



Institut Européen
d'Administration Publique

European Institute
of Public Administration

Working Paper 2008/W/01

The European Commission: Inside and Out

'Administering EU Foreign Policy after Lisbon:
The case of the EEAS'

By
Dr. Simon Duke

Paper prepared for the EU-Consent Workshop,
Edinburgh, May 15-16 2008

**The European Commission:
Inside and Out**
‘Administering EU Foreign Policy after Lisbon:
The case of the EEAS’

Paper prepared for the EU-Consent Workshop,
Edinburgh, May 15-16 2008

By
Dr. Simon Duke

Dr. Simon Duke, Professor
European Institute of Public Administration (NL)

The European Commission supports EIPA through
the European Union budget

© 2008, European Institute of Public Administration /
Institut européen d’administration publique
Maastricht, the Netherlands / Pays-Bas
<http://www.eipa.eu>

© 2008, European Institute of Public Administration.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, mechanical, photocopying, or otherwise, without prior written permission of the publisher, European Institute of Public Administration, O.L. Vrouweplein 22, P.O. Box 1229, 6201 BE Maastricht, the Netherlands.

EIPA's website: <http://www.eipa.eu>

Typeset by the Publications Service, EIPA, the Netherlands.

Table of Contents

	Pages
Introduction	1
Scope	2
Background	3
Mini-max approaches to the sui generis creation	6
Balance between the components?	9
The Sitcen – in or out?	12
Who pays for the EEAS?	13
Redefining national diplomacy?	14
Union delegations	17
Preparing for the EEAS	20
Conclusions	25
Endnotes	28

***The European Commission:
Inside and Out***

'Administering EU Foreign Policy after Lisbon: The case of the EEAS'

Paper prepared for the EU-Consent Workshop,
Edinburgh, May 15-16 2008

by

Dr Simon Duke
European Institute of Public Administration
Maastricht

Ph: +00 31 43 32 96 356

e-m: s.duke@eipa.eu

Introduction

This panel has been invited to consider the timely theme, 'Administering EU Foreign Policy after Lisbon'. The title alone begs a number of questions. We do not know for sure that Lisbon will be ratified and the hopes of the Eurosceptics are pinned on Ireland's referendum. The term 'foreign policy' covers a whole range of activities, including the external ramifications of internal policies, the external effects of the Eurozone, right through to the more traditional areas associated with diplomacy and crisis management. Then there is the question of what is meant by 'administering'; in this contribution emphasis is placed on those treaty-based efforts to improve the consistency and coherence of EU external relations. Aside from these terminological issues, there is the broader challenge of trying to understand the administrative implications of the Lisbon Treaty at a time when, for understandable reasons, there is extreme reluctance to reveal any cards by those who are and will be involved in EU external relations. So, what can the researcher contribute at this juncture?

The response, which provides the framework for this contribution, is twofold. First, the researcher can pose the obvious, and perhaps not so obvious, questions that arise from a careful reading of the Lisbon Treaty. The argument to be followed below is

that the treaty holds the potential to address many of the current issues of consistency and coherence that bedevil the EU in its external relations, but that the realisation of this potential will depend very much upon what happens post-ratification since the treaty only provides a loose framework and the details have yet to emerge. The importance of debating potentially sensitive developments outside the EU institutions is all the more important at a time when staff in the institutions are, for understandable reasons, generally disinclined to engage in debate. This does not, however, imply that staff within the institutions are disinterested in the external debate.

The second response is that the researcher, unlike most practitioners, has the luxury of often contemplating a broader picture. This point ties in with the overarching theme of this workshop, the ‘Once in a generation survey’, since the chance to reform the external relations of the EU arises once in a generation; the costs of not getting the reforms right will last for more than a generation. It has taken almost two generations to get to the current point where there is apparent consensus on the need to change the way in which the Union conducts its external relations. A whole generation, or more, inside and beyond Europe will be influenced by the manner in which the Lisbon treaty is, or is not, implemented.

Scope

This contribution will focus upon the European External Action Service (EEAS) within the more general framework of the workshop’s concentration on the role of the Commission. Administering EU foreign policy after Lisbon obviously goes beyond the EEAS but the central argument of this contribution will be bottom-up in approach; namely, that in the absence of an effective EEAS, the other reforms and innovations in EU external relations are likely to be compromised. This is counter to some of the top-down corridor gossip that is dominated by discussion of who might be the President of the European Council, the High Representative of the Union for Foreign Affairs and Security Policy, or the President of the Commission. All of these are worthy topics of speculation, but it is difficult to see how people of the calibre anticipated will be attracted to these key positions if the functional core, the EEAS, is deprived of oxygen at birth. The prospect of a Service that is shunned by the Commission and the Council Secretariat

as a bastard of uncertain progeny, that fails to attract experienced and senior national diplomats, or is one that merely duplicates a third set of ‘desks’ within its *sui generis* structures, will leave the Union potentially worse off as an actor on the international scene. Although there is some circumstantial evidence to justify these fears, it is not too late for the ‘relevant departments’ of the Commission and the Council Secretariat, along with the diplomatic services of the Member States, to shape the Service into what would in effect be a *corps diplomatique* operating at the European-level of diplomacy.

Background

The intergovernmental conference preceding the Amsterdam Treaty illustrated that the question of coherence in EU external relations was ‘still being approached with considerable caution and indecision’.¹ The Member States devoted ‘only a few lines to the subject, often treating it in an implicit fashion’.² The Parliament and the Commission were more forthright in their assessment of the effects of the lack of cohesion, arguing that the coexistence within one treaty of two different modes of operation raises from the outset the question of coherence. The introduction of various forms of flexibility, such as so-called ‘constructive abstention’ in the Amsterdam treaty, and later ‘enhanced cooperation’ under the Nice Treaty, were efforts to avoid log-jams in external relations.³

By the time of the Convention on the Future of Europe the question of coherence in EU external relations was therefore well rehearsed, even if solutions remained evasive. The Convention’s Working Groups on External Action and Defence were operating in tremendously sensitive areas (and, until recently, areas where it was almost unimaginable to have such discussions) and for this reason the brush strokes were necessarily broad. The Constitutional Treaty, the Reform Treaty and the Lisbon Treaty contain basically the same stipulations on external relations, with the notable change of the *fiche* ‘Union Minister for Foreign Affairs’ to the innocuous, but somewhat bland, High Representative of the Union for Foreign Affairs and Security Policy.⁴

The EEAS first appeared near the back of the Treaty establishing a Constitution (Article III-296), as if to signify equivocation about exactly where the EEAS should fit in relation to the external relations articles.⁵ One proposal forwarded during the Convention by Giuliano Amato, Elmar Brok and Andrew Duff sought to establish the service ‘as an

integral part of the Commission administration' and that the administration shall work 'as mandated by the Council without prejudice to the competences of the Commission'.⁶ A similar proposal made to the Working Group VII on External Action suggested that the EEAS should be 'based on DG RELEX, supported by the Council secretariat officials and staff seconded from national diplomatic services'.⁷ Neither proposal was acceptable to a number of Member States, since it was seen as a thinly veiled attempt to *communitarise* EU external relations, and the EEAS therefore remains in institutional limbo until such time as the High Representative for CFSP, the Commission and the Member States present their preparatory work on the EEAS.

