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Divide and rule, a sound motto. Unite and lead, a better one.

Johann Wolfgang von Goethe

To my parents and my girlfriend

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1. Introduction

The year 2012 is rich on a number of important anniversaries. 60 years ago, on July 24, 1952, the Treaty establishing the European Coal and Steel Community (ECSC) entered into force. It placed the production of coal and steel –the foundation of military power – under supranational authority and reconciled the traditional rivals Germany and France. 5 years later, on March 25, 1957, six members of the ECSC decided to expand the functional scope of regional integration in Europe and signed the Treaties of Rome, which established the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM). Since then the European integration project has gradually evolved into a complex system with no precedent in history and no rival in other parts of the contemporary world. Today the wellbeing of European citizens is envied abroad and the European integration with its norms, rules and values has become a model for many regions in the world. For the first time in the old continent's history the Member States of the EU can no longer even imagine a war among themselves.

Although the six founding states agreed from the very beginning to transfer competence over some aspects of economic activity to supranational authority, the integration of foreign policy and, with it, diplomacy was considered too big an attack to the core of state sovereignty. However, as the European Community (EC)/European Union (EU) gradually developed common policies in new areas, its external responsibilities increased, as did the pressures from third countries to pay attention to the various ways the European policies affected their interests. Already in the 1950's it was understood that in order to exert its powers, the EC/EU needs to maintain permanent relations with third countries and international organizations. Given that the EC/EU started as a supranational trade bloc with a common commercial policy, it was the supranational Commission that was entrusted with the competence to represent the common economic interests of Community in relation to other trading partners and to conduct the accession negotiation with candidate countries on a bilateral basis.

The foundation stone of what was to become "European External Service" was laid by the Commission in Washington DC in 1954. Since then, an unprecedented global network of 140 European delegations has been built up, manned by more than 6000 staff and encompassing all continents. These diplomatic representations are essential to the promotion of EU interests

and values around the world, and are in the front line in delivering EU external relations policy action. What is more, since diplomatic missions lie at the heart of nation state prerogatives, the European diplomatic machinery is often viewed as the most radical peaceful challenge to the Westphalian diplomatic system.

However, the history of the EU external representation is not one of smooth evolution but rather one stigmatized by the problems of coordination between the supranational and the intergovernmental sphere of external action, and thereby also between the main institutional entities governing them, meaning the Commission and the Council. Although the lack of political and institutional coherence has been an issue since the early days of the European integration process, it has often been said that the EU is a giant when it comes to international trade but a dwarf in international politics. It has been a long-term challenge of the EU to speak with one voice on international topics, as foreign diplomacy and diplomacy remain the key emblems of a sovereign nation state.

The aim of enhancing coherence in EU external action played a major role in the course of the European Convention, and after the failure of the Constitutional Treaty it remained high on the agenda. Many of the provisions of the latter in the realm of external action have been retained by the Lisbon Treaty. The main changes brought about by the Lisbon Treaty in the area of external affairs concern the establishment of the new “double-hatted” High Representative of the EU for Foreign Affairs and Security Policy (HR) and the European External Action Service (EEAS). Their creation may well lead to a new era of more coherent and assertive European external representation, providing the EU with a genuine foreign policy chief and fully-fledged diplomatic service. This is particularly eligible at a time when the US is increasingly disengaging from Europe and expecting the EU to take on greater responsibilities in international security, especially in its own “neighborhood.” This is also a time of global power shifts, with emerging countries and the economic crisis all undermining European leadership even in the softer aspects of global governance.

1.1 Research outline

The aim of this thesis is to examine the role of the European Union as a diplomatic actor. The thesis focuses on the growing capacity of the EU to conduct external diplomatic relations with virtually every state and international organization. It explores the gradual institutional developments in the external competence of the EU and its ability to conduct consistent and coherent foreign policy and diplomacy. It also poses relevant questions arising from the major institutional novelties introduced by the Lisbon Treaty in the area of external representation, namely the HR and Security Policy and the EEAS based broadly on the Commission's External Service.

My analysis focuses on three underlying research questions:

- How did the European Union as a *diplomatic persona* evolve?
- How did the gradually adopted legal and institutional reforms influence the coherence of European external representation?
- What are the main opportunities and challenges for the High Representative of the EU for Foreign Affairs and Security Policy and the European External Action Service in improving European external representation?

The first part of my research sets forth the theoretical framework underpinning this thesis and specifies the research methods employed to answer the central research questions. Chapter Two examines various views on the concept of diplomacy and clarifies the distinction between foreign policy and diplomacy. It introduces the relationalist concept of diplomacy conceived as a perennial constitutive institution of international society. The relationalist theoretical approach which regards diplomacy as evolutionary social practice that structures relations among *polities* rather than states seems to be most appropriate to pursue the main objective of this work - to examine the diplomatic role of the EC/EU. Subsequently, Chapter Two explores the process of institutionalizing diplomacy by examining the old and new diplomacy. It examines the impact of the changing international environment on diplomatic process and practice and concludes with the analysis of the most recent challenges to diplomacy brought about by globalization.

After the character of diplomacy as an institution and its modes of changes have been clarified, Chapter Three first examines the international role of the EU in the current world. It

introduces the concept of a “European foreign policy system”, which operates with supranational EC and EU institutions as well as with Member States and different actors that are governed by dissimilar rules. This approach best explains both the complicated nature of the EU’s international actorness and the structural incoherence in the European external representation. Subsequently, Chapter Three examines the implications of the EC/EU for the further evolution of diplomacy and explores the role of diplomacy in the contemporary European foreign policy.

Two specific hypotheses can be derived from the outlined theoretical approaches:

- The initial strict separation between “high” and “low politics” foreign affairs resulted into substitution of political/diplomatic relations with economic relations and has significantly determined the contemporary character of European diplomacy.
- Despite some considerable institutional improvements in the area of external representation and the extensive Europeanization of national foreign policies, Member States remain the main international actors and thus prolong the quest for coherence in the external representation of the EU.

After the theoretical framework underpinning this thesis has been elaborated, the thesis turns empirically. Chapter Four provides important historical background information on the origins and evolution of European diplomacy and external representations. Special focus is put on the Commission’s role in framing the predominantly economic relations with third countries into political ones, which subsequently enabled the EC/EU to progress in developing a distinct diplomatic persona, alongside the separate diplomatic activities of its Member States. Moreover, Chapter Four examines the evolution of the geographical coverage, tasks and status of the delegations and discusses the various legal and institutional measures that have been introduced by treaties to facilitate coherence in external representation.

Subsequently, Chapter Five explores the potential impact of the Lisbon Treaty provisions on the management of coherence in external representation of the EU. It examines the HR and EEAS’s responsibilities and competences, their respective relationship with other key actors,

as well as the structure, composition, size and scope of the EEAS. It examines how European foreign policy-making can change and to what extent current institutional shortcomings of EU external action can be addressed. Chapter Five concludes with the analysis of main challenges and problems the HR and EEAS need to deal with in near future.

The concluding chapter presents the main findings of this thesis.

1.2 Methods

This thesis has been designed to contribute to a better understanding of the distinctive character of European diplomacy. My research interest is thus primarily of empirical nature and not of theoretical nature. In spite of the interest in European foreign policy, little attempt has been made by historians and political scientists to explore the role of Europe as a diplomatic actor. This may be due to the fact that the independent execution of diplomacy has long been regarded as the highest display of nation-state's sovereignty. Thus, the Commission's delegations have been often seen as a kind of "illegal EU diplomatic corps" squeezing out the national embassies.

The underlying primary sources for my research are the relevant European treaties. This thesis also refers to official reports, research projects and declarations published by central European decision-makers and institutions. As secondary sources this thesis mainly uses academic publications, year-books, articles and relevant internet websites dealing directly with European diplomacy and/or with the more general issue of European foreign policy. Numerous consultations with leading European diplomats during the author's internship in the German Bundestag in the early phase of setting-up the EEAS constitute another significant source of information. The thesis covers political developments prior to April 2012.

2. Diplomacy as an institution

Sometimes, oppressed with the futility of much of diplomatic life, the fatiguing social round, the conferences that agree on nothing, the dispatches that nobody reads, you begin to think that diplomacy is meaningless...But it seems that states will always need to organize their relationship with each other.

(Sir William Hayter)

2.1 Definition

Today we tend to use the term diplomacy in various situations to describe often very contradictory events. Yet many scholars of International Relations struggle to agree on one single definition of diplomacy. The term itself has become a sponge word, in the sense that it can soak up a variety of phenomena, often leading to logical and functional misunderstandings. Most generally, we associate the term diplomacy with the process of peaceful management of disputes or conflicts.

