of the service, preferring in their 2005 *Joint Progress Report* to describe the EEAS as *sui generis* in nature, thus not locating it specifically in the Commission as the European Parliament had advocated. Hence, the service 'would not be a new "institution", but a service under the authority of the Foreign Minister, with close links to both the Council and the Commission'.<sup>17</sup> The logic underpinning the *sui generis* formulation was, in part, to minimize duplication and to save costs, but also to support the Minister by providing

<sup>13</sup> See Antonio Missiroli *et al.*, *The EU Foreign Service: How to Build a More Effective Common Policy*, EPC Working Paper no. 28 (Brussels: European Policy Centre, November 2007); and Andreas Maurer and Sarah Reichel, 'The European External Action Service: Elements of a Three Phase Plan', *SWP Comments*, no. 36 (Berlin: *Stiftung Wissenschaft und Politik*, December 2004).

<sup>14</sup> While it is true that, for the moment, the EU institutions are reluctant to discuss the EEAS, there are a number of (mainly) former officials who are vocal on the issue and who contributed to the hearing on the EEAS at the European Parliament on 15 March 2005.

<sup>15</sup> *Official Journal of the European Union*, C 117 E/233, 18 May 2006, P6\_TA(2005)0205, European External Action Service, 'European Parliament Resolution on the Institutional Aspects of the European External Action Service', 26 May 2005, para. 2.

<sup>16</sup> *A Constitution for the Union: Opinion of the Commission, Pursuant to Article 48 of the Treaty on European Union, on the Conference of Representatives of the Member States' Governments Convened to Revise the Treaties*, COM (2003) 548, Brussels, 17 September 2003, p. 11.

<sup>17</sup> European External Action Service, *Joint Progress Report to the European Council by the Secretary-General/High Representative and the Commission*, Council of the European Union, 9956/05, Brussels, 9 June 2005, para. 6. The term 'Foreign Minister' was used in the constitutional treaty prior to the HR/VP adage of the Lisbon Treaty.

a framework in which the EEAS could use the support services of both the Commission and the Council. At the time of the report, the preferences of the member states were torn between those who wanted the EEAS restricted to CFSP issues, while others preferred an even broader remit, to include areas such as enlargement, neighbourhood (ENP) and development.<sup>18</sup> As a result of these diverse reflections, the *sui generis* moniker was preferable but solved few of the underlying tensions.

### Composition of the Service

The Lisbon Treaty states that the EEAS shall:

[...] work in cooperation with the diplomatic services of the Member States and shall comprise officials from the relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.<sup>19</sup>

The organization and functioning of the service shall be established by ‘a decision of the Council’ based on a ‘proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission’ — in other words, all major institutions have a stake.<sup>20</sup>

The question of what, or who, is ‘relevant’ remains highly contentious. Broadly speaking, two versions of the EEAS can be envisaged. The first is a *minimalist* version. This is the most likely to emerge in the absence of the Lisbon Treaty and may be the most politically palatable in any event. Alternatively, the *2005 Joint Progress Report* of Solana and Barroso and its ‘Issues Paper’ suggests something altogether more ambitious, since the EEAS should include ‘services currently dealing with CFSP (including CSDP), together with geographical desks covering *all* regions of the world and thematic desks dealing with issues such as human rights, counter-terrorism, non-proliferation and relations with the UN’ — this has been termed a *maximalist* version.<sup>21</sup> There are obviously interim variants but, for illustrative purposes, the extremes will be considered below.

#### *A Minimalist Version*

A minimalist version puts the emphasis on coordination, with the service playing a rather modest role. This model would restrict the EEAS to most of Directorate-

<sup>18</sup>) European External Action Service, *Joint Progress Report to the European Council by the Secretary-General/High Representative and the Commission*, para. 7.

<sup>19</sup>) See the consolidated version of the Treaty on European Union (the Lisbon Treaty) in *Official Journal of the European Union*, C115/13, 9 May 2008, Article 27 (3).

<sup>20</sup>) The consolidated version of the Treaty on European Union (the Lisbon Treaty) in *Official Journal of the European Union*, C115/13, 9 May 2008, Article 27 (3).

<sup>21</sup>) ‘Issues Paper on the European External Action Service’, *Joint Progress Report to the European Council by the Secretary-General/High Representative and the Commission*, 9 June 2005, para. 8 (emphasis added).



General External and Politico-Military Affairs (DG-E) and the Policy Unit from the Council Secretariat side and Directorate-General External Relations, especially Directorate A, or the 'Crisis Platform', on the Commission side. In this case, the self-exemption of trade and humanitarian aid from the pre-June 2005 discussions on the grounds of exclusive competence could possibly be extended to other areas of exclusive or mixed competence in external relations, such as development policy, management of external financial programmes and enlargement negotiations; in these areas the HR/VP, or representatives thereof, would play a loose coordination role (in effect mirroring a slightly beefed-up version of the current '*famille RELEX*').