Following the negative outcome of the French and Dutch referenda on the Constitutional Treaty in May and June 2005 respectively, the Reform Treaty emerged which, in turn, became the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community upon signature in December 2007. Mention of the EEAS was moved into Title V, the section being entitled 'General Provisions on the Union's External Action and Specific Provisions on the Common Foreign and Security Policy'.⁸

The degree to which any High Representative will be able to function and meet the demands made upon him will depend primarily upon the Service. The treaty specifies that the EEAS will assist the High Representative and '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 Council and of the Commission as well as staff from national diplomatic services of the Member States' (Article 27.3). The EEAS will clearly need a more specific mandate, beyond the somewhat vague assistance to the High Representative, to define its exact role and its relations vis-à-vis the Union delegations (see below). The question of *who* the EEAS will be is a further key issue; what are the 'relevant departments'; how seconded national diplomats will be integrated; what will the balance be between the relevant departments?

Preparatory work on the Service has progressed in fits and starts, commencing with the signature of the Constitutional Treaty in October 2004, halting after the French and Dutch referenda, and recommencing more recently with the signing of the Lisbon Treaty. Until this point progress had been made in discussions between the parties on the

legal status of the EEAS, personnel issues, budgetary questions, administrative aspects and the management of the Union delegations. A number of external contributions to the debate had also spurred on thinking about the role and shape of the Service.⁹ The Member States were consulted between 27-29 April 2005 (including Bulgaria and Romania) and a stocktaking of these meetings took place in Coreper on 12 May.

The European Parliament also held a debate on the EEAS in plenary session on 15 March and adopted a resolution on the Service on 26 May.¹⁰ The resolution included the firm desire to see the Service ‘incorporated, in organisational 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’.¹¹ The 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’.¹²

Solana and 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. 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’.¹³ The logic underpinning the *sui generis* formulation was, in part, to minimise duplication and to save costs but also to support the Minister by providing a framework in which the EEAS could have use of the support services of both the Commission and the Council. Less charitably, this formulation was merely a reflection of earlier unresolved differences over the composition and affiliation of the Service that emerged from the Convention. The preference of the European Parliament to incorporate the EEAS into the Commission’s staff structures and the predictable opposition from a number of Member States, alongside the lack of any specific institutional reference in the Constitutional Treaty, made the *sui generis* moniker preferable. But, it solved few of the underlying tensions.

Mini-max approaches to the sui generis creation

The confusion over the essence of this *sui generis* creation is, unsurprisingly, reflected in the question of who should staff it. It is worth recalling that the Service can only be established by a decision of the Council, who shall act on a proposal from the High Representative, after consulting with the European Parliament and after obtaining the consent of the Commission – in other words, all of those with an interest in the Service have a voice in its ultimate shape and composition.

Logically, the scope of the EEAS should be suggested by the High Representative's mandate since the Service is tasked with assisting him/her. However, the formulation that, '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', begs a number of questions that are of direct relevance to the EEAS.¹⁴ The difference, albeit undefined, between *responsibilities* within the Commission and the *coordination* of other aspects of the Union's external action, suggests two logical options. The first, a minimalist model, would put the emphasis on coordination, with less on the direct responsibilities of the High Representative, while the maximalist version would place the emphasis upon responsibilities and less so on coordination.

The minimalist model would restrict the EEAS to most of DG-E and the Policy Unit from the Council Secretariat side and DG External Relations, especially Directorate A, or the 'Crisis Platform', on the Commission side. In this case, the self-exemption of trade from the EEAS discussions on the grounds of exclusive competence could reasonably be extended to other areas of exclusive or mixed competence in external relations, such as development policy, humanitarian assistance, management of external financial programmes and enlargement negotiations; in these areas the High Representative would play an important coordination role.¹⁵

Given the High Representative's specific responsibilities in the CFSP and CSDP areas, the minimalist model would emphasise the ability to assist him in this domain.¹⁶ Since the High Representative's role does not preclude him from drawing on other services within the Council Secretariat and the Commission, the arguments could

be made in favour of a fairly small Service, complemented by seconded national diplomats. 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 amongst the institutions or concern from some Member States regarding the potential effects upon their national diplomatic services and practices.

The minimalist model would though clearly be insufficient to staff the full range of geographic and thematic desks, quite aside from the basic staffing of the Union delegations. The Joint Progress Report by Solana and Barroso, referred to above, suggested that the Service 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’.¹⁷ 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 than that described above, to include areas such as enlargement, neighbourhood (ENP) and development policy.¹⁸ The minimalist model would also have the potential disadvantage of neglecting the important ‘third’ hat of the High Representative – that of the Chair of the Foreign Affairs Council (FAC).¹⁹ Since the FAC falls outside the rotating Presidency, the 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 High Representative.

As has already been suggested, the maximalist model would include a far wider representation from the Commission side to include all, or most, of the Directorates-General mentioned above (except trade). The Joint Progress Report argued that the roles attributed to the High Representative (including, notably, responsibility for consistency in the external relations of the Union) mean that the EEAS should be in a position to ‘provide unified policy advice and briefing not only to the [High Representative], but also to the other Commissioners and the President of the European Council’.²⁰ Hence, this would require the EEAS to field geographical desks covering all countries or regions of the world but, at the same time, these should not duplicate those of either the Council

Secretariat or the Commission. The sensible warning that duplication of desks should be avoided does not, however, answer the question of where the desks should be located. Should there be, for instance, concentration of a number of geographic and thematic desks in the Service, as opposed to the Council Secretariat or the Commission?