It seems that there are as many views on the concept of diplomacy as there are writers on the subject. Moreover, it has been said that literature on diplomacy is redundant and anecdotal and diplomacy suffers from a disconnection between theory and practice¹. Steiner offers a simple explanation, “those who explicitly study such statecraft have not been theoretically oriented, while those who emphasize theory have not focused upon diplomacy.” (Jönsson/Hall 2006: 1 cf. Even 1983: 366) John Burton expands on that idea:

Diplomacy is a profession, and like the medical and other professions, it has a status that reflects the ignorance of those outside it of the knowledge and skills required to practice it. [...] Other professions have an input from science> professional diplomacy has traditionally been learned by practicing the art, by apprenticeship. There has been no new input from any science. (Burton 1968: 206)

¹ The early attempts at a scientific approach to international relations and diplomacy appeared in the early sixties in the United States. The objectives of this approach were to create a systematic theory of international relations and diplomacy whose propositions would be quantitatively verifiable. The statement that some common pattern of behavior occurs in the system of international relations was the starting premise for most of the scholarly works (Evan 1983: 381 – 382).

The importance and nature of diplomacy is well summarized by Lorna Lloyd, who points out that

[t]he significance of diplomacy is that it enables states to engage in peaceful relations with each other. [...] without some such scheme it is hard to see how states could engage in any external relations other than the bald use of force. Thus diplomacy provides the essential communications system that states need in order to engage in international relations. (Lloyd 2005: 187)

According to Berridge, “diplomacy is an essentially political activity and, well resourced and skillful, a major ingredient of power. [...] Moreover, it is] the most important institution of our society of states.” (Berridge 2005: 1) The primary aim of diplomacy is to enable states to secure the goals of their foreign policies without using force. Diplomacy consists of communication between both professional diplomatic agents designed to promote foreign policy goals either by formal agreement or tacit adjustment and other officials, private persons, and many different channels besides the traditional resident mission. Other more discrete tools such as information gathering, clarifying intentions, and engendering goodwill play essential roles, too. The term diplomacy was first used by Edmund Burke in 1796 to affix all of these activities (ibid., p.1 cf. Barston 1988: 1).

Some scholars (e.g. Even 1983; Barston 1988) argue that given the complexity of the current world it has become increasingly difficult to define what the term diplomacy really means. The qualitatively new international environment, which developed after the end of World War II and generated a torrent of non-state actors, significantly challenged both the traditional ambassadorial function and the traditional definition of diplomacy.

The emphasis on publicity, summitry and multilateralism has given diplomacy a new aspect. The themes of diplomacy used to be politics, strategy, military balances and territorial issues. The horizons have now been broadened to include preoccupation with economic development, financial relations, oil prices and availabilities, environmental dilemmas and other matters once defined as ‘low politics’. (Even 1983: xii)

Barston argues that the widening changes in the substantive form of diplomacy make its “narrow politico-strategic” definition no longer applicable,

Nor is it appropriate to view diplomacy in a restrictive or formal sense as being the preserve of foreign ministries and diplomatic service personnel. Rather, diplomacy may also be undertaken by officials from a wide range of other ministries or agencies with their foreign counterparts [...], between officials from different international organizations [...], or involve foreign corporations and a host government. (Barston 1988: 1)

In addition, among scholars, the terms diplomacy and foreign policy are often used interchangeably (e.g. Kissinger 1995). As observed by British scholar-diplomat, Sir Harold Nicolson, the word diplomacy is “carelessly” used to describe several quite different things: foreign policy, negotiation, the process by which such negotiation is exercised, the Department of Foreign Service, and a certain personal skill to negotiate. Nicolson defines diplomacy as “the management of international relations by negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomatist.” (Nicolson 1952: 15)

According to Cross, “diplomacy as foreign policy only captures a superficial element of the workings of international relations, and it encompasses a great number of international activities that do not include process of cooperation.” (Cross 2007: 3)

The distinction between foreign policy and diplomacy is well summarized by Watson. He defines foreign policy as the substance of one state’s relations with other states and the foreign policy goals it strives to achieve by those relations. Diplomacy, on the other hand, is seen as a “process of dialogue and negotiation by which states in a system conduct their relations and pursue their purposes by means short of war.” (Watson 1982: 10)

Watson together with other scholars (Wight, Butterfield, Bull, Der Derian) conceptualized diplomacy as a perennial constitutive institution of international society. It is important to distinguish between diplomacy as an institution and the practice of resident diplomacy which is only one of its forms (Watson 1982: 11). This approach can be understood as a “conceptual jailbreak” from traditional theories of international relations (IR) – realism, liberalism and structuralism which often marginalize diplomacy. As argued by Jönsson and Hall, these theories tend to be *substantialist* rather than *relationalist*. They have in common the premise that diplomacy emanates from autonomous states and other substances (bottom-up process) and it is rather seen as a tool or an attribute of states than a “phenomenon constitutive of the international system.” (Jönsson/Hall 2006: 13) Relationalism², on the other hand, regards the

² Relationalism, in this respect, is to be associated with the English school (e.g. Watson 1982; Der Derian 1991) constructivism and postmodernism. The difference between traditional grand theories of IR and a relationalist approach was well summarized by Wæver: “whether theory is to start from given states (as choice-making individuals) and see what systemic patterns and specific arrangements can be explained from features of their

international relations as a dynamic and evolutionary basis upon which the nation-states existentially depend (top-down process). “Diplomacy, in this perspective, is about processes and relationships that contribute to the differentiation of political space.” (ibid., p. 15 cf. Cross 2007: 13)

For classic realists, international political processes are struggles with only two available mechanisms: war and diplomacy. Especially during the Cold War era, the threat of force, rather than diplomacy, was seen as an essential foundation of a successful foreign policy. Morgenthau, for instance, sees diplomacy as an element of national power:

The conduct of nation's foreign affairs by its diplomats is for national power in peace what military strategy and tactics by its military leaders are for national power in war. It is the art of bringing the different elements of national power to bear with maximum effect upon those points in the international situation which concern the national interest most directly. (Morgenthau 1966: 139)

Given the unequal distribution of power among nations, methods of diplomacy, such as diplomatic negotiations, bargaining, mutual concessions, and compromises seem to be inapplicable:

These methods presuppose a political world peopled by approximate equals, in strength and in virtue, with a consequent inability of any one nation or combination of nations to have it all their own way [...] The settlements they achieve cannot help being provisional, for they reflect the distribution of power at the moment of settlement, and that distribution of power changes. (Morgenthau 1982: 132)

For Morgenthau, diplomacy is the only defense against war, but it is not constitutive of international relations. It is something an actor possesses, yet must also be something one can do without. As observed by Jönsson and Hall, Morgenthau's diplomacy has following tasks: “to define its goals with a view to the power available for the pursuit of these goals; to assess the goals and powers of other nations; to determine the level of compatibility of these different goals and pursue the goals with appropriate means.” (Jönsson/Hall 2006: 15)

set-up and possibly internal characteristics, or to study how these units are produced by something that can variably be called practices, discourses, institutions or structurations.” (Waever 2002: 84)

In works of neo-realism, diplomacy plays either a very minor role or is omitted completely. As observed by Jönsson and Hall, “neo-realism, with its fondness for systemic-level theorizing might be expected to pay more attention to diplomacy. Yet, it has only marginalized diplomacy further.” (Jönsson/Hall 2006: 17) The concept of pursuing the state’s interest is exclusively defined in terms of power.

Each state pursues its own interests, however defined, in ways it judges best. Force is a means of achieving the external ends of states because there exists no consistent, reliable process of reconciling the conflicts of interest that inevitably arise among similar units in a condition of anarchy. (Waltz 2001: 238)

One would expect that both liberalism, with its emphasis on international cooperation, and structuralism (Marxism), in light of its concept of capitalist mode of production and reproduction of social life, would seem more likely to have developed a theory of diplomacy. Instead, however, the former proceeds from individualism and tends to conceptualize international relations “as the sum total of state or actor behavior [...] shaped by state-society relations. [...Hence,] diplomacy does not belong to the core matter of international relations, but is merely a tool for acting on incentives.” (Jönsson/Hall 2006: 17) The problem with latter “is the lack of autonomous political space, either unitary or bifurcated space, instead, is economic or socioeconomic.” (ibid., p. 19)

Jönsson and Hall share the relationalist and processualist view of diplomacy as an international institution. Diplomacy is to be viewed “as an institution of international societies rather than individual states.” (Jönsson/Hall 2006: 25) They examine a number of essential timeless dimensions of diplomacy, within which change occurs in a historical perspective. They are communication, representation, and reproduction of international society. The key concepts are norms, rules and roles³. In this regard, diplomacy is not seen as an institution of modern state systems, but as a theory resistant “perennial international institution that express a human condition that precedes and transcends the experience of living in the sovereign [...] states of the past few hundred years.” (Jönsson/Hall 2006: 1)

³ Peaceful coexistence of states greatly depended on the reciprocity of the recognized norms and rules; [w]hereas the specific rules of the institution of diplomacy have varied over time, reciprocity appears to be a core normative theme running through all diplomatic practice. Reciprocity implies that exchanges should be of roughly equivalent values. In other words, reciprocity is meant to produce “balanced” exchanges.” (Jönsson/Hall 2006: 28)