Given the HR/VP's specific responsibilities in the CFSP and CSDP areas, the minimalist model would emphasize the ability to assist him or her in this domain.<sup>22</sup> This would tend to mimic the current setup, with a clearer distinction being made between the Secretary-General of the Council Secretariat who would be appointed by the Council and not, as is the current practice, a position assumed by the HR/SG in name but not function (the administrative duties are assumed by the Deputy Secretary-General). The Commission side would largely reproduce the current coordination system for the '*famille RELEX*' with the HR/VP as chair (possibly with the President of the Commission, although the specific responsibilities for consistency charged to the HR/VP in the Lisbon Treaty make the need for a tandem questionable). It is assumed that there would be no need for a Commissioner for External Relations, but that there would be a need for a deputy or deputies to assist the HR/VP.

The advantage of this approach is that it would be easier to manage and, given its relatively small size, less likely to evoke turf tussles among the institutions or concern from some member states regarding the potential effects upon their national diplomatic services and practices. A minimalist model would clearly be insufficient, however, to staff the full range of geographic and thematic desks, quite aside from the basic staffing of the Union's delegations.

A minimalist model would also have the potential disadvantage of neglecting the important 'third' hat of the HR/VP — that of the Chair of the Foreign Affairs Council.<sup>23</sup> Since the Foreign Affairs Council falls outside the rotating Presidency, staffing for this format of the Council would not therefore fall exclusively to the member state holding the Presidency and provision would therefore have to be made for permanent support staff in this context. The same argument could be applied to the Political and Security Committee, which will be chaired by a representative of the HR/VP. Provision could presumably be made for a dedicated but small support staff to assist the Foreign Affairs Council, replicating the

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<sup>22</sup> ESDP was renamed the *Common Security and Defence Policy* (CSDP) under the Reform Treaty.

<sup>23</sup> This point was generally neglected in the Convention on the Future of Europe, with the exception of the contribution by Michel Barnier and António Vitorino; see *Joint External Action Service*, CONV 839/03, Brussels, 24 June 2003, p. 4.

current role of the Nicolaidis group in the Permanent Representations of the member states.<sup>24</sup>

A further point of ambiguity is the President of the European Council who, under the Lisbon Treaty, would 'ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy' (Article 9b (6)). Aside from the potential for competition between the respective roles, the issue of who should support the President of the European Council remains unanswered in the Lisbon Treaty. If it is the EEAS, which would seem logical for reasons of coherence and effectiveness, a minimalist version could be subject to even more strain.

### *A Maximalist Version*

A maximalist model would include a far wider representation from the Commission's side to include all, or most, of the Directorates-General mentioned above (except trade and humanitarian aid). The *Joint Progress Report* argued that the roles attributed to the HR/VP (including, notably, responsibility for consistency in the European Union's external relations) mean that the EEAS should be in a position to 'provide unified policy advice and briefing not only to the [HR/VP], but also to the other Commissioners and the President of the European Council'.<sup>25</sup> This would hence require the EEAS to field geographical desks covering all of the world's countries or regions but, at the same time, these should not duplicate those of either the Council Secretariat or the Commission.

On the Council side, involvement would presumably extend to all crisis management-related aspects, including the Military Staff, as well as the Situation Centre (Sitcen). In this instance the presence of the Sitcen is logical given the input from the Policy Unit and the Military Staff, both of which have intelligence divisions. It may, however, give rise to sensitivities about members' willingness to share intelligence analysis with the EEAS and whether the Justice and Home Affairs aspects of the Sitcen's work should fall under the HR/VP.

As was argued in more detail above, a minimalist model would privilege the responsibilities of the HR/VP in the CFSP/CSDP areas, which would justify the incorporation of much or all of DG-E into the EEAS. This could then have the effect of bifurcating the civilian and military aspects of crisis management if the military aspects were excluded from the service. A maximalist perspective would incorporate the military dimensions of crisis management into the EEAS, which, it could be argued, is logical given the HR/VP's responsibilities in the

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<sup>24</sup> The Nicolaidis group emerged under the Greek Presidency and derives its name from the first chair of the group, Kalypto Nicolaidis. The group carries out a similar function to the Antici and Mertens groups, with specific reference to the Political and Security Committee.

<sup>25</sup> See *Issues Paper on the European External Action Service*, annexe II, para. 12.

domain of CSDP. However, even if these aspects of the Council Secretariat's work were included, the problem of institutional balance within the service would arise, since the Commission could be represented in the EEAS in a ratio of approximately 5:1 to the Council Secretariat (based upon current staffing levels in the Commission's '*famille* RELEX' and the Council Secretariat's DG-E).<sup>26</sup>

More problematically, a maximalist model would give rise to questions of manageability for the HR/VP. A minimalist model built around light structures may give the HR/VP more freedom outside Brussels and thus the ability to be the 'face' of the EU. By way of contrast, a more extensive staff could suggest a more bureaucratic role that may encumber the HR/VP's trips outside Brussels. Much will obviously depend upon the office holder and his/her approach to the office, but it opens up the intriguing possibility that the European Council's President may also wish to be the 'face', especially if the incumbent is accustomed to the international limelight.