On the Council side their involvement would extend to include all crisis management-related aspects, including the Military Staff, as well as Sitcen. As was argued in more detail above, the minimalist model would privilege the responsibilities of the High Representative in the CFSP/CSDP areas, which would (presumably) involve the incorporation of much or all of DG-E into the EEAS. This would then have the effect of bifurcating the civilian and military aspects of crisis management if the latter were excluded from the Service. The maximalist perspective would therefore incorporate the military dimensions of crisis management into the EEAS which, it could be argued, is logical given the High Representative's responsibilities in the CSDP domain. 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, if so minded, be represented in the EEAS in a ratio of approximately 5:1 to the Council Secretariat (based upon current staffing levels in the *famille Relex* in the Commission and DG-E in the Council Secretariat).²¹

On the positive side the maximalist model would be preferential from the consistency viewpoint, although it could be argued that tight coordination between the EEAS, the Council Secretariat and the Commission could accomplish the same. The consistency argument is an important one, not only in the context of crisis management mentioned above, but also for key items such as sustainable development which demand high degrees of coordination. In this regard, the self-exemption of trade and the inclusion of development in the EEAS would pose an obvious coordination challenge. This model could also make adequate provision for staff to assist the High Representative specifically in his FAC role since this particular format of the Council falls outside the remit of the rotating Presidency. Provision could also be made for a smaller support staff to assist the PSC, replicating the current role of the Nicolaidis group in the Permanent Representations of the Member States.²²

More problematically, the maximalist model would give rise to questions of manageability for the High Representative and the type of management structures and style that would be required to deal with the Service and coordination with the Commission, Council Secretariat and the Member States. The model may also give rise to the question of how to improve relations between the European Parliament and the EEAS and whether there is need to expand upon Michael Matthiessen's current role as Personal Representative of the High Representative for Parliamentary Affairs in the CFSP area, into a fully-fledged section responsible for relations with the Parliament.

Either model would also give rise to the question of what provision should be made for staff to chair working groups. The working groups supporting the PSC 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) 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 Service, as well as for the duties to be assumed by the rotating Presidency.

Antonio Missiroli is correct to suggest that, 'Both logic and experience suggest an initial small 'pioneer group', to be gradually and progressively expanded over time'.²³ The presence of such a pioneer group, or the minimalist variant outlined above, may initially avoid a number of more contentious issues about the composition of the Service but, in the longer term, a number of other vexatious issues will have to be faced. Four deserve brief mention.

Balance between the components?

First, the general balance between the constituent components of the EEAS will be highly sensitive. The web site of the Auswaertiges 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'.²⁴ 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'.²⁵ In both cases the wish for balance hides a larger problem where, numerically, the Council Secretariat plays a 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 High Representative or appointed directly by the High Representative, the total number of non-support Council Secretariat staff in areas relevant to the EEAS is extremely modest.²⁶

On the Commission side, the number of AD officials and temporary agents working in RELEX is 300. If trade, development, enlargement, Aidco and Echo are added to this, the total staff in this category is 1149.²⁷ If contract staff members, seconded national experts and technical and administrative assistance is added, the global figure increases to around 2,184. The actual number of staff represented in the EEAS will depend very much upon which of the above models is predominant; nevertheless the question of balance applies in either case. The addition of currently seconded Member State officials does not alter the picture significantly, unless they are counted in the Council Secretariat's potential contribution as Member State contributions, in which case the Secretariat's contribution looks even weaker.

The contribution from the Member States to the EEAS is difficult to estimate, especially when considering the financial strictures that apply in almost every Foreign Ministry. In global terms the EU Member States are amongst the best represented, in terms of both presence on the ground and staffing. Each of the Member States maintains around 40-200 diplomatic missions inside and outside the EU, which gives a total of around 3,000 diplomatic missions and around 30,000 diplomats.²⁸ As has often been observed, the U.S. needs around one-tenth of the number of missions and approximately half of the number of diplomats.

The figures themselves tell us little, other than in very general terms, since it does not tell us what proportion of the diplomatic staff of the Member States are dedicated to European-level diplomacy (or 'common' policy). Unsurprisingly, much of

the attention is still upon promoting national interest, especially when it comes to commercial or cultural issues. Nevertheless, the ‘European’ level of diplomacy is becoming increasingly important since in many areas, ranging from trade policy, to human rights, security issues, technology or relations with international organisations, the EU dimension is dominant. The trend since the 1970s has been towards less purely bilateral diplomacy and to more coordination of national positions at the European level and, in those instances of exclusive competence, European diplomacy. This has often created tension between the ‘bilateral’, or national, levels and the European strand.

The advent of the EEAS poses a number of questions for the Member States, including the level and numbers of their representation within the Service. This is discussed in more detail below, but the initial estimates suggest relatively low numbers are being prepared for service in the EEAS. Even if 350-400 diplomats are made available to serve with the Service on a seconded basis, questions of the balance between the national contributions will arise, as will the levels at which the national diplomats serve. Resource constraints and cut-backs in national diplomatic staff are apparent throughout the EU members and this will also undoubtedly impact upon the availability of diplomats for European-level service.

This admittedly rather sketchy mathematics has a number of implications. First, the Commission has the preponderance of manpower with which to staff the EEAS but they will presumably not wish for this to imply that the bulk of the groundwork should fall to the Commission, especially if this implies that representation at the planning and strategic levels should fall predominantly to the Council Secretariat and the Member States. Second, the question of institutional balance is most awkward for the Council Secretariat itself, whose numbers remain modest in spite of the boost in recent years provided through seconded national staff. The logic of continuing to support such second staff on the part of the Member States would presumably be weakened if direct national contributions will be expanded. This, combined with the weakened Presidency role in external relations, will raise some awkward questions for the Council Secretariat in the non-crisis management areas of its external relations brief – especially if almost one-third of the current staff will disappear into the EEAS to assist the new High Representative. Third, if the Member States (and, implicitly, the Council Secretariat) are interested in

balancing the Commission's contribution numerically, they have a vested interest in pushing for the minimalist option.

The Sitcen – in or out?

The question of whether the Situation Centre (Sitcen) will be within the EEAS is highly sensitive, as is the issue of how far the military crisis-management elements from the Council should be incorporated. The current reservations regarding the sharing of intelligence analysis beyond the Member States may well exclude the Sitcen, but this could then harm the ability of the Service to respond in an optimal manner, especially since crisis prevention remains a fixed priority under the treaty. On the crisis management side, the incorporation of elements of civilian crisis management into the Service as part of DG-E would risk antagonising civilian-military coordination problem if the military staff remain outside the Service.