Der Derian (1991: 106, 109) argues, that the changing structure of the international political system inevitably shapes diplomacy. Diplomacy as a system is best characterized not by the structure itself, but by the conflicting relations internal and external to the system which enable its continual evolution. In other words, it is not the diplomats and summits that are of primary importance, but the relations among polities. As Der Derian further explains, normative understanding of secularized politics, *raison d'état*⁴, national interest and sovereignty brought by the sovereign state system significantly challenged and transformed the predecessor of modern diplomacy, the papal diplomacy. Following this logic, the development of the European states system was both conditioned and facilitated by the evolution of the modern diplomatic system and vice versa, because

what uniquely characterizes the paradigm of diplomacy is its utility for states in balancing the forces of hegemony and anarchy. In other words, diplomacy emerges as the collective and reflexive embodiment of the states' ultimate task – self-preservation in an alien environment. (ibid., p.111)

Thus, the emergence of the modern diplomatic system was conditioned not only by the existence of at least two mutually interacting sovereign states, but also required a set of shared values and interests. In other words, hand in hand with the emergence of the modern diplomacy, defined by Der Derian as „the mediation of the equally and mutually estranged relations⁵ between states“ (ibid., p.133), a diplomatic culture developed. Through the continual normalization and institutionalization of shared values, the diplomatic culture managed to channel internal communication and contributed to mitigation of differences between the states (ibid., p.109 cf. Nicolson 1952: 71-72; Cross 2007: 79-80).

Bátora summarizes this well claiming, “[the] central precondition for the functioning of diplomacy as a system of norms and rules regulating interstate relations is the existence of common institutional basis shared by all states.” (Bátora 2003: 3) Diplomacy conceptualized as an institution can be best understood as a conjunction of two concepts: “organizational field” and “transnationally shared logic of appropriateness”. The former approach focuses on

⁴ Berridge defines the *raison d'état* (permanent diplomacy in all places) as “a doctrine that standards of personal morality were irrelevant in statecraft, where the only test was what furthered the interest of the state.” (Berridge 2005: 109)

⁵ In this regard, Cross draws our attention to the fact that these relations were/are advanced through purposeful relationship building among epistemic community of diplomats (Cross 2007: 16).

homogeneity in structures, while the latter examines the emergence of shared identities and practices known as diplomatic protocol (ibid., p. 3 cf. Cross 2007: 5-6).

The definition of diplomacy as an institution comprised of certain rules and routines that allows states to cooperate and coexist within an international system requires a closer look on how these practices were developed. As pointed out by Cross, it is important to note the value of a cross-time analysis of diplomacy. Just looking at diplomacy today does not show the most important enduring variables that have shaped current diplomacy (Cross 2007: 182). Hence, in the subsequent two chapters I examine the most important evolutionary milestones in the process of institutionalizing diplomacy.

2.2 The old diplomacy

Diplomacy is as old as the hills. It goes back, I suppose, to the intermittent efforts of primitive tribes to find a substitute for war when one tribe coveted another's hunting ground, its soil or water. (Merchant 1964: 117)

Even in its most primitive forms, diplomacy has existed ever since the first human settlements were established and communicated with each other. Borrowing the words from Even, "it can certainly be said of diplomacy, as of few other human occupations, that mankind has never been able to live without it." (Even 1983: 332) In other words, the mediation as a process of seeking an agreement between two alien groups is as old as social history. We can trace the origins of diplomacy back to the relations between the great kings of the Near East in the second or possibly even in the late fourth millennium BC. As Berridge argues, "its main features in these centuries were the dependence of communications on messengers and merchant caravans, diplomatic immunity on ordinary codes of hospitality, and treaty observance on terror of the gods in whose presence they were confirmed." (Berridge 2005: 1) As Nicolson adds, "[t]he practice must therefore have become established even in the remotest times that it would be better to grant to such negotiators certain privileges and immunities which were denied to warriors." (Nicolson 1952: 17-18 cf. Cohen 1999: 3) As the evolution of humankind proceeded and became more complex the character of mediation followed the same path, and consequently, developed new forms becoming more

institutionalized. As we shall see, it was not until after the Congress of Vienna in 1815 that diplomatic hierarchy was definitively established and recognized. “In the Middle Ages diplomatic representatives were called by all manner of different names – legates, orators, nuncios, commissars, procurators, agents or ambassadors.” (ibid., p. 31 cf. Magalhães 1988: 38)

2.2.1 Ancient diplomacy

Although the earliest forms of diplomacy are found in many civilizations, it is accepted that modern diplomatic traditions trace their roots back to the ancient multistate system in Greece because the “diplomacy can only flourish in conditions of fragmentation, pluralism and formal equality of status.” (Even 1983: 334) These “conditions both demanded and favored a more sophisticated diplomacy.” (Berridge 2005: 2) The ancient Greeks enriched diplomatic vocabulary⁶, invented the popular diplomatic device of arbitration, developed diplomatic immunity and established the first resident missions⁷. Some implicit law, which was above the immediate national interest, came to be seen as a favorable alternative to violence. On the one hand, Greek diplomacy managed to establish a system of restraining rules and codes which were based on strong patriotism; on the other hand, it failed to pursue politics based on reticence and cool judgment. Ambassadors were appointed by elected assemblies and their main task was to plead the matter of their city before the foreign assembly⁸. They were expected to deliver a magnificent speech (Even 1983: 334-335 cf. Nicolson 1952: 20-22). As summarized by Even, “[Greek] diplomacy was concerned more with public advocacy than with negotiation.” (Even 1983: 335)

The Roman Empire failed to take Greek developments further, mostly because the “hierarchical system had little respect for the idea of sovereign equality,” (Even 1983: 336)

⁶ Terms of various aspects of negotiation, such as “arrangement,” “truces,” “conventions,” “alliances,” “commercial treaties” and “peace” were invented by the ancient Greeks (Even 1982: 334).

⁷ Resident missions were run by local citizen known as *proxenos* (Berridge 2005: 2 cf. Even 1983: 335).

⁸ As observed by Nicolson, “[...] these special missions between the Greek city states had become so frequent that something approaching our own system of regular diplomatic intercourse had been achieved.” (Nicolson 1952: 21)

which was so natural for ancient Hellas. As observed by Nicolson, “in seeking to impose their will, rather than to negotiate on a basis of reciprocity, the Romans did not develop a diplomatic method, valuable enough to figure among many gifts they bequeathed to prosperity.” (Nicolson 1954: 14) The central aim was to extend the empire, using force was viewed as the most effective means. The Roman system, however, managed to establish professional archivists, who were specialists in diplomatic precedents and procedure. Needless to say, Pax Romana together with Roman law had a strong impact on the development of modern European law, international law, and the conclusion of treaties (Even 1983: 336).

2.2.2 Medieval diplomacy

Byzantine diplomacy, by using a broad range of methods such as bribery, flattery, information gathering, and providing misinformation, was both extremely successful and able to have a more lasting impact on diplomacy than the Roman Empire. Moreover, the Byzantine Emperors extensively used two strategies to pursue their goals: playing off neighboring barbarian despots one against the other and converting gentiles to the Christian faith. For such purposes, the ancient orator had to be gradually replaced by a trained and experienced observer with sound judgment. It was this new task to observe and subsequently report on conditions in a particular country that gave birth to the reputation of ambassadors as spies. As a result of close diplomatic contacts between Byzantium and Venice, the Italian city state system successfully adopted various Byzantine diplomatic traditions. (Jönsson/Hall 2006: 11; Nicolson 1952: 25-26, 29)

Many scholars (Even 1983; Nicolson 1952; Jönsson/Hall 2006; Berridge 2005) date the beginning of the modern diplomatic system from the emergence of the Italian city-states system in the late fifteenth century. The high insecurity of these rich but poorly defended states, the absence of language or religion barriers, and the existence of countless common business interests favored the development of diplomacy further. (Berridge 2005: 2 cf. Nicolson 1952: 50) These conditions enabled the birth of the first resident embassy at Genoa in 1455. Embassies in London, Paris and at the Court of Charles V. followed (Nicolson 1952: 30). As observed by Even, resident ambassadors, occurrence unknown in the rest of Europe

“[...] symbolized the tendency to regard diplomacy as preventive and permanent, not merely as a sporadic exercise in situations of emergency.” (Evan 1983: 337) The resident ambassador, who represented the head of his own state (sacred egoism), had to be single-minded in defending their national interests. The doctrine that the morality of power has to be separated from individual ethics originated in Italian diplomacy (Nicolson 1952: 44 cf. Berridge 2005: 109).

Moreover, the diplomacy gradually became secular and escaped from the obedience to the Holy See. In other words, “[a] new ideology evolved in the writings of jurists and scholars who sought a non religious justification for international peace.” (Evan 1983: 339) In successive steps, this secular ideal led to the development of a sense of mutual solidarity among the growing diplomatic community. As pointed out by Hugo Grotius, one of the famous scholars in the Middle Ages, “although law and equity required equal penalties for equal crimes, the law of nations made an exception of ambassadors because their security as a class was more important than their punishment as individuals.” (ibid., p. 339) As concluded by Nicolson, it was not the religion but the formative common sense of middle-class citizens who invented sound diplomacy (Nicolson 1952: 50-51).