Either model would give rise to the question of who reports to whom. The response will necessitate the reform of the Commission and Council's internal rules of procedure (this will be most sensitive in the case of the 'line Commissioners' reporting to the HR/VP and those who are subject to his/her coordination). The models may also give rise to the question of how to improve relations between the European Parliament and the EEAS and whether there is a need to expand upon Michael Matthiessen's current role as Personal Representative of the HR/SG for Parliamentary Affairs in the CFSP area, into a fully-fledged section that is responsible for relations with the Parliament.

Other more specific problems would be encountered with the working groups supporting the Political and Security Committee and the crisis management elements (the Political-Military Working Group, the Committee for the Civilian Aspects of Crisis Management, the EU Military Committee and perhaps some others). These would presumably be chaired by EEAS staff. Other working groups — falling under the General Affairs Council, as opposed to the Foreign Affairs Council — would continue to be chaired by the rotating Presidency. Again, this is an element that remains to be worked out, but it could have implications for the workload and staffing levels of the EEAS, as well as for the duties to be assumed by the rotating Presidency.

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<sup>26</sup> Calculations by the author based on the 'EU Who is Who'. If one only counts official posts in the External Service, there are around 1,045 staff (including 725 AD). If one included these officials, plus contract staff, seconded national experts and young experts, the number increases to 2,255. There are in addition some 3,155 local staff, making a total of 5,470. On the Council Secretariat side, there are around 160 staff in the Directorate-General External and Politico-Military Affairs (DG-E), while the staff reporting directly or indirectly to the High Representative number around 103, of a total of 263. Depending on who is included as 'staff', the ratio is anything from 4.4:1 to 8.3:1. Information supplied to author, see also online at <http://europa.eu/whoiswho/public/index.cfm?useaction=idea.hierarchy&nodeID=4553>.

## Balance between the Relevant Departments

The minimalist and maximalist variants of the service carry different implications for the institutional balance between EU institutions, as well as for the administrative implications. If we assume a maximalist outcome, up to 6,000 Commission officials could, according to one estimate, theoretically be absorbed into the EEAS.<sup>27</sup> The European Parliament clearly has an interest in seeing a strong role for the Commission in the EEAS. This would serve to give them a greater role and influence in EU external relations (also because of proposals in the Lisbon Treaty to reform decision-making and comitology). Their role would also be enhanced by the assumption that the Community's budget would for the most part fund the EEAS and thus be subject to scrutiny by the European Parliament.

The Council Secretariat plays a far more modest role overseas in terms of physical presence, with a mere thirteen *fonctionnaires* (excluding locally employed staff and other support staff) outside Brussels (in the EU-UN liaison offices in Geneva and New York). With around 160 Brussels-based non-seconded senior *fonctionnaires* in DG-E and a further 100 or so in detached units reporting to the HR/VP or appointed directly by the HR/VP, the total number of non-support Council Secretariat staff in areas relevant to the EEAS is extremely modest.<sup>28</sup> This, as Brian Crowe points out, could be seen as a significant loss of influence for the Commission if around one-quarter of the current staff disappeared into the EEAS, whereas, from the Council's perspective, it would presumably be seen as favouring the Commission.

The overall size of the EEAS, and the balance therein, will partly be determined by the responsibilities of the HR/VP. Under the Lisbon Treaty, the HR/VP shall:

[...] ensure the consistency of the Union's external action. He shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the High Representative shall be bound by Commission procedures (Article 18 (4)).

The division between those aspects for which the HR/VP is directly responsible implies that the normally non-hierarchical European Commission, which operates as a college, will have a hierarchy where some Commissioners report directly to the HR/VP. These (undefined) areas of responsibility will help to determine the size of the EEAS. The HR/VP also has other areas that he or she coordinates. This gives rise to the question of whether, for example, DG Trade would fall under 'responsibilities' or whether it falls under more general coordination within the Commission. The ambiguity also carries over into the question of where prin-

<sup>27)</sup> Crowe, *The European External Action Service*, p. 15.

<sup>28)</sup> Data from 'EU Who is Who?', 27 March 2008, available online at <http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierarchy&nodeID=4553>.

cial responsibility lies, and where coordination is necessary, in those desks (such as the Western Balkans) where a number of Directorates-General as well as CFSP interests are present. The logical suggestion would therefore be to have the principal desk within the EEAS so that a comprehensive approach to the country or region in question could be adopted. A 'comprehensive desk' located within the EEAS could also be of more assistance to the Union's delegations. This would then suggest a more maximalist approach, which is less likely to emerge in the short term. The worst-case scenario is where duplicated and potentially vying desks emerge.