The Sitcen includes contributions from a number of sources (hence, its correct adage, the *Joint Situation Centre*) including the Policy Unit, the EU Military Staff, the Council Secretariat and the Commission. Since 2005 seven national intelligence officials have been seconded to the Sitcen, with primary responsibility for counter-terrorism. The fact that the centre draws upon intelligence and information analysis from a variety of sources is a strength, but in terms of the EEAS a potential weakness since the question of who is privy to the analysis of intelligence and information arises.

To take a practical example, it is assumed that the twenty-five strong Policy Unit, consisting of seconded national diplomats, will be transferred to the EEAS since they currently report directly to the High Representative and would have a similar utility working for the new High Representative in the fields of early warning and policy planning. The Policy Unit is divided into four geographical units and one dealing with intelligence analysis. The latter is logical, considering the role of the Unit but in the context of the EEAS it may become problematic if the Sitcen is outside the Service, but the Policy Unit is within. The implications would be similarly awkward for the EU Military Staff if their Intelligence Division, which contributes to the Sitcen, was outside the EEAS, yet they would have to meet with their counterparts from the Policy Unit, or the Commission, who are in the EEAS.

The implications of having the Sitcen outside the EEAS would have to be thought through carefully. Would there be different standards of handling and classification of materials that apply in the EEAS and those that apply in the Council Secretariat or the Commission? What might the implications of this be for the exchange of classified information with other organisations, such as NATO? Would the presence of a Sitcen within, or outside, the EEAS encourage or discourage further sharing of intelligence analysis between the Member States and the EU institutions? The practical difficulties created by keeping the Sitcen outside the EEAS may prove unnecessary ponderous and could create momentum for its inclusion. Another strong argument for inclusion may, paradoxically, come from the Member States. Currently there is some reticence regarding intelligence sharing although, as noted, there is some willingness to share analysis of intelligence in specific areas such as counter-terrorism.²⁹ The direct involvement of the Member States in the EEAS may actually reinforce the argument in favour of having their national staff serving in the Service properly supported. The risk of not doing so is a further bifurcation between those serving in the national diplomatic service and those serving in the EEAS.

The inclusion of the Sitcen into the EEAS will undoubtedly lead to challenges and may require clearer standards for the classification and handling of information, but the exclusion of the Sitcen may create even larger challenges in the medium to long-term. The idea of having seconded national intelligence officials serving in the Council Secretariat would have sounded outlandish just a few years ago, yet they are not only there but their numbers and mandates are slowly increasing.

Who pays for the EEAS?

Third, the budgetary arrangements for the Service remain unclear. If the EEAS is financed from the general budget this will give the European Parliament considerable leverage (a point noted in the Convention), whereas if it is financed through a separate intergovernmental arrangement the question of who should pay for what, at a time when nearly every national foreign ministry faces budget strictures, will come to the fore. In the event of the latter, this could tip the balance in favour of the minimalist option.

The budgetary aspects will also bring attention to bear on other related issues, such as career structures, benefits and salary packages. In the case of the Member States the question of whether staff are temporary agents or seconded to the Service may also have budgetary implications. If the Member State staff are paid for by a common budget, financed through the EU budget, the amount of informal and formal control exercised over ‘national diplomats’ by the Commission and the European Parliament may then become contentious. On the other hand, a Service financed through the Community budget may encourage the Member States to provide personnel (this would prove particularly attractive to the smaller diplomatic services of the EU Member States since this would offer a potential low-budget amplification of their diplomatic presence). If the national staff are not paid for from the Community budget, the question is then one of opportunity cost (what could be done with the same money at the national level?) which may have some perverse effects on staffing levels for the Service from the Member States, as well as their willingness to also second diplomats to the Council Secretariat.

The considerable costs associated with translation of documentation also need to be borne in mind. Will the EEAS be allocated a budgetary amount for such services or, as a *sui generis* body, will it draw upon the services of the Commission and Council? If it mirrors recent CFSP practice, the cost per page of translation at the Council was €276 in 2005.³⁰ 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 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 the Commission officials working in the Service could also set a budgetary benchmark for the Member States, which will either cause the members to balance this amount (assuming that they are serious about proportionality and balance) or it will become a source of resentment against the Service.

Redefining national diplomacy?

The final sensitive question is how the Member States fit into the EEAS. The insertions of two declarations on CFSP into the Final Act of the Lisbon Treaty (13 and 14) strikes a remarkably defensive note on the part of the Member States vis-à-vis the

putative Service.³¹ The former notes that the provisions on CFSP, including the creation of the office of High Representative 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 third countries and participation in international organisations, including a Member State's membership of the Security Council of the United Nations’.

In spite of the somewhat protectionist language employed in the two 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 external policy administrative costs. They then conjecture that, ‘With the future foreign representation of the EU, many expensive embassies in third countries and representations at international organisations will become superfluous for many of the smaller countries’.³² 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. In the case of France and the United Kingdom, as Maurer and Reichel observe, their diplomatic representation is also intimately tied into, respectively, the *Organisation Internationale de la Francophonie* (IOF) and the Commonwealth, and may thus reinforce the protection of national diplomatic practice. The question of start-up will then give way to longer-term issues of how national diplomats should rotate into the EEAS and how they are represented in a proportional sense, both with the staff coming from the EU institutions as well as amongst the EU members. The choices that are made regarding the experience and seniority of the staff, the mix and weighting of the national representation will be important determinants of the consistency of the EEAS both internally as well as with the Member States.

The question of how the Member States prepare for and recruit to the EEAS also remains open. In practice the initial recruitment seems very much up to the designs of the individual Member States. Belgium, for instance, is preparing around thirty diplomats at

different levels for the Service, while Germany is preparing a similar number, but at a senior level, and France around fifteen.³³ These figures will undoubtedly be subject to change and are based on initial estimates given to the European Parliament prior to the French and Dutch referendums on the Constitutional Treaty. Nevertheless, it suggests that the idea of being represented in ‘suitable numbers and at all levels’, as specified by the Auswaertiges-amt, will be subject to varying national interpretation, as well as political and resource considerations. It is though likely that the current patterns of sharing senior posts and representation that currently exist among the seconded national staff in the Council Secretariat will be replicated in the EEAS. Hence, there is likely to be an informal balance between the number of seconded staff and their levels amongst, at least, the fifteen. The newer Member States may have different considerations, especially when it comes to resource and staffing issues.