2.2.3 French diplomatic system

The Italian diplomatic system evolved shortly into the French diplomatic system of sovereign nation states which brought continuity and secrecy into diplomacy and significantly developed procedural rules of diplomatic protocol⁹ (Cross 2007: 40). It was the first fully developed system of diplomacy and the basis of the modern bilateral system (Berridge 2005: 110). In 1626, Cardinal Richelieu, as diplomatic advisor to Louis XIII, established a Ministry of Foreign Affairs to coordinate the communications between diplomats serving abroad (Evan 1983: 339). It was not, however, until the eighteenth century that the management of foreign relations centralized under a single roof became the general rule in Europe. Furthermore, it

⁹ The main task of unified diplomatic protocol was to give diplomats a chance to concentrate on important issues instead of arguing afresh about the procedure. Diplomatic professional norms including such things as diplomatic ceremonials, gift presentation, courtly manners, and proper placement were perhaps the most visible parts of diplomatic protocol (Cross 2007: 40).

was well into the twentieth century before the average foreign ministry had become bureaucratically sophisticated and taken up all the well-known functions of modern foreign ministry: staffing and supporting missions abroad, policy advice and implementation, policy coordination, dealing with foreign diplomats at home, public diplomacy, and building domestic support (Berridge 2005: 5-7).

An additional feature of the French system was the gradual professionalization of diplomacy (Berridge 2005: 111 cf. Jönsson/Hall 2006: 11). As argued by Held, the contemporary form of diplomacy as a set of norms and rules regularizing mediation between states traces its roots back to the emergence of the Westphalian system of sovereign states – diplomacy became one of its central features (Held et al. 1999: 38-39 cf. Der Derian 1991: 106, 109; Cross 2007: 43-44).

According to Nicholson, the French diplomatic system managed to adopt a critical stance toward deceit¹⁰ and it was “best adapted to the conduct of relations between civilized States.” (Nicholson 1954: 72) As put by Berridge, “[g]reater honesty in diplomacy was a sign of the maturing of the diplomatic system.” (Berridge 2005: 111) The link between the French diplomatic system and the period of peace and stability between 1815 and 1914 known as the Concert of Europe is highlighted by Even. As he puts it, “[w]ar had not ceased to be regarded as a legitimate and appropriate instrument of policy, and the rationality of peace was not moral or legal; it was entirely pragmatic.” (Even 1983: 339-340) The great diversity of interests was mitigated by the shared philosophy of an aristocratic transnational community. “The determination of foreign policy was the prerogative of monarch, who was considered to be the sole source of authority in the field of external relations.” (Staden 1987: 49) It seemed that diplomacy finally managed to resolve the tension between power and responsibility, and force and interests. It soon became clear that the problem of war was far from settled. As pointed out by Evan, “[a]s the twentieth century took its course it became evident that the international system would be marked by convulsion and change, not by harmony and stability.” (ibid., p. 341) Despite many successes, a diplomacy of reticence and privacy failed to keep peace and avoid such disasters as World War I and the collapse of the League of

¹⁰ Evan argues that „it was already clear in medieval times that a diplomat who succeeded by deceit and mendacity more than once or twice would acquire the kind of reputation for himself or his country that would make it impossible for him to function in the future.” (Evan 1983: 338)

Nations. The time was ripe for change. As well summarized by Jönsson and Hall (2006: 11-12),

The concern about gathering and protecting information in combination with the established practice of conducting negotiations in secret tended to foster excessive secretiveness. In the wake of the First World War, the secretiveness of the “classic” or “old” diplomacy came under heavy criticism, and the entire diplomatic system was held responsible for the failure to prevent the outbreak of war.

2.2.4 Emergence of diplomatic law

Take the question of precedence. Ambassadors used to be ranked one with the other according to the antiquity of their country. Under it, the Emperor of the Holy Roman Empire came first, the King of France second, the King of Spain third, [...] the King of England in 1504 ranked seventh, just after the King of Portugal and just before the King of Sicily. As new nations grew in strength and old ones declined in power, the [...] table of precedence fell into dispute. This was quite understandable but nevertheless lamentable, for the disputes transcended the personal relations of prideful ambassadors and not infrequently embroiled states. (Merchant 1964: 118)

As pointed out by the quotation above, diplomatic melees and duels have become the routine rather than the exception (Cross 2007: 41 cf. Even 1983: 372). It was not until after the Congress of Vienna in 1815 that the status and rules of diplomacy were established by international agreement and the diplomatic service was recognized as a separate profession possessing its own hierarchy and rules. More importantly, the Congress of Vienna established the diplomatic services and representation of the states upon an agreed basis, and in so doing, put an end to the previously confusing and undignified system. Several structural principles facilitated the institutionalization of diplomacy. Among others it was this increased interaction between foreign ministries of European countries, stable patterns of negotiation and mediation, an increase in information flow, growing bureaucratization and a mutual recognition of diplomatic agents and their rights (Bátora 2003: 3-4 cf. Cross 2007: 71-72). Four categories of representatives were defined at the Congress of Vienna: ambassadors, Envoys extraordinary and Ministers plenipotentiary, Ministers resident, Chargé d’Affaires. All disputes about the precedence were removed as the new system of the chronological order of appointment in each category was adopted (Nicolson 1952: 28, 32-33 cf. Cross 2007: 76).

As pointed out by Bátora (2003: 4), the Congress of Vienna “established practices and routines for future relations between states.” The European diplomatic framework established by the Congress of Vienna consisting of diplomatic practices, structures and norms was gradually transmitted through standardized socialization procedures to all states (Cross 2007: 74-75). More specifically, “states as actors in the international arena do not act randomly but fulfill particular roles determined by the established set of diplomatic rules and principles.” (Bátora 2003: 5) The system of practices and routines helped states both to decrease the complexity of differences among states and to facilitate mutual communication and negotiation.

It was not until after the Vienna Convention on Diplomatic Relations (VCDR) in 1961 that customary law on diplomacy was codified in the form of a multilateral treaty. Berridge (2005: 115) identifies three main reasons for this proceeding. First, there was a growing fear that some states may use their embassies for illegitimate purposes. Second, given the decolonization movements in Africa and Asia there was a serious concern that traditional diplomatic institutions would be viewed as a part of western dominance. Finally, there was need to modify the rules in order to cope with the growing number of all kinds of diplomats.

Consistently with the functional approach of the VCDR, the functions of a diplomatic mission were elaborated and listed for the first time in a formal legal instrument. According to Article 3 of the VCDR the functions of a diplomatic mission consists, inter alia, in:

- Representing the sending State in the receiving State;
- Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
- Negotiating with the Government of the receiving State;
- Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending state;
- Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations. (Berridge 2005: 116)

Melissen adds some newer tasks that have emerged as a reaction to recent multiple changes in the official diplomatic environment, such as: management and coordination between different players within a complex governmental bureaucracy engaged in international affairs, lobbying, dealing with media, and mutual learning (Melissen 1999: xv).

Bátora (2003: 6), in this regard, lists five mutually constitutive elements of diplomacy that generate the common logic of appropriateness and ensure the survival of diplomacy as an institution,

- Transnationally accepted legal set of rules (the 1961 Vienna Convention) defining who are legitimate participants, what is legitimate conduct, what are the rights and obligations of the participants
- Transnationally shared professional values and identity perpetuated by similar recruitment methods and socialization procedures at foreign ministries
- Transnationally shared professional language
- Transnationally shared norms and principles (such as mutual recognition of diplomatic agents, extraterritoriality, immunity)
- Transnationally distributed working methods and standard operating procedures (such as standard formats of negotiation and written communication)

As concluded by Bátora (2003: 7) a change of one or more of these institutional elements constituting the organizational basis of diplomacy would potentially cause the change of diplomacy as an institution.

2.3 The new diplomacy

By such slow stages, through such various channels, has the great river of diplomacy changed its bed. The water is the same as formerly, the river is fed by the same tributaries and performs much the same functions. It is merely that it has shifted itself a mile or so in the sand. (Nicolson 1952: 76)

Many scholars follow the relationalist approach and believe that “new diplomacy” can be best understood in the context of changes in the conduct of international relations at the beginning of 20th century. The world-wide transition to democracy, the growing awareness of the public of world politics, a revolution in communication techniques and technology, the end of the European monopoly, and an intensification of international economic cooperation marked the advancement from the old to the new diplomacy. Given this new international environment, in which the statesmen took over the role of professional diplomats, and the status of diplomats fell to its lowest point since their emergence, many scholars suggest that the evolution of the diplomatic system has reached a new stage.