The issue of coverage becomes even more difficult in the absence of the Lisbon Treaty. In this case the EEAS is likely to be far more restrictive and could even initially be restricted to horizontal or thematic issues such as non-proliferation of WMD, human rights, some defence industrial aspects and small arms and light weapons, since these areas already have inter-pillar activity and debate and there is interest in 'mainstreaming' concerns across the existing pillars. The initial concentration upon these areas could be a form of confidence-building prior to any difficult and potentially contentious discussions over the apportionment of geographical desks.

The theme of proportionality and balance also surfaces in the context of the member states. The website of the *Auswärtiges Amt* (the German Foreign Office) puts the dilemma bluntly when it states that 'The member states must be represented in suitable numbers and at all levels of an External Action Service if it is to be accepted and supported by the member states'.<sup>29</sup> A similar point was made by the European Parliament in a resolution on the institutional aspects of the service, when it stated that 'the EEAS should be staffed in *appropriate and balanced proportions* by officials from the Commission, the General Secretariat of the Council and national diplomatic services'.<sup>30</sup>

A number of the older member states appear to be preparing around 30 diplomats for temporary assignment to the EEAS, whereas some of the newer member states are clearly unable to supply these numbers. The numbers are, however, secondary to the levels at which the member states wish to be involved. The main interest is likely to be in the connection between the EEAS and the putative Union delegations, most notably the larger delegations. The Bruton model (or the idea of placing senior statesmen or diplomats in key delegations, such as former Irish Taoiseach John Bruton in Washington DC) will presumably be attractive. The member states with smaller diplomatic services may also be interested in increasing their presence, although nominally under a European rubric, through key placements in delegations.

<sup>29</sup> See <http://www.auswaertiges-amt.de/diplo/en/Europa/Aussenpolitik/EAD.html>.

<sup>30</sup> 'European Parliament Resolution on the Institutional Aspects of the European External Action Service', 26 May 2005, PA\_TA(2005)0205, *Official Journal of the European Union*, C 117 E/232, 18 May 2006 (emphasis added).

The rather sketchy mathematics above has a number of implications. First, the Commission has the preponderance of manpower with which to staff the EEAS, but it will presumably not want this to imply that the bulk of the groundwork should fall to the Commission, especially if this suggests that representation at the planning and strategic levels should fall predominantly to the Council Secretariat and the member states. Second, the question of balance is most awkward for the Council Secretariat itself, whose numbers remain modest in spite of the boost provided through seconded national staff (this number has now levelled and is actually tailing off slightly). The member states will have to determine for themselves the number of temporarily assigned staff that they are willing to forward and, critically, the level at which they wish to place them. Third, the weakened role of the rotating Presidency in the EU's external relations could well affect staffing levels in the Council Secretariat. The Lisbon Treaty proposed a division of the current General Affairs and External Relations Council into a General Affairs Council and a Foreign Affairs Council. The exact division of duties between the Foreign Affairs Council and the General Affairs Council remains unclear, but it may have a profound effect upon the proportions and balance of the constituent parts of the EEAS.<sup>31</sup>

### **The Role of National Diplomats**

Each of the EU's member states maintains between 40 and 200 diplomatic missions inside and outside the EU, giving a total of around 3,000 diplomatic missions and around 30,000 diplomats.<sup>32</sup> Even if 350-400 diplomats are made available to serve with the EEAS, as suggested by the numbers above, it remains a small percentage of national diplomatic staff. Even so, the implied challenge of the EEAS — a quasi European-level diplomatic service — should not be underestimated.

The insertion of two United Kingdom-inspired declarations into the Final Act of the Lisbon Treaty struck a remarkably defensive note on the part of the member states *vis-à-vis* the EEAS. The first declaration notes that the provisions on CFSP, including the creation of the office of HR/VP and the establishment of the External Service, will not 'affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy, nor of their national representation in third countries and international organizations'. In a similar vein, the second declaration notes that the same developments will:

[...] not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with

<sup>31</sup>) For further discussion of these and other ideas, see Missiroli *et al.*, *The EU Foreign Service*.

<sup>32</sup>) Figures from Eberhard Rhein, 'A Fresh Look at EU Common Foreign and Security Policy', *Challenge Europe*, 13 February 2002, available online at <http://www.theepc.be/challenge>.

third countries and participation in international organizations, including a Member State's membership of the Security Council of the United Nations.<sup>33</sup>

In spite of the somewhat protectionist language employed in the declarations, Maurer and Reichel point out that the member states, especially the smaller ones, could see this as a chance to strengthen their external representation and to reduce the administrative costs of external policy. They then conjecture that 'With the future foreign representation of the EU, many expensive embassies in third countries and representations at international organizations will become superfluous for many of the smaller countries'.<sup>34</sup> The rationale for the larger member states may be slightly different, since they may perceive the appearance of Union delegations in more zero-sum terms.