If the Member States were to choose to see the EEAS as an opportunity, rather than a potential threat to the conduct of foreign policy or representation, their role could be substantial, especially if senior national figures serve in the Service (as was the idea behind the appointment of the former Irish Prime Minister, John Bruton, to the Head of Delegation in Washington DC). The EEAS offers an opportunity for closer coordination between the Member States and the EU, compared to the vagaries of coordination in the current Commission and rotating Presidency contexts. The EEAS could also be usefully promoted as a platform for horizontal coordination in the growing number of issues that go beyond the ambit of any one Member State. The presence of national embassies (especially those of the larger Member States) as well as EU delegations raises the question of whether such representation is duplicative or whether the EEAS might usefully concentrate on a regional presence, in the same manner that a number of Special Representatives are doing.

The declarations on CFSP referred to above indicate the potential danger of failing to recognise that national diplomacy has its limitations, not only because of the often-noted effects of globalisation and interdependence, but also because more issues that used to fall under the remit of national foreign ministries now have an important European dimension. It will therefore be extremely important how the EEAS is represented to the Member States. If it is seen as a prototype EU *corps diplomatique*,

more defensiveness of the type exhibited in the above declarations can be anticipated. If however it is portrayed as a way of involving the Member States more actively in the European-level of diplomacy, it could be seen as a positive development since it would enable members to share this dimension of diplomacy more actively than they can at present. The distinction between the emergence of a EU *corps diplomatique* and that of a *corps diplomatique* that can operate at the European level is both fundamental and necessary. The emergence of the EEAS has already posed awkward questions for the Member States regarding the exercise of national diplomacy and, undoubtedly, will continue to do so. If the above distinction is lost in the ensuing debates, the EEAS risks being perceived as a challenge to one of the most sensitive areas of national sovereignty – and thus a zero sum scenario. The task for the Member States, as well as the EU institutions, will therefore be to clarify the distinction between those areas that are clearly a matter for national diplomatic practice and those that have a partial or extensive European character – which holds the prospect of a win-win situation.

Union delegations

The Lisbon Treaty, due to the attribution of legal personality to the EU, refers to Union delegations (Article 32). There was originally no defined position on whether the delegations should form part of the EEAS but there is now clear consensus that the existing network of 133 Commission delegations should become Union delegations and, since they fall under the High Representative in the Lisbon Treaty, they should be an integral part of the EEAS. This does not imply, however, that the EEAS should entirely staff the delegations. The 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 delegations in its 25 May 2005 resolution, when it states 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 Foreign Minister, but belong administratively to the Commission staff, which would not prevent specialist advisers to

these delegations being recruited from other Commission or Parliament DGs'.³⁴ The Union delegations will therefore presumably build upon the current External Service and will include staff from other DGs, such as trade, agriculture or transport, 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 will have to be included. The treaty instructs the national diplomatic and consular missions to work in 'close cooperation' with the delegations (Article 221.2), although it remains to be seen what this means in practice.

The European Parliament's resolution raises a number of important questions. The current delegations fall under the External Service of the Commission and there are currently 127 delegations to non-member states and a further six to international organisations.³⁵ The recommendation that the two external representations of the Council Secretariat (the Office for Liaison with the European Office of the UN, Geneva; and the UN Liaison Office in New York) should be merged into the EEAS is logical, but only concerns a small number of *fonctionnaires*. The Parliament's resolution is not as helpful when it comes to considering how the Member States should be integrated and this is perhaps the most difficult aspect of the putative Union delegations.

The treaty is clear that 'The diplomatic missions of the Member States and the Union delegations in third countries and at international organisations *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).

A number of questions are likely to arise 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'? If this will be the case, 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 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; yet, how this could happen within the specified institutional framework is puzzling.

The integration of national staff into the delegations also raises questions regarding the exchange of information and liaison arrangements between the delegations and the missions of the Member States in third countries. Behind this question lies an even more complex one, which is the basis upon which an EU Member State and/or a Union delegation should be present. An overview of national representation by the EU Member States indicates that the Member States are highly present in countries such as China, Turkey, India, with 78, 53 and 44 representations respectively.³⁶ At the bottom end of the spectrum Laos, Brunei and Tajikistan have only three Member State representations. Similar patterns are replicated elsewhere, with national representation often being determined by the history of the individual Member State and the third party, the size of the country and the economic and cultural interests represented. The various patterns of national representation, unsurprisingly, replicate somewhat those of the size of the Commission delegations – hence, the delegations in Beijing, Moscow and Washington DC are sizeable, whereas the delegation in Kathmandu is very modest.

The issue then arises of whether the national representations represent purely national concerns (the response would appear to be affirmative judging by the two declarations attached to the Final Act of the Lisbon Treaty referred to earlier) or, conversely, whether the Union delegations will represent purely EU interests? If the response is affirmative, the national representations will presumably only be enthusiastic about staffing Union delegations in those areas where they see strong national interests to be served, both through national representation but also by advancing European agendas that complement national aims. If the response is more nuanced, the smaller Member States in particular may well see the Union delegations as a way of gaining some national visibility in countries or regions where they have no current representation.

Although there are currently a number of seconded 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. One such issue has already been touched upon; that of information exchange between national and EU officials. In the field this could also be difficult if the seconded diplomat, serving with the local EU

delegation, is forced to go ‘beneath the table’ to the local national representation for information. Are national officials as likely to trust one of ‘theirs’ serving in a delegation? This may be a hypothetical concern, yet the two declarations on CFSP attached to the Final Act of the Reform Treaty give reasonable cause for concern.

Beyond the issue of the location of the respective national representations and the Union delegations, there is the question of how responsibilities are divided. Given the economic strictures that apply in every national diplomatic service, there will presumably be strong incentives to move as many of the consular and visa duties towards the Union delegations as possible. This would have the effect of giving the delegations a useful role, but one that frees up national resources to engage in ‘real diplomacy’. This issue was broached by Michel Barnier in the context of the ill-defined links between consular and diplomatic protection in areas such as civil protection, crisis intervention and humanitarian assistance.³⁷ The Charter of Fundamental Rights also defined the right to consular and diplomatic protection as a ‘fundamental right’ of the EU citizen.

The spirit of mutual cooperation that will be required for the close cooperation envisaged between the Union delegations and the diplomatic services of the Member States is not evident if read in conjunction with Declarations 13-14 on CFSP. The evident danger of not striking the right cooperative balance is that the national delegations will view the EEAS as a burden, with the consequence that the game becomes one of shifting burdens (notably consular) in the direction of the delegations and downgrading the prestige of service in the EEAS amongst national diplomats. Finally, the pressure from the Member States to replicate national diplomatic models at the European level should be resisted since the EEAS offers the chance to design from scratch far more integrated horizontal structures that can more effectively address complex interlinked challenges – ranging from terrorism, health issues, security sector reform to migration – in ways that many national diplomatic services find difficult to do.