Even argues that the collapse of secret diplomacy after the First World War¹¹ and the intrusion of media into diplomacy significantly and irreversibly transformed “the whole spirit and nature of diplomacy.” (Even 1983: 345) Public opinion became an important element that cannot be separated from any negotiation. The gradual democratization of access to information has turned citizens into an essential part of international politics. As a result, open diplomacy considerably contributed to the tension between international interests and domestic consensus and added a new agenda to diplomacy. On the other hand, this new degree of openness hitherto unknown in Europe, gave rise to thousands of meetings of officials, facilitated further international socialization and by such means laid the basis for the upcoming peaceful integration of Europe (Cooper 2003: 36). Open diplomacy brought summitry, defined as direct, democratic conferences conducted in face-to-face fashion by the primary holders of power, the statesmen, as opposed to negotiation by professional diplomats¹² (Cross 2007: 106 cf. Berridge 2005: 155). Proponents tended to legitimize the idea of open diplomacy for its higher level of morality and called for public decision on all agreements and contracts¹³. Critics feared that the premature exposure to scrutiny by a public incapable of mature judgment and without specialized knowledge endangers the outcome of every crucial negotiation (ibid., p. 346-348, 354-355 cf. Nicolson 1952: 90-93).

Nicolson acknowledges some differences between the diplomacy of the seventeenth or eighteenth centuries and the current diplomacy, namely the growing sense of the community of nations, the importance of the public opinion, and the increased communications, but he refuses qualitative transformation of its principles or methods. As he puts it, “all that has happened is that the art of negotiation has gradually adjusted itself to changes in political conditions.” (Nicolson 1952: 57, 70) As Melissen puts it, diplomacy has always succeeded in

¹¹ It is generally accepted that the beginning of open diplomacy can be traced back to the Fourteen Points- to the doctrine of “open covenants”- presented by Woodrow Wilson in 1919. However, as often incorrectly interpreted, Wilson did not call for exposure of all negotiations, he simply appealed to make outcomes of these negotiation public (Lloyd 2005: 188).

¹² As observed by Cross, on the one hand, the elected politician-diplomats enjoyed higher legitimacy and brought more openness into diplomatic processes; on the other hand, they ignored the fact that direct negotiations by “amateurs” were rarely successful in history, and always involved a great deal of risk. (Cross 2007: 106-107)

¹³ As highlighted by Even, „[t]he effect has been to create a fallacious identity between privacy and conspiracy. It is assumed that anything honorable should be capable of instant exposure to public view and, conversely, that anything that is kept in even temporary discretion must somehow be unscrupulous.“ (Even 1983: 347)

adapting to multiple changes in international relations. Today, diplomatic practice needs to deal with both the transformations in the relations between states and the changing fabric of transnational relations (Melissen, 2005: 23). Cohen talks about an “old-new” role of diplomacy, namely to “work on the boundary between cultures as an interpretive and conjunctive mechanism; to act as an agent of comprehension.” (Cohen 1996: 16) Merchant mentions improvements rather than new inventions that have marked new diplomacy. As he puts it, “it is well to remind ourselves also that the purpose or object of diplomacy has changed not at all and that the essential characteristics required of diplomats for its successful conduct likewise remain unchanged.” (Merchant 1964: 130) As Cohen concludes, “diplomatic relations are not made redundant by globalization; they are a condition of it.” (Cohen 1999: 14)

Taken together, the changing international environment further facilitated the evolution of diplomacy in terms of representation, communication and negotiation, but it did not challenge its constitutive role and its substance. As Watson puts it, it is important to distinguish between diplomacy as an institution and the practice of resident diplomacy which is only one of its forms. The main task of contemporary diplomacy is to manage both the order and the change (Watson 1982: 11, 223). In short, it seems that the classic function of diplomacy has only been adjusted to the new demands of a new international environment and “that we have reached – or even that we are approaching – after a long odyssey the best, final form of diplomacy.” (Der Derian 1991: 3) In subsequent chapters some of the most important phenomena that currently shape diplomacy as an international institution will be discussed.

2.3.1 Multilateral diplomacy

Diplomacy in a traditionalist view is defined as a system where the roles and responsibilities of symmetrical actors in international relations are clearly delineated through bilateral relations. As the world gets more globalized, the international community expands¹⁴ and economic, financial, commercial, and technological relations spill across national boundaries,

¹⁴ Since 1945 the total number of states has almost quadrupled: from 51 original members of the United Nations to 193 in 2011 (<http://www.un.org/en/members/growth.shtml>).

the role of bilateral diplomacy in the international system is being questioned. Moreover, the distinction between domestic and foreign issues has almost disappeared. These structural changes in international relations opened the way for both multilateral diplomacy and the emergence of multinational actors. In the recent decades, the growing number of multinational actors engaged in the diplomatic dialogue between governments has significantly challenged the role of nation-states and tested the flexibility of diplomatic services to the fullest extent. The absolutist tradition of state sovereignty declines as the world is fragmenting and integrating at the same time.

Leigh-Phippard identifies the existence of shared interest, interdependence and continued globalization as the basic conditions for the growth and expansion of multilateral diplomacy. Transnational cooperation, joint action and coalition-building have proved to be effective tools to tackle complex diplomatic issues, especially after the Second World War. Over the years, as the international community expanded, states have come to recognize both the value of collective action based on majority voting systems and multiple advantages of a unified approach. The use of coalitions of sovereign states as a means of managing large negotiations has become the crucial determinant of their outcomes. In so doing, multilateral diplomacy facilitated the transition from diplomacy between sovereign and equal states to a new form of associative diplomacy, characterized by negotiations within and between coalitions (Leigh-Phippard 1999: 94-96).

Today, many states have their largest representations in international organizations such as the European Union (EU), North Atlantic Treaty Organization (NATO), Organization for Security and Cooperation in Europe (OCSE), and the United Nations Organization (UN). Multilateral diplomacy varies enormously in size, longevity, scope of agenda and level of bureaucratization (Berridge; James 2003: 177). As observed by Cooper, “these institutions have been established by conventional treaties between sovereign states and ratified by national parliaments, but the result is a growing web of institutions that go beyond the traditional norms of international diplomacy.” (Cooper 2003: 31) Diplomats who are assigned to these international entities have gradually taken over the bilateral political work of traditional embassy diplomats. Since no treaty regulates the roles of diplomats as multilateral interlocutors in international organizations, their activities and functions are often self-determined (Cross 2007: 141).

Preventive diplomacy has become both the *modus operandi* and the most common method in multilateral diplomacy¹⁵. The signs of possible trouble are thoroughly analyzed in advance and effective solutions are being proposed. The emphasis is primarily laid on information, efficiency, rational approach and transparency. The main tools of preventive diplomacy are hundreds of formal or less formal meetings, visits, messages, negotiations and treaties. In general, the increased volume and technicality creates an overload placing limitations at a multilateral level on the extent to which delegations have instructions, voting participation, and hence affects the quality of agreements. Given the complexity of issues, many newer or smaller actors can cope with the quantum of different committees, regional groups and coordination meetings and simply choose to abstain from voting. This new type of diplomacy is marked by both the extensive bureaucracy restricting the diplomats' autonomy and the widening of agenda exercised by diplomats. Currently, those involved in diplomacy need to be conversant with an increasingly wider range of technical and economic matters (Cross 2007: 140, 184; Barston 1988: 6-7, 97).

Merchant calls for an awareness of some of the limitations of multilateral diplomacy experienced recently, such as the failure of the UN to provide reliable security against aggression or the Third World demands for a New International Economic Order (NIEO) and highlights the advantages of bilateral negotiation: "to be successful multilateral diplomacy must be reinforced or in most cases preceded by intimate and confidential bilateral negotiation and exchanges of views." (Merchant 1964: 128 cf. McGhee 1987: 7) Barston highlights another interesting paradox related to the multilateral diplomacy; "while large-scale multilateral conferences have continued to be successful at a sectoral level in establishing

¹⁵ Although preventive diplomacy was presaged by Article 99 of the United Nations Charter, which allowed the Secretary-General to bring to the Security Council's attention threats to international peace and security, it was the second Secretary-General of the UN, Dag Hammarskjöld, who first articulated preventive diplomacy as proactive attempts to keep the Cold War out of particular areas. Throughout the whole history of the UN, preventive diplomacy has represented one of the most important instruments to contain crises of international concern. The most spectacular achievement of preventive diplomacy was the prevention of a nuclear confrontation over the Cuban Missile Crisis. In 1992, as a reaction to the post-Cold War world, the Secretary-General Boutros-Ghali issued a report *An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping*, in which he outlined a number of ways the UN should respond to conflict in new era, preventive diplomacy being defined as an "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur." (An Agenda for Peace 1992)

regulatory regimes such as law of the sea, world health or telecommunications, global-style conferences with vast, redistributive agendas have not.” (Barston 1988: 120)

Questions have been raised about the fate of the nation-state and its foreign resident missions in a world where sovereignty has lost its previous glory and multilateral actors have gained a “place at the table”. Given the challenged political, military and economic independence of any nation-state one may predict its gradual decline and open the way for further transnational integration. Kurbalija talks about an interesting paradox related to the implications of the changes to the concept of sovereignty for diplomacy. At the same time, diplomacy has to do both protect sovereignty and promote state participation in the regional and global integration. This uneasy task gives a rise to the new types of diplomatic methods and procedures (Kurbalija 1999: 174)

Even draws our attention to the importance of the nationhood and so reaffirms the continuity of nation-states,

The need for men to be identified with a social group seems to be as elemental as the need for food, shelter and the perpetuation of the species, and no collective idea exerts a more potent hold than nation-state as a source of inspiration, solidarity and sacrifice. (Even 1983: 394)

In his analysis of a postmodern world, Cooper lists two reasons why traditional states will remain the fundamental unit of international relations in the close future. As he puts it, the issues regarding national economy, national territory, national defense, and national law-making may be gradually transferred to the multinational level, but national identity and democratic institutions will remain strictly national (Copper 2003: 32).