The full effect of the Lisbon Treaty upon foreign ministries has perhaps not been fully appreciated. As has been observed, the Foreign Affairs Council will come under the HR/VP and not under the rotating Presidency. The question of whether the General Affairs Council would continue to deal with many of the current *communautaire* areas of EU external relations, leaving the Foreign Affairs Council to deal with CFSP/CSDP issues, is also unanswered. Moreover, the appointment of a President of the European Council could also remove much of the prestige that is currently associated with presiding over the European Council and the Council's bodies.

The Lisbon Treaty could therefore pose a triple challenge: to national prestige by the possible diminution of the role of the rotating Council Presidency; to foreign ministers by the possible removal of part of their current portfolio to other ministers sitting in the General Affairs Council (possibly European affairs ministers?); and, finally, to foreign ministries by the growing influence of the HR/VP, his deputies and the advent of EU 'ambassadors' as heads of Union delegations.<sup>35</sup> This dawning realization may account for some of the dampening of enthusiasm for the external relations provisions of the Lisbon Treaty.

### **Location, Location, Location**

As discussed above, the European Parliament argued in 2005 that the EEAS should be incorporated for 'logistical, administrative and budgetary purposes within the Commission'. The idea of the *sui generis* service dodged the question for the time being, but practical questions of where a desk is and where work is to

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<sup>33</sup> Final Act, Lisbon Treaty, Declarations concerning Provisions of the Treaties, Declarations 13-14 on the Common Foreign and Security Policy, 2007/C 306/02.

<sup>34</sup> Maurer and Reichel, 'The European External Action Service', p. 5.

<sup>35</sup> The use of the term 'ambassador' is extremely sensitive and may be used by the current heads of mission as a courtesy title, although it may not be insisted upon. See 'Protocol on the Privileges and Immunities of the European Union', *Official Journal of the European Union*, C 310/261, 16 December 2004.

be conducted cannot be avoided indefinitely. Graham Avery has suggested that the service should be given the status of an 'agency' or office, 'subordinate to the Council and the Commission for first and second pillar questions respectively, and organically connected to both'.<sup>36</sup> The suggestion has much merit, although it assumes that the division of duties between the pillars is perhaps more obvious than it is, with the attendant danger that the service itself might become 'pillarized'.

A service-as-agency solution would have the attraction of avoiding the obvious pitfalls of placing too much symbolic presence on one side or other of the *Rue de la Loi*, but the question of institutional weighting would still occur in an agency because of staffing levels from the 'relevant departments'. The obvious solution is to have the agency established as, in effect, the staff headquarters. This would include the offices of the HR/VP, his/her Cabinet (or perhaps Cabinets if a unified entity for the Commission's and Council's duties cannot be agreed upon), a coordination staff for the President of the European Council as well as personal staff. The agency would also provide staff to assist the committees (such as COREPER and the PSC) and for the implementation of policies emanating from both the Council and the Commission. Other staff affiliated with the EEAS, such as desk officers, would come to the headquarters regularly for briefings. The development of the service might eventually suggest the establishment of a far more extensive staff, but the realities of tensions across the *Rue de la Loi* are for the moment unlikely to support anything more than a physical headquarters building and staff.

Some, like Antonio Missiroli, have suggested that the EEAS should in effect be a 'functional interface between all the main European Union foreign policy actors', with no tenured staff at the outset.<sup>37</sup> Such a service would have the political attraction of defusing many of the more sensitive questions of institutional architecture, the service's location and its size. It would also have the advantage of being less challenging to some of the more 'prickly' EU member states.

EEAS staff are likely to be temporarily assigned from the Commission, the Council Secretariat and the EU member states. This is certainly the model that is most probable in the event of no Lisbon Treaty, but — even with the Lisbon Treaty's ratification — this may be the most politically palatable model that would act as a foundation for further development. One question that remains, however, is the location, whatever the size and scope of the service. Although it is an awkward question, it is not fundamental.

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<sup>36</sup> Graham Avery, 'Europe's Future Foreign Service', *The International Spectator*, vol. 43, no. 1, p. 36.

<sup>37</sup> Antonio Missiroli, 'Introduction: A Tale of Two Pillars — and an Arch', in Missiroli *et al.*, *The EU Foreign Service*, p. 23.



## Union Delegations

The Lisbon Treaty, because of the direct attribution of legal personality to the EU, refers to Union delegations. There was originally no defined position on whether the delegations should form part of the EEAS, but consensus then emerged that the existing network of 134 Commission delegations should become Union delegations and, since they fall under the authority of the HR/VP in the Lisbon Treaty, they should be an integral part of the EEAS. This does not imply, however, that the EEAS should have entirely staffed the delegations. The Lisbon Treaty states that 'With the exception of the common foreign and security policy, and other cases provided for in the Treaties, [the Commission] shall ensure the Union's external representation' (Article 17).