Preparing for the EEAS

The introduction of the EEAS will require preparation, as noted by the Treaty of Lisbon, to be undertaken from the day of the signature of the treaty (not of ratification). It is clear that the EEAS will evolve over a period of time but that the Service must have

basic operational capacity from day one.³⁸ One critical aspect is how the ‘relevant staff’ will be trained for the Service whereby EU staff have to be fully conversant with diplomatic practice and procedures and national diplomats should be familiar with the EU. This particular aspect was to the fore in the Convention on the Future of Europe since there was specific suggestion that the EEAS should be complemented by a European Diplomatic Academy. It would be misleading to suggest that specialised training for external relations was an innovation of the Convention, but it is nonetheless a relatively new development since until relatively recently DG RELEX staff did not receive specialised training in external relations.³⁹ The Council Secretariat had the arguable benefit of a regular stream of seconded national officials, including national diplomats, working in their midst from whom to emulate best practices. At Member State level, the preparation of national officials for EU-level diplomacy could vary enormously in terms of quality and comprehensiveness (a situation later exacerbated by the 2004 and 2007 enlargements).

With the advent of a unified External Service in 1994 a working party was established to identify the long-term needs of the service, resulting in the Williamson Report in March 1996.⁴⁰ The report implicitly raised the issue of preparation and training and, since then, training has been conducted continuously in various forms. The resignation of the College of Commissioners on 15 March 1999 introduced a wide variety of reforms to the Commission under Vice-President Kinnock (who was re-appointed into the new Commission). The Kinnock reforms highlighted the role and importance of training and introduced obligatory elements of training throughout the official’s career. Although there were no specifics regarding external action, it is evident that the need to professionalise training for officials 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.⁴¹ Señor Gerardo Galeote, MEP, then developed this idea further in two reports where he called for a College of European Diplomacy, which incorporated not only traditional diplomatic training but went beyond that to include extensive training in international relations.⁴² A number of Member States, notably France and Germany, had also noted the need for more common diplomatic training and this was then formulated in a May 1999 non-paper where the idea

of a European Diplomatic Academy was floated. The Franco-German proposal was mainly aimed at junior diplomats, whereas the European Parliament had hoped for something more extensive, catering to different levels and experience. The idea of an 'Academy' opened up the prospect of a physical location which, to some, was too sensitive since it may signify a European 'capital' of diplomacy, and the idea of a programme, based around the existing EU institutions, gained the ascendancy.

The Working Group on External Action of the Convention on the Future of Europe, under the chairmanship of Jean-Luc Dehaene, devoted considerable attention to the training aspects. In a paper submitted by Iñigo Méndez de Vigo to the Working Group the need for a European Diplomatic Academy was noted, relying upon a 'network of European diplomatic academies, institutes, University centers and other diplomatic training related bodies should be established'.⁴³ The 'academy' and its curriculum should be developed on the basis of a comprehensive inventory of existing expertise, resulting in coordinated training programmes stressing the European level (Méndez de Vigo noted that the communitarian chapters represent an average of only 10% of the programmes of access to the diplomatic career). It was also recommended that a *programme commun de base* should be developed, to establish basic harmonization and some minimum required European contents. Finally, it was suggested that e-learning should be developed, building upon the experience of the Mediterranean Diplomatic Academy or the Canadian Foreign Service.

It is also worth noting that the debates about the future of European-level diplomacy since the late 1990s had some important practical training effects. In particular the European Diplomatic Programme (EDP) promoted the idea of a common European diplomacy. The guidelines for the EDP were developed by the Council working group on administration and protocol (COADM) in the mid 1990s and approved by the Council's Political Committee on 26 November 1999.⁴⁴ The EDP is a common project between the EU Member States, the Council Secretariat and the Commission's External Service. The programme is currently in its eighth rendition which will conclude under the Slovenian Presidency in May. The courses are designed around five modules, with a special overall theme being selected for each programme (currently migration). The main problem with the EDP has been the willingness of any two Presidencies to support the programme

(since the modules are held over the course of a year) and the relatively low numbers trained (the Commission, Council Secretariat and the Member States are entitled to send 1-2 to each programme).

The European Diplomatic Training Initiative (EDTI) was launched in 2005 with a Foundation Course. However, EDTI differed from EDP in several important ways. First, it was aimed not only at junior diplomats/officials but also at mid-career officials as well. Second, the training was executed by experts, trainers and practitioners from seventeen different institutions throughout the EU, with all EDTI courses being offered by no less than three trainers from differing Member States. Third, the courses were offered in five day modules, thus allowing for more to be trained in a consistent manner.⁴⁵

Finally, the Commission's communication 'Europe in the World' also touches upon many practical proposals to enhance 'coherence, effectiveness and visibility', including training. The communication specifically proposes opening up national diplomatic training schemes to EU staff and *vice versa*.⁴⁶ Little preparation has been undertaken thus far, with the Council Secretariat preparing separately (with semi-open antagonism with the Commission's DG Admin) and the Member States remaining generally protective. The Commission's DG RELEX is beginning to think through the practical implications for training and, although welcome, the need for commonly trained staff that is prepared to serve in the EEAS is already apparent. The benefits of common training go beyond just the acquisition of practical skills to include the critical formation of an *esprit de corps* that could benefit the Service enormously.

As noted, the question of an 'Academy' is too sensitive to broach at the moment but in many ways it is the wrong place to start since the nature of the training, the experience of training, the requirements of the clients and the functioning of the EEAS itself will tend to suggest 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, established by a Council joint action in 2005, could provide an interesting example.⁴⁷ The ESDC has as its aims the enhancement of the 'European security culture' within ESDP, the promotion of understanding of ESDP, to provide EU and Member States' administrations with knowledgeable personnel able to work efficiently on all ESDP matters and, finally, to

promote professional relations and contacts among training participants. The ESDC is supported by a Steering Committee, one from each Member State with an overall Director responsible for the overall coordination and direction of training activities; an Executive Academic Board, composed of senior representatives from the associated training institutes; and a permanent Secretariat to assist the Steering Committee and the Executive Academic Board. The *Collège européen de police* (CEPOL), also established in 2005, is somewhat similar and might also provide inspiration.⁴⁸

A European Diplomatic Programme could be similarly structured, with the aims of promoting a (European) diplomatic culture, the understanding of EU positions, the provision of knowledgeable and professional personnel and the promotion of networks among training participants. The permanent administrative elements could also be modelled on the ESDC or CEPOL. The establishment of a virtual European Diplomatic Training College (EDTC), or similar adage, need not exclude the possibility of a permanent location at a later date. The EDTC would however need a physical administrative centre, in the same manner as the ESDC or CEPOL.