2.3.2 New techniques in diplomatic practice

Berridge identifies the revolution in technology of travel and communication and the huge growth in the international mass media as two of the most important challenges for the traditional role of embassies, namely information gathering and political reporting (Berridge

2005: 119). Rawnsley argues that the advancement in communication technologies has significantly altered the core function of diplomacy. As he puts it, diplomacy has always been about communication, more precisely about the communication of a “sense of power to other states within the international system”. (Rawnsley 1999: 146-147)

The developments in communication technology go hand in hand with the process of globalization defined by Brian Hocking as:

The intensification of social networks that transcend traditional boundaries, both geographical and those separating foreign and domestic policy agendas; the expansion of social relations from those represented by financial markets to those of terrorist groups; the compression of time and space and the impact that each of these process has on the way in which people view their place in local and global environments. (Hocking 2005: 30)

Potter argues that the advancement in communication and information technology has become an underpinning force for all globalization processes and naturally has contributed to the evolution of new skills, techniques, and attitudes profoundly related to the question of “how states exchange, seek and target information.” (Potter in Hocking 2005: 30)

Merchant identifies the improvements in the speed of communication as the most revolutionary influence upon the conduct of diplomacy; “It was not unusual for a diplomat in the remote areas at that time to be without instructions from his home government for half a year or longer.” (Merchant 1964: 121) As he points out, it is true that slow communications a century and a half ago gave the ambassador independence and authority his modern successor can only dream of but it often froze him into passivity (ibid., p. 122-123).

Cross argues that new ways of communication such as the telegraph, telephone, newspaper, and radio had indeed a major impact on the mode of diplomatic interactions in the early twentieth century, though it did not restrain them. On the contrary, the increased ability of diplomats to communicate with their state leaders provided the negotiator with valuable actual information from homeland and enhanced his creative possibilities in the process of negotiation (Cross 2007: 77). As Hocking puts it, “the adoption of e-mail and secure facsimile links between foreign ministries and overseas missions [...] are allowing missions to play a more direct role in the policy processes.” (Hocking 1999: 27-28) Berridge, for instance, identifies telephone connection as the most popular and wide-spread mean of modern

diplomacy among political leaders and senior officials¹⁶. The telephone, in contrast to other forms of telecommunications, is easier to use, more personal for the recipient, and provides certainty that a message went through. Moreover, it makes possible the immediate correction of misunderstandings and provides the opportunity to extract immediate response from the negotiator at the other end of the line (Berridge 2005: 93-94).

Utilization of some later developed technologies, such as cell phones, fibre optics, cable and satellite communication, and particularly television and the internet, fostered the growth of civil society and transformed the public from a passive object of states' diplomacy policies to an active player in international relations. As Kennedy notes, "in a world with more than 600 million television sets, viewers are as much consumers of news and ideas as they are of commercial goods." (Kennedy 1993: 52) Foreign policy objectives are being publicly debated and are subject to various domestic influences and pressures. As new technological innovations allow the civil society to acquire valuable information more directly, the world politics becomes more transparent and significantly restricts official diplomacy's freedom of manoeuvre (Hocking 2005: 30-31; Grant 2005: 2; Berridge 2005: 99). In addition, the electronic media has compressed the time and space and emphasizing the need for immediate responses. This new, powerful imperative for prompt action often forces decision-makers to react instantaneously. As a result, contemporary diplomacy too often shows elements of inconsistency, discontinuity and unpredictability. (Staden 1987: 52)

The impacts of the media and the much-debated "CNN effect"¹⁷ on public opinion, foreign policy, and diplomacy have recently drawn the attention of many scholars. On the one hand, monitored radio and television broadcasts such as British Broadcasting Corporation (BBC) Monitoring Service have proven to be an asset for the successful conduct of diplomacy. In several countries research and analysis departments within foreign ministries have been

¹⁶ The term „hot line“ soon appeared to describe secure telephone connection between heads of government and senior ministers. The history of international relations provides us with many examples of international crisis in which the maintenance of regular contact helped to mitigate the tension between decisive decision-makers. The oft-cited examples are the Hotline Washington-Moscow during the Cuban Missile Crisis or the Reagan-Thatcher Hotline in the 1980s.

¹⁷ The term came into common usage in the early 1990s as the continual television news coverage of crises in northern Iraq, Somalia and other areas carried out by the Cable News Network (CNN) "enforced" humanitarian interventions.

established to evaluate foreign broadcasts and provide governments with essential and verified information on important international developments (Rawnsley 1999: 135). On the other hand, especially in situations of dramatic humanitarian crisis, the agenda-setter position enjoyed by world-wide media has proven to be powerful enough to mobilize public awareness and subsequently generate immediate and persistent pressure on the decisive policy-makers. Soon, it has become impossible to ignore the influence of 24 hour live television pictures from around the globe on the foreign policy of a particular state. The powerful role of the media as a gatekeeper, determining and regulating the flow of information to the public, has soon become questioned. In addition, concerns regarding the danger of using and manipulating such a source of power have appeared. (Hocking 2005: 30; Lule 2005: 82-85).

In this respect, Berridge recognizes the irreplaceable role of national diplomats in gathering valuable unbiased information on political, military and economic developments while being abroad. Given the huge growth of information flows in globalized world, a loyal and culturally aware diplomat seems to be the most effective information gate-keeper for the home-country. According to Merchant, a diplomat's priceless advantage is that he is *there, on the spot*. As he puts it, "[diplomat's] power as a negotiator may have diminished, but the complexities of modern foreign relations cause his government to rely increasingly upon his analysis and judgment of a given situation." (Merchant 1964: 123) The communications revolution has not marginalized the national diplomatic services; it made them more responsive and more able to execute the key diplomatic functions. As Cohen puts it, "no other agency, private or official, is in a better position to cultivate cross-cultural skills, long-term relationships and an overall view of the situation." (Cohen 1999: 16) Even the smartest technological innovations in communications such as video conference, cannot replace the advantages of both the formal and informal personal encounter. The handshake, embrace, and other conventional physical dimensions of body language are important elements of social rituals and acts of hospitality that underpin the constitutive role of diplomacy in international relations. (Berridge 2005: 103-104, 132).

Finally, given that gathering information in host country has long been recognized as one of the most important functions of the resident embassy, diplomats have always run the risk of being suspected of espionage and subversion. With the advancement in communication technologies, the delicate relationship between diplomacy and secret intelligence has become

increasingly questioned. Thus the VCDR detailed the duties towards the receiving state which missions must observe. Under the Article 3, the VCDR condemned all forms of espionage: “ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending state.” In addition, it stated that diplomats must “respect the laws and regulations of the receiving State” and “have a duty not to interfere in the internal affairs of that State” (Article 41). In order to reduce the risk of espionage, diplomatic missions were required to confine their conduct of official business to “the Ministry for Foreign Affairs of the receiving State” (Article 41). It also insisted that “offices forming part of the mission” could not be established “in localities other than those in which the mission itself is established” (Article 12). Receiving states were given a right to limit the size of missions (Article 11) and to approve the installation of radio facilities. However, since the VCDR came into force, there have been numerous violations to its provisions, for instance the Cold War activities of the super powers in the non-aligned world (Berridge 2005: 118).

2.3.3 Public Diplomacy

The basic distinction between traditional diplomacy and public diplomacy was well summarized by Melissen: “the former is about relationships between the representatives of states, or other international actors; whereas the latter targets the general public in foreign societies and more specific non-official groups, organizations and individuals.” (Melissen 2005: 5) Perhaps the most comprehensible definition of public diplomacy is given by Paul Sharp. He understands public diplomacy as „the process by which direct relations are pursued with a country’s people to advance the interests and extend the values of those being represented.” (Sharp 2005: 106)

One may argue that the state activities leading to identity and image creation aimed at foreign publics typical for public diplomacy are as old as diplomacy itself. As argued by Hocking, “publics” have always mattered to governments as tools of national foreign policy. Therefore, public diplomacy is rather a new strategy, rather than a new paradigm of international politics (Hocking, 2005: 41 cf. Nicolson 1952: 73-74; Cross 2007: 119). The invention of the printing press in fifteenth century brought substantial progress in public diplomacy. It enabled Italian

and French diplomacies to promote their country's image and reputation more effectively, seeing it as one of the crucial sources of a nation's power. However, it was not until the end of the First World War that the birth of professional image managing and battles for "hearts and minds" across national borders known as "soft power" emerged. (Melissen 2005: 3-4, 11).