The European Parliament touched upon the institutional aspects of the Union's delegations in its resolution of 25 May 2005, when it stated that the:

Commission delegations in non-member countries and the Council liaison offices should be merged to form 'Union embassies', headed by EEAS officials, who would take their instructions from and be subject to the supervision of the [HR/VP], but belong administratively to the Commission staff, which would not prevent specialist advisers to these delegations being recruited from other Commission or Parliament DGs.<sup>38</sup>

The Union delegations could presumably be built around the current External Service and would also include staff from other Directorates-General (DGs) to provide seconded expertise (this is similar to many national models where professional diplomats are complemented by the line ministries). For the CFSP-specific aspects, Council Secretariat or seconded national staff would have to have been included. The Lisbon Treaty makes passing reference to the role of Special Representatives, but the presence of both Heads of (Union) Delegations as well as Special Representatives may become difficult to sustain after a period of transition from the current mandates, and double-hatting may be extended beyond the current examples in the former Yugoslav Republic of Macedonia and the African Union in Addis Ababa.<sup>39</sup>

The Lisbon Treaty is clear that 'The diplomatic missions of the Member States and the Union delegations in third countries and at international organizations *shall* cooperate and shall contribute to formulating and implementing the common approach [defined by the European Council or the Council]' (Article 35, emphasis added), and that the Union delegations '*shall* act in close cooperation with the Member States' diplomatic and consular missions' (Article 221, emphasis added).

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<sup>38</sup>) *Official Journal of the European Union*, C 117 E/232, P6\_TA(2005)0205, 'European Parliament Resolution on the Institutional Aspects of the European External Action Service', 18 May 2006, para. 3 (d).

<sup>39</sup>) See the consolidated version of the Treaty on European Union, *Official Journal of the European Union*, C115/13, 9 May 2008, article 33.

A number of questions arose with regard to the role of member states in the delegations. First, how might the member states react to seconding national diplomats to delegations that belong 'administratively to the Commission staff'? Does it imply that the Head of Delegation should also be a Commission official? Presumably, the staff of a given delegation will fall under the jurisdiction of the Head of Delegation, which implies that all staff, regardless of origin, should be part of a single structure. If the idea of balance and proportionality is to be taken seriously, a number of senior positions, including Heads of Delegations, would have to be assumed by national diplomats. The virtual absence of the Presidency, which currently plays an important coordination role among the member states in third countries, would appear to imply that the local head of Union delegation should assume this role. The Head of Delegation would be accountable to the HR/VP who, in turn, chairs the Foreign Affairs Council. In some cases this may be credible and would solve problems associated with lack of representation by the EU Presidency in a third country, but this is less credible in the case of major capitals where the member states are heavily represented.

An overview of national representation by the EU member states indicates that they are well represented in countries such as China, Turkey and India, with 78, 53 and 44 representations respectively. The issue then arises of whether national representations represent purely national concerns or, conversely, whether the Union delegations will represent purely EU interests?

Although there are currently a number of assigned national diplomats serving in the delegations, a potentially larger national presence in the Union delegations would give rise to a number of awkward coordination issues, such as information exchange between national and EU officials. Are national officials as likely to trust one of 'their own' serving in a delegation?

It has also been suggested that the EEAS and the Union delegations might assume a more important consular role. For instance, Michel Barnier wrote a report for the Austrian Presidency in May 2006 on the creation of a European civil protection force, building upon some of the lessons learned from the Indian Ocean tsunami a few months earlier.<sup>40</sup> His report suggested a more active role for the delegations in disaster relief, evacuation, identification and forensic duties. Extending these roles, which are currently assumed in most cases by EU member states' consular services, cannot be ruled out, but, as Brian Crowe noted, it 'may not be obvious for some member states, which expect to act nationally to rescue their nationals in any emergency'.<sup>41</sup> The assumption by the EEAS/Union delegations of any extensive consular duties should not therefore be presupposed, especially when there are political and legal concerns about the assumption of a major

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<sup>40</sup> See Michel Barnier, *For a European Civil Protection Force: Europe Aid*, May 2006, available online at [http://ec.europa.eu/commission\\_barroso/president/pdf/rapport\\_barnier\\_en.pdf](http://ec.europa.eu/commission_barroso/president/pdf/rapport_barnier_en.pdf).

<sup>41</sup> Crowe, *The European External Action Service*, p. 24.

role by the EU's institutions. Given the general lack of expertise in these matters at the European level, EU member states are more likely to advocate building upon national capacities and enhanced coordination. It is, however, possible that the delegations might assume more responsibility in the context of the right to diplomatic and consular protection accorded to EU citizens, but this would again raise the issue of whether delegation staff have the necessary training and expertise to assume these tasks. Presumably, those member states that might assign diplomats to the EEAS or the delegations would have non-consular duties in mind.

The current impasse of the Lisbon Treaty clearly implies that the formal attribution of legal personality to the European Union will not happen. Nevertheless, the European Commission's delegations are becoming far more complex, with an increasingly diverse range of demands being made upon them. The presence of CFSP and the rapid growth of ESDP (CSDP in the treaty) also means that the foreign and security aspects (and, to an extent, police and judicial cooperation in criminal matters) are increasingly important. In addition, there are some more generic reasons — such as growing economic interdependence, global challenges and the intricate nexus between security and development — that are creating the demand for more cooperation. Although the idea of Union delegations may be off the books, the need to think along the lines of more comprehensive and coordinated overseas representation remains.