The question of whether the training is conducted through a programme or an academy will have a negligible impact on the design of the training. A permanent centre might offer some logistical and practical advantages, but it might also cost more. A dedicated location might also be seen in terms of prestige terms as a challenge to national diplomatic centres, and to other training institutes, university departments and centres. By way of contrast, a virtual programme with ‘flying trainers’ could utilize existing national centres and thus build important links between the European and national training levels (especially since many of the prospective trainers could be drawn from these centres). The efficacy of a virtual programme could also be facilitated by modern technology and e-learning, of the type that the Academy of Diplomatic Studies in Malta has pioneered. The disadvantage with a virtual programme is that it may lack the *esprit de corps* that a period of time spent in an inspiring academy might generate. The answer could be to do a little of both by having a combination of virtual programmes, but with periods that are spent together at a suitable (rotating) host institution.

The training aspects are just one facet of the preparations that will have to be undertaken for the emergence of the EEAS, but they are also symptomatic of the challenges that lie ahead.

Conclusions

The EEAS provides considerable potential for more coherence in not only EU external relations, but between the foreign and security policies of the Member States and those of the Union. The extent to which this coherence is realised will depend very much upon the will of the respective parties to commit to the Service; in the case of the EU institutions it will depend on whether they can overcome existing sensitivities and turf battles to make room for the Service while, in the case of the Member States, it will depend upon whether the EEAS is perceived to be a challenge to national diplomatic practice or whether it is seen as a valuable adjunct to strengthen the increasingly important European-level of foreign and security policy. It should also be borne in mind that the European citizens have made it clear that they would like to see more, not less, Europe in foreign and security policy.

There is the risk that the EEAS will be deprived of oxygen at birth and thus never fulfil its true potential if the EU institutions and the Member States decide to disown the Service. There are a number of ways in which this eventuality could be avoided. First, clear lines should be drawn up for the evolution of the Service from something initially rather modest into something that is eventually more ambitious in terms of scope and size. The initial stages should avoid working out what exactly the Service should do, beyond assisting the new High Representative, and the contribution that it could make to the Union delegations. This stage will also involve thinking through the recruitment and training aspects; the latter being particularly important for building up the desired *esprit de corps*. The further evolution of the EEAS will be linked to the adoption of a new financial perspective and the new (revised) Commission. In the current context the focus should therefore be upon what can realistically be developed and implemented in the four year period 2009-2013.

The second suggestion would be to involve the Member States more actively in the evolution of the Service. The initial discussions between the Council Secretariat and

the Commission have yielded results, but with much left to be done. It is however less clear that the Member States really know what to make of the Service and, as suggested in the two declarations on CFSP included in the Final Act of the Lisbon Treaty, the EEAS risks being perceived as a threat to national diplomacy. It is however abundantly clear that the active engagement and support of the Member States is a fundamental underpinning to the Service. In this respect training is, once again, rather important since it will make clear the distinction between diplomatic practice at the national level and that of the European level and thus ameliorate potential suspicions that the EEAS may constitute a challenge to national diplomatic practice or representation. The valuable contribution made by seconded national officials over two decades serves as a positive foundation. However much of that secondment has been to the Council Secretariat, whereas the Commission is likely to be the major player in the EEAS in terms of the EU institutions – the need for a Commission-Member State dialogue is therefore of a more pressing nature.

Third, the relationship between the EEAS and the Union delegations has to be worked out in greater detail. The EEAS will clearly not be responsible for staffing the delegations *in toto*, yet the precise nature of their association has to be worked out. The national model, whereby ‘line ministries’ support the diplomatic services of the Member States, seems the most applicable. The assumption by the EU of legal personality implies that the delegations, unlike their forbearers, may be more political since the full range of Union competences in external relations can be represented (including CFSP and external aspects of police and judicial cooperation in criminal matters). This, in turn, implies that the Member States will also have to determine what kind of representation they wish to have overseas, how any such representation complements the Union delegations and *vice versa*, as well as the number and levels of national diplomats that can be made available to the EEAS.

The issues raised by the EEAS are complex and numerous, but they can equally be perceived as providing opportunities or, alternatively, problems and challenges. It is thus a matter of perception on the part of those who will be involved in the Service as to whether or not it is allowed to flourish. This contribution has suggested that both perceptions are evident. If the latter prevails, the external relations of the Union may well

become more complex, incoherent and inconsistent with the presence of the EEAS. If it is the former, the EU may introduce something that it has actually needed for a long time – a *corps diplomatique* operating at the European level of diplomacy.

ENDNOTES

¹ Intergovernmental Conference, *Coherence of the External Action of the European Union under the First and Second Pillars*, Briefing No. 24, 30th January 1996, Summary, at http://www.europarl.eu.int/igc1996/fiches/fiche24_en.htm.

² Ibid. loc cit.

³ Even this though produced unintended results since enhanced cooperation in the CFSP field excluded flexibility in defence policy, which was the very area that it had been most advocated.

⁴ The final report of the Convention's Working Group on External Action proposed the term European External Representative which, as was observed, had the advantage of not sounding like anything at the national level. In addition the title would have made for a convenient abbreviation, whereas the High Representative of the Union for Foreign Affairs and Security Policy has no obvious abbreviation and will, inevitably, be referred to either as the High Representative (which would not make clear what has changed from the current High Representative) or the CNN adage, the EU's Foreign Policy Chief which, while convenient, is not accurate.

⁵ C 310/134, *Official Journal of the European Union*, 16.12.2004.

⁶ Proposal by Mr Giuliano Amato, Mr Elmar Brok, and Mr Andrew Duff, 'Declaration on the Creation of a European External Action Service', at <http://europeanconvention.eu.int/Docs/Treaty/pdf/873/Art%20III%20225a%20Amato%20EN.pdf>.

⁷ Comments by Mr Elmar Brok and Mr John Cushman, members of the Convention, on the preliminary draft final report (WD 021 REV 3) of the Working Group VII on External Action, WG VII-WD70, 12 December 2002, Para. 7.

⁸ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, Brussels, 3 December 2007, CIG 14/07, Article 13a.