In his famous book *The Twenty Years' Crisis 1919-1939*, E.H. Carr interestingly wrote that "power over opinion was not less essential for political purposes than military and economic power, and has always been closely associated with them." (Carr 1983: 132) Joseph S. Nye sees the hard power and soft power as mutually dependent. As he puts it, the potential decline of soft power might have fatal consequences for the hard power and vice versa. Given the globalized postmodern system of international relations, states whose culture and ideas are closer to prevailing international norms, and whose image and credibility are supported by their values and policies tend to be more attractive and influential in the international environment (Nye 2004: 31-32).

Hocking distinguishes two types of public diplomacy that intersect, overlap, collide and cooperate in many different contexts: the hierarchical model and the network model. The former stresses the importance of intergovernmental relations and the top-down information flow coordinated by national institutions, such as foreign ministries and national diplomatic services. This approach became dominant especially in the US after the September 11, 2001. The latter can be defined as stable non-hierarchical cooperation between different interdependent actors, who through the multidirectional information flows and mutual learning achieve common goals. The basic premise is that the emergence of networks incorporating both public and private actors help to overcome their limitations highlighted by the globalization¹⁸ (Hocking 2005: 35-38 cf. Hocking 2004: 101-104).

Public diplomacy has gradually become a standard component of overall diplomatic practice in the world which is characterized by a great deal of economic and political interdependence. Moreover, in a world where the importance of economic power has challenged the primacy of

¹⁸ The 1997 Ottawa Convention that banned landmines, the establishment of the International Criminal Court and the establishment of no-blood-diamond regime known as Kimberley Process are oft-cited examples in recent history when converging interests of states and NGOs led to successful cooperation, such as

military security, a diplomacy of economic attraction¹⁹ has been extensively viewed as an essential tool to promote exports, attract foreign investment and promote the country as a desirable tourist destination (Hocking 2005: 31). Commercial work and diplomats skilled in business have become regarded as top priorities within a national diplomatic service in almost all European states (Berridge 2005: 127). In addition, the rising importance of economic interests has made the distinction between external economic policy and foreign policy almost invisible (Barston 1988: 6). In order to assure coherence and continuity and reduce the costs of interdepartmental bargaining the international trade department has been incorporated into the foreign ministry in several countries (Hocking 1999: 27). Positive economic outcomes have come to be regarded as effective means to successful diplomacy. As pointed out by Berle, “economics, national or international, indeed, is not an end in itself, but a means of peace and a base upon which may be developed a more satisfying life for peoples and individuals.” (Berle 1964: 115)

One may argue that the world in which traditional diplomatic actors no longer represents the single makers and recipients of foreign policies fosters the democratization of international politics. Diplomats suddenly find themselves “compelled” to address all layers of society not just their elite counterparts. As a result, diplomacy in order to be more successful requires more openness and transnational cooperation (Melissen 2005: 5). “Such openness and multi-level cooperation call for the active pursuit of more collaborative diplomatic relations with various types of actors. Public diplomacy is an indispensable ingredient for such a collaborative model of diplomacy.” (ibid., p. 5)

Questions have been raised about the present status and future role of national diplomatic services and the environments in which they work. On the one hand, public diplomacy places new demands on diplomats and highlights the need to expand, refine and better coordinate any diplomatic effort in a multilayered policy environment; on the other hand, public diplomacy also recognizes the significance of national diplomatic services in managing the country’s image and accepts the capacity of diplomats to sift valuable information from

¹⁹ Besides soft and hard power distinction a new term “sticky power”, relating to country’s economic attractiveness, soon emerged. As observed by Hocking, “after 1945, the US built its sticky power on the pillars of free trade and the Bretton Woods institutions, together with the reality that the economic well-being of other countries was linked to that of the USA.” (Hocking 2005: 33)

unnecessary data (Hocking 2005: 41). As a result, new press and information departments charged with news management and the country's image making were established in almost every Ministry of Foreign Affairs. Their chief task is to supply both diplomatic missions and the wider public abroad of approved information on foreign and domestic developments (Berridge 2005: 17-18). The growing role of skillful diplomatic rhetoric in public diplomacy was well summarized by Evan, "since much of diplomacy is now conducted through public communication, the significance of pictures of intention conveyed in words has never been greater." (Evan 1983: 391)

The importance of public diplomacy, viewed as "the number one priority" for the European Union diplomacy, was well highlighted by German Ambassador Karl Th. Paschke who defines the function of modern diplomats as "reaching out to people in the host country, actively communicating through ongoing dialogue with all sections of the informed public in order to generate interest in and understanding for both our European and bilateral concerns." (Paschke 2002)

2.3.4 Non-state actors

Recently, the explosive rise of non-state actors, paradiplomacy, unofficial or private diplomacy in the international environment has brought both enriching variety and new options for interaction on the one side, and elements of uncertainty and concerns about the future of national diplomatic services on the other. With the growing number of powerful Multinational corporations (MNC) and equally influential Non-governmental organizations (NGO) the structure of diplomacy begins to change. As Hocking puts it, "it finds its ultimate expression in forms of "citizen diplomacy" wherein technological change provides individuals and groups with the opportunity to operate on the world stage independent of the apparatus of the state." (Hocking 1999: 24 cf. Hocking 2004: 94)

It seems that the state-centric "track one diplomacy", describing the traditional diplomacy between sovereign states and international organizations carried out by diplomats or statesmen is no longer applicable. The world in the 21st century requires multicentric approaches such as "track two diplomacy" or even "multi-track diplomacy", which entail both

states and non-state actors, and complement rather than replace the former type of diplomacy. These approaches seem to be more able to tackle the complex issues of today's world (Meerts 1999: 91). The character of the change in diplomacy due to emergence of new actors was well summarized by Strange: "governments must now bargain not only with other governments but also with firms or enterprises, while firms now bargain both with governments and with one another'." (Strange 1994: 103)

Dirk Willem Te Velde (2005: 551) defines the MNC as "a company that controls and manages production plants located in at least two countries, and hence constituting a special case of multiplant firm." The MNCs often include fast food chains, financial institutions, energy and construction companies and IT firms. Their proponents highlight the benefits such as technology, skill, capital, and other spillover effects that MNCs provide. Opponents criticize the increasing power of MNCs over sovereign states secured through the company's dominant position in whole sectors of the country's economy. Such dependency-creating dominance over governments often leads to corruption scandals, poor working conditions and human rights abuses. Moreover, many MNCs, with annual profits often surpassing the level of income of several developing states, indirectly participate in the formulation of national interest (Te Velde 2005: 551-553 cf. Richardson 1987: 22). As Hocking notes, "in the 1990s, the national interest has come to be associated not with the exercise of political sovereignty in constraint of inward foreign investment, but with enhanced competitiveness and market share." (Hocking 1999: 29)

It seems that the state sovereignty is becoming increasingly constrained. Due to improving technology, states have a limited capacity to control electronic economic transactions of a non-physical nature. "Cyberspace challenges the state's claim to be able to establish a definitive and a binding relationship between the citizen and a given territory." (Kurbalija 1999: 174)

The nation-state remains economically sovereign, in the formal sense that powerful supranational bodies have not been erected over their heads, but the size of their realm is considerably diminished. [...] The tools which the nation-state can use to achieve its ends in this diminished realm are also reduced. (Wriston 1992: 4)

Other scholars suggest that the growing interaction between business and government is a sign of mutual needs and interdependencies. There are also examples of growing symbiosis between the activities of both state and non-state actors. This tendency, defined by Hocking as “catalytic diplomacy” builds rather than replaces the developments in the diplomatic milieu already indentified. The basic idea associated with this concept is that the many companies “often act in support of state needs and functions, in turn relying on government to provide them with crucial requirements for their successful operation.” (Hocking 1999: 32)

In this respect, Cross mentions the circular path that the diplomatic profession has taken over the centuries. It seems as if it ends up where it started, although the world has changed considerably:

In medieval times diplomats represented nonstate entities to other nonstate entities, from the mid-seventeenth century to the late nineteenth century diplomats represented states to other states, but for past few decades diplomats are once again involved in the relations with nonstate entities. (Cross 2007: 140)

NGOs have also firmly established their position as influential actors that deserve attention in the study of international relations. It is expected that NGOs will play an even greater role in world politics as the globalization develops further. They are defined as private, voluntary, nonprofit entities whose membership and activities often cross national borders. They have been portrayed as a relatively dynamic and influential byproduct of advancing globalization in international relations. NGOs have become famous for several successful mostly internet-based global campaigns and various networking and communication strategies. These often include agendas such as human rights, human security, international trade, and sustainable development. Since many NGOs have recently developed effective networks with other international actors (states and international organizations) and themselves perform important functions in global politics, they became regarded as international actors per se (Warkentin 2005: 595-597).