There are no obvious prescriptions for how to rearrange the current delegations in the absence of the Lisbon Treaty, except that a modest EEAS that concentrates on a range of horizontal or thematic issues might be of use to the current delegations, which tend to be country or region oriented. With a ratified treaty, the Union delegations could usefully offer the potential for more horizontal approaches to complex interlinked challenges — ranging from terrorism to migration — in ways that many national diplomatic services find difficult to do. As a practical point, a number of existing delegations will need larger accommodation to cope with the anticipated additional staff.

### **Budgetary Arrangements for the EEAS**

The prevailing assumption is that the EEAS will be financed from the European Union's budget. The European Parliament noted 'with satisfaction' the strengthening of its budgetary powers 'over all spending, including the EEAS, giving Parliament parity with the Council'.<sup>42</sup> In a separate report, the European Parliament states that it intends to 'fully exercise its budgetary powers in relation to the

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<sup>42</sup> 'Draft Report from the Council to the European Parliament on the Main Aspects and Choices of the Common Foreign and Security Policy', Committee on Foreign Affairs (Rapporteur: Jacek Saryusz-Wolski), 2007/2219(INI), para. 49.

setting-up of the EEAS'.<sup>43</sup> The role of the European Parliament and the importance of coordination between the Council generally, and the Political and Security Committee specifically, is likely to be underlined, since the Parliament has already indicated that it considers the total of €1,740 million allocated to CFSP for the 2007-2013 period as 'insufficient to achieve the ambitions and specific goals of the EU as a global player'.<sup>44</sup>

As has been argued, the initial establishment of a modest 'agency' with a skeleton staff who are on temporary assignment should not give immediate rise to budgetary difficulties. The harder questions lie in the longer term, when and if a more ambitious service is established with a dedicated professional staff. In the case of the EU member states the question of whether staff are temporary agents or seconded to the EEAS may also have budgetary implications. If a member state's staff are paid for by a common budget that is financed through the EU budget, the amount of informal and formal control exercised over 'national diplomats' by the Commission and the European Parliament may become contentious. On the other hand, a service financed through the Community budget may encourage EU member states to provide personnel. However, if the national staff are not paid for from the Community budget, the question is one of opportunity cost, which may have some perverse effect on staffing levels from the member states and quality of the service.

The considerable costs associated with translating documents also need to be borne in mind.<sup>45</sup> Moreover, what language regime(s) will apply?

The budgetary question will be one of the most difficult since it poses in a rather stark manner the extent to which the EU member states wish to be involved in the EEAS and the extent to which it should be susceptible to leverage from the European Parliament. The budgetary contribution from the EU budget for Commission officials working in the EEAS could also set a budgetary benchmark for the member states, which will either encourage members to balance this amount (assuming that they are serious about proportionality and balance) or it will become a source of resentment against the EEAS.

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<sup>43</sup> 'Draft Report on the Impact of the Treaty of Lisbon on the Development of the Institutional Balance of the European Union', Committee on Constitutional Affairs (Rapporteur: Jean-Luc Dehaene), 2008/2073 (INI), para. 56.

<sup>44</sup> 'Draft Report from the Council to the European Parliament on the Main Aspects and Choices of the Common Foreign and Security Policy', Committee on Foreign Affairs (Rapporteur: Jacek Saryusz-Wolski), 2007/2219(INI), para. 54.

<sup>45</sup> See European Committee of Auditors, report no. 9/2006, cited in 'Report on the Discharge for Implementation of the European Union General Budget for the Financial Year 2005', section II, Committee on Budgetary Control, European Parliament, A6-0108/2007, 30 March 2007, pp. 6-8.

## Training and Recruitment

The administrative challenges of creating a unified service with full-time officials or extended periods of assignment proved vexatious in the discussions on the EEAS. Issues such as harmonization of salary structures between the 'relevant departments', recruitment policy, career paths and staff regulations are obviously very sensitive since they directly effect individuals.

The question of sufficient numbers of personnel from the EU member states depends very much upon national priorities and decisions, while the question of geographic balance is likely to be determined in part by practical issues such as budgetary considerations, but also the 'weight' attached to various positions, such as major Union delegations.

Assigning personnel as temporary agents arguably gives less control to the appointing authorities (ultimately the HR/VP), since the selection procedures are lighter than those applying to seconded national experts or permanent staff. In practice, the EEAS will have to accept who the member states nominate, although the members will obviously be cognisant that temporary national assignments reflect the quality of their public services. Any initial recruitment seems very much the decision of the individual member states and who they choose to nominate. The idea of being represented in 'suitable numbers and at all levels', as recommended by Germany's *Auswärtiges Amt*, will be subject to varying national interpretations, as well as political and resource considerations. It is, however, likely that the current patterns of sharing senior posts and representation that currently exist among seconded national staff in the Council Secretariat will be replicated in the EEAS.