⁹ See in particular, *The EU Foreign Service: how to build a more effective common policy*, EPC Working Paper No.28 ((Brussels: The European Policy Centre, November 2007); and Andreas Maurer and Sarah Reichel, *The European External Action Service*, (Berlin: Stiftung Wissenschaft und Politik, December 2004).

¹⁰ 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. A number of them contributed to the Hearing on the EEAS at the European Parliament on 15 March 2005 and they included Jim Cloos, Graham Avery, Sir Brian Crowe, and Dr Günter Burghardt.

¹¹ *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.

¹² *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.

¹³ 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.

¹⁴ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, Brussels, 3 December 2007, CIG 14/07, Article 18.4.

¹⁵ In the case of enlargement it could be excluded altogether on the grounds that it is not really external relations, although the current practice is to treat it as such.

¹⁶ ESDP was renamed the *Common Security and Defence Policy* under the Reform Treaty. The change in terminology appears to have been made largely to clear up any distinctions that might be erroneously made between the *Common Foreign and Security Policy* and the *European Security and Defence Policy*.

¹⁷ Ibid. Para. 8 (emphasis added).

¹⁸ Ibid. Para. 7.

¹⁹ This point was generally neglected in the Convention on the Future of Europe, with the exception of the contribution by Mr Barnier and Mr Vitorino, *Joint External Action Service*, CONV 839/03, Brussels, 24 June 2003, p.4.

²⁰ Ibid. *Issues Paper on the European External Action Service*, Annex II, Para. 12.

²¹ Calculations by author based on the 'EU Who is Who'. If one counts only AD-officials and temporary agents in the *famille* Relex, there are around 1,149 staff. If one included these officials, plus temporary agents and external staff, the number increases to 2,184. On the Council secretariat side the staff in DG-E (External Relations, Politico-Military Affairs) are around 160, while the staff reporting directly or indirectly to the High Representative are around 103, with a total of 263. Depending on what is counted as 'staff' the ratio is anything from 4.4:1 to 8.3:1. See

<http://europa.eu/whoiswho/public/index.cfm?useaction=idea.hierarchy&nodeID=4553> .

²² The Nicolaidis group emerged under the Greek Presidency and derives its name from the first chair of the group. The group carries out a similar function to the Antici and Mertens groups, with specific reference to the Political and Security Committee.

²³ Antonio Missiroli, 'Introduction: A Tale of two pillars – and an arch', in *The EU Foreign Service: how to build a more effective foreign policy*, EPC Working Paper No.28, (Brussels: European Policy Centre, November 2007), p.24.

²⁴ <http://www.auswaertiges-amt.de/diplo/en/Europa/Aussenpolitik/EAD.html>

²⁵ 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).

²⁶ Data from "EU Who is Who?", 27 March 2008,

<http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierachy&nodeID=4553>.

²⁷ Ibid (although, as observed, DG Trade would not formally be part of the EEAS but may nevertheless second personnel to the Service).

²⁸ Figures from Eberhard Rhein, 'A fresh look at EU Common Foreign and Security Policy', *Challenge Europe*, 13 February 2002, at <http://www.theepc.be/challenge> .

²⁹ See Simon Duke, 'Intelligence, Security and Information Flows in CFSP', *Intelligence and National Security*, Vol. 21, No.4, August 2006, pp.604-630.

³⁰ The figures for the Commission and the European Parliament were, respectively, €194 and €119. 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.

³¹ *Final Act*, Conference of the Representatives of the Member States, CIG 15/07, 3 December 2007, Declarations concerning provisions of the treaties, Declarations 13 and 14 concerning the Common Foreign and Security Policy.

³² Maurer and Reichel, p.5.

³³ Interviews, Author, Brussels, February 2008.

³⁴ 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

³⁵ The delegations to international organisations are those to the African Union (Addis Abeba), the United Nations (Geneva and New York), the Organisation for Economic Cooperation and Development (Paris), the Food and Agricultural Organisation (Rome) and the Organisation for Security and Cooperation in Europe (Vienna).

³⁶ Figures are from, 'Missions of the EU Member States in Asia and Turkey' at <http://www.thinkfree.com/view.tfo?file=on6QL0yFQds=tfo>

³⁷ Michel Barnier, 'For a European civil protection force: europe aid', May 2006, at http://ec.europa.eu/commission_barroso/president/pdf/rapport_barnier_en.pdf .

³⁸ 'Day one' is more likely to be 1 November 2009 when the new Commission takes office with the new High Representative as a Vice-President. By this time the European Parliament will also have held elections. Even if the Treaty of Lisbon is ratified by January 2009, Javier Solana is likely to be asked to prolong his time in office until November.

-
- ³⁹ For more details on this section see Jörg Monar, ‘The Case for a European Diplomatic Academy’, Editorial Comment, *European Foreign Affairs Review*, September 2000, Vol. 5/3 and Simon Duke, ‘Preparing for European Diplomacy?’, *Journal of Common Market Studies*, Vol. 40 2002, pp.849-870.
- ⁴⁰ Sec (1996) 554, *Report on the longer term needs of the external service*, 27 March 1996, cited in Simon W. Duke, ‘Preparing for European Diplomacy?’, *Journal of Common Market Studies* 40 (5) 2002, 849–870.
- ⁴¹ Resolution on establishing a common diplomacy adopted by the European Parliament, 5 September 2000 (A5-0210/2000).
- ⁴² (2000/2006(INI)) (A5-0210/2000)
- ⁴³ ‘Towards the establishment of a common European diplomacy’, Paper submitted by Iñigo Méndez de Vigo, Working group VII “External Action”, Working Document 55, The European Convention, The Secretariat, Brussels, 3 December 2002.
- ⁴⁴ Doc. 13807/99
- ⁴⁵ See <http://www.diplomacy.edu/edti/default.asp> for further details.
- ⁴⁶ *Communication from the Commission to the European Council*, Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility, COM(2006) 278 Final, 8 June, Brussels.
- ⁴⁷ Council Joint Action, 2005/575/CFSP, 18 July 2005.
- ⁴⁸ Council Decision, 2005/681/JHA, 20 September 2005.

Table of Contents

	Pages
Introduction	1
Scope	2
Background	3
Mini-max approaches to the sui generis creation	6
Balance between the components?	9
The Sitcen – in or out?	12
Who pays for the EEAS?	13
Redefining national diplomacy?	14
Union delegations	17
Preparing for the EEAS	20
Conclusions	25
Endnotes	28