The NGOs’ capability to influence both domestic and foreign policy and international relations has recently been debated. In other words, as observed by Hocking, it is becoming increasingly difficult to ignore the growing capacity of some NGOs to coerce governments and international organizations. Relying on the moral edge over governments and being

conscious of the public support NGOs often tend to manipulate the actors' reputation in order to pursue their own goals. There is also an increasing concern that some NGOs have turned to be modern key gatekeepers. "Only those movements able to sell their cause to influential NGOs stand a chance of penetrating the global information flow." (Hocking 2005: 39)

The growing effectiveness and professionalism of non-state actors' international activities have recently drawn the attention of many scholars. MNCs and NGOs have gradually become essential parts of an international system and have made national borders almost irrelevant. The international system no longer consists exclusively of interstate relations. Both the states and non-state actors recognize their linked autonomy and own resource dilemmas. As a result, interactions between business and technological enterprises as well as NGOs and nation-states are of rising significance. Given the complexity of today's world, governments often find themselves unable to respond to the diversity of demands which impinge upon them. In such circumstances non-state actors, NGOs in particular, can provide sufficient information and low-cost expertise in specific policy areas, which governments are unable to match. Recently, there have been quite a few examples when such cooperation generated valuable benefits on both sides. In order to enhance this cooperation, both non-state actors and states must be able to identify their strengths and weaknesses and create additional international networks and links outside the confines of the traditional bureaucratic systems (Evan 1983: 395; Hocking 1999: 32-34 cf. Melissen 2005: 12).

As we have shown, diplomacy, as an institution of certain rules and routines, has a long history of adaptation and change. Besides the other changes in international environment such as the rise of non-state actors and the information revolution, the process of European integration and the creation of common European diplomacy constitute another fascinating challenge for the further evolution of diplomacy.

3. European Union

The gathering together of the nations of Europe requires elimination of the age old opposition of France and Germany. The first concern in any action undertaken must be these two countries. With this aim in view, the French Government proposes to take action immediately on one limited but decisive point; French Government proposes to place Franco-German production of coal and steel as a whole under a common high authority, within the framework of an organization open to the participation of the other countries of Europe...The common high authority entrusted with the management of the scheme will be composed of independent personalities appointed by Governments on an equal basis. A chairman will be chosen by common agreement between Governments... (The Schuman Declaration of 9 May 1950)

Currently the European Union is often viewed as unprecedented, successful, and unique regional integration centered on five “core norms” (Manners 2002): peace, liberty, democracy, rule of law and human rights. It was the Franco-German reconciliation after the World War II that provided the motor for the European integration. The European success story started with trade but it soon extended into new areas and despite long and turbulent history of the European continent gradually unified countries of different cultures, political traditions, and economic systems. The wellbeing of European citizens is envied abroad and the European integration with its norms, rules and values has become a model for many regions in the world. For the first time in old continent’s history the Member States of the EU can no longer even imagine a war among themselves. Instead, they now cooperate closely towards more freedom and security in Europe and also in other parts of the world.

The concept of European unity reflecting the underlying idea that there is such a thing as a common European heritage is not new. It was to some extent connected with the idea of Christianity and its civilizing and cultural role in the Medieval Europe²⁰. As Heater puts it, “Christendom and Europe were for long synonymous concepts.” (Heater 1992: 182) Later, under the influence of Enlightenment it was associated with the idea of “civilized nations” of Europe. Efforts to unite Europe by force, from Napoleon to Hitler, had failed and the idea of European unity achieved through peaceful cooperation re-emerged after the First World War. As Stirk and Weigall note, “although the idea of European union had been periodically

²⁰ In this context, Heater mentions an interesting parallel between the medieval Christianity and its revival in a form of “powerful support lent to European integration by Christian Democrat parties after the Second World War.” (Heater 1992: 182)

espoused before 1914, it was the First World War and the inadequacies of the peace settlement which induced the first sustained efforts to find an alternative to the fragmentation of Europe.” (Stirk and Weigall 1999: 1) During the whole period between the two world wars, two important European “founding fathers” concerned about the vulnerability of the new balance between European powers tried to create supranational dynamics, which were suddenly stopped by fascism and Second World War.

In November 1922 presented Austro-Hungarian aristocrat, Count Richard Coudenhove-Kalergi, his concept of Pan-Europe. It was disillusion with Wilson’s League of Nation and growing mutual antipathy of France and Germany, which led this prophet of European integration to propose a European equivalent of the Pan-American Union. He wanted to avoid giving the impression that he wished to promote a tight federal structure and therefore defined his concept as “self-help through the consolidation of Europe into an ad hoc politico-economic federation.” (Coudenhove-Kalergi 1926: p.xv) This federal political construction of Europe (embracing Eastern and Western Europe) had three main goals: to avoid another “Great War”, to counterbalance rising Russia and to revive economic growth. In 1924, in Vienna, he founded the pan-European Union, whose ambition was to create a movement and an organization in every European country. The pan-Europe movement, however, hardly found response on governmental level and failed to create a mass following (Stirk and Weigall 1999: 2-3; Harryvan and Harst 1997: 25; Heater 1992: 126-127).

In opposition to Coudenhove-Kalergi, Aristide Briand, the French politician responsible for the French foreign office, acted in the political field and thus developed a more realistic vision with concrete actions toward “une sorte de lien federal” between the European states. After he failed to win American security guarantee for Europe, he initiated the famous Kellogg-Briand Pact of 1928 which made war “illegal”, even if it only had a moral authority. In the French memorandum, presented to the European governments in May 1930, Briand proposed the creation of a regional union which would work principally in the economic field and would be composed of a European conference, a representative organ gathering all European government’s representatives of the Leagues of the Nations; a political committee, the executive organ and finally a secretariat. The European governments’ lukewarm response, Briand’s death and economic crisis was a combination of events that put an end to this initiative (Stirk and Weigall 1999: 4-6; Barriere 2009).

The concept of united Europe was first embodied in the Council of Europe. It provided the necessary institutional framework that fully respects both common historical heritage and autonomy and independence of European states. The establishment of such an inclusive multilateral forum based on unanimous decision-making was viewed as a huge step toward more peace and democracy in Europe. But it was the Community venture of Jean Monnet and Robert Schuman that started in 1950 and forever changed the European society.

The qualitatively new project was marked by pragmatism and reflected the ideas and goals elaborated by both Richard Coudenhove-Kalergi and Aristide Briand. Unlike the Council of Europe, the Europe Community was centered on majority vote and therefore represented more action- and future-oriented structure. It introduced novel and unprecedented transfer of sovereignty by the states to an independent institutional structure (High Authority and Assembly, subsequently the European Commission and Parliament). The idea of overcoming resurgent antagonisms by merging the coal and steel industries, which were factors of power, and by controlling them jointly through supranational authority represented a revolutionary path. It is frequently argued that although the concept of European Community was presented as a purely economic concept without any aspiration to deal with foreign policy or security matters, it has been political on account of its aims and its method from the outset. As De Schoutheete points out, “any venture based on a philosophy of action that introduces rules and constraints with a view to fulfilling shared ambitions is political by nature.” (De Schoutheete 2000: 7; Barriere 2009)

3.1 Conceptualizing the EU as an international actor

Given that the Westphalian state system and modern diplomacy have co-evolved and remained mutually constitutive institutions (Der Derian 1991) and that the independent execution of diplomacy has been regarded as the highest display of nation-state’s sovereignty (Kurbalija 1999), it is therefore inevitable, before we examine the nature and developments in the common European diplomacy, to conceptualize the EU’s international actorness. That is, what sort of an “actor” Europe is and what kind of foreign policy, if there is one, does it

pursue²¹. Such an approach seems to be very useful; as some scholars argue, any change on the external front generates expectations for a change in the model of European integration and the internal as well as external configuration of power (Tsoukalis 2003: 168; White 2004: 13).

The distinction between diplomacy and foreign policy has already been discussed in previous chapter (*1.Definition*). Following Watson's (1982: 10) differentiation, EU foreign policy can be defined as the substance of EU's relations with third countries and international organizations and foreign policy goals it strives to achieve by those relations. Whereas European diplomacy is seen as a process of negotiation and political dialogue between the EU and third countries, which comprises a set of norms, rules and principles regularizing these negotiations and which have a common institutional basis. As we shall see, however, given the complex subject of the EU's international actorness, there exists a considerable degree of interdependence of EU foreign policy and EU diplomacy. One cannot speak of European diplomacy and omit the European political cooperation (EPC)/ Common foreign and security policy (CFSP) or Union's external relations and vice versa (Neznamova 2007: 6-7).

As we have shown, foreign policy and diplomacy have traditionally been associated with a state-centric view of world politics. Following the premise of "state-centric realism" (Nye 1975: 36), foreign and security policy, defense, national interest and identity constitute the essence of state's sovereignty. They are ultimate prerogatives of nation-state²². Popular realist argument is that EU is not a state and therefore does not qualify as a foreign policy actor (Allen and Smith 1998), but it has always struggled to (re)define its collective identity and