Within the EU's institutions the question of selection and procedure is intimately tied to training and preparation. To put it in a nutshell, there is no point in insisting upon well-qualified applicants if they are not prepared for the tasks that they will have to assume. The question of how to prepare and train officials for EU external relations has been debated since at least the advent of a unified External Service in 1994, when a working party was established to identify the long-term needs of the service, resulting in the *Williamson Report* in March 1996. The resignation of the College of Commissioners on 15 March 1999 introduced a wide variety of reforms to the Commission under Vice-President Kinnock, highlighting the role and importance of training and introducing obligatory elements of training throughout an official's career. Although there were no specifics regarding external action, it is evident that the need to make training for officials more professional was well-understood.

The European Parliament had also shown interest in the issue, with suggestions in May 1999 to establish a 'common European diplomacy' and a College of Diplomacy of the EU. MEP Gerardo Galeote Qucedo then developed this idea, calling

for a College of European Diplomacy.<sup>46</sup> A number of EU member states, notably France and Germany, also noted the need for more common diplomatic training and this was formulated in a May 1999 non-paper that floated the idea of a European Diplomatic Academy. The Working Group on External Action of the Convention on the Future of Europe — under the chairmanship of Jean-Luc Dehaene — also devoted considerable attention to training aspects. In a paper submitted by Iñigo Méndez de Vigo to the Working Group, the need for a European Diplomatic Academy was also highlighted.<sup>47</sup>

It is worth noting that debates about the future of European-level diplomacy since the late 1990s have had some important practical training effects. In particular, the European Diplomatic Programme promoted the idea of a common European diplomacy, and its main attraction, in spite of modest numbers, was that it extended to the member states, the Commission and the Council Secretariat alike. The Commission's communication in 2006 also mentioned the importance of training, when it proposed that:

Member States could open up national diplomatic training schemes to staff in EU institutions working on external relations issues. [The] Commission and Council could include national diplomats in training at EU level. Member States could intensify training of national staff on EU issues.<sup>48</sup>

Given the sensitivity of training in the diplomatic context, the question of a European 'Academy' is premature. The requirements of clients and the functioning of the EEAS itself will tend to question whether a virtual arrangement, or an actual location, will meet demands. Until such a time, a number of examples could be considered as potential models. For instance, the European Security and Defence College or the *Collège européen de police* (CEPOL), both established in 2005, might provide inspiration.

More recent initiatives by the European Commission underline the need for a common training programme, since Commission staff are not trained as diplomats, nor are many national diplomats trained specifically for European-level diplomacy. The change to build an essential *esprit de corps* through joint training and professional development is an essential underpinning for the EEAS.

<sup>46</sup> See Gerard Galeote Quecedo, 'Institutional Aspects of the Creation of a European External Action Service', amendments 1-24, draft opinion, PE 353.440v01-00, 2004/2207(INI), in particular amendments 10-11.

<sup>47</sup> Iñigo Méndez de Vigo, 'Towards the Establishment of a Common European Diplomacy', The European Convention, Working Group VII, Working Document no. 55, 3 December 2002, pp. 6-7.

<sup>48</sup> *Europe in the World: Some Practical Proposals for Greater Coherence, Effectiveness and Visibility*, Communication from the Commission to the European Council of June 2006, COM (2006) 278 final, Brussels, 8 June 2006.

## Conclusion

This contribution has argued that the EEAS will be the focus of any reform of EU external relations. If the Lisbon Treaty is ratified, it will form the essential support element for the HR/VP and most probably the President of the European Council. In the absence of the Lisbon Treaty, there will still be the need for a more integrated support structure, along the lines of the EEAS, in the face of generally recognized shortcomings in the current conduct of EU external relations. In spite of the silence surrounding the EEAS, preparations have been quietly ongoing for some time now.

The EEAS that emerges is most likely to be modest in size and this is essential for confidence-building reasons. The service will be larger and more ambitious in the longer term, but should still be considered far from 'anti-diplomacy'.<sup>49</sup> There are many challenges, as outlined above, that will have to be met on the way, including the extent to which EU member states are willing to amend their conceptions of diplomacy to include a European level in which they actively participate. This will require further transition away from purely national conceptions of diplomacy and, for those in the EU's institutions, preparation for taking on the challenges of becoming diplomats operating at the European level. The question of whether anti-diplomacy might eventually prevail is a matter for speculation, but the goal for the immediate future must be integrated diplomacy that brings together national and European levels of diplomacy. The EEAS does not guarantee this, but it offers a framework in which integrated diplomacy could flourish.

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<sup>49</sup> See Rebecca Adler-Nissen, 'Late Sovereign Diplomacy: When the National Interest is European', *The Hague Journal of Diplomacy*, Vol. 4, No. 2, 2009, pp. 121-141.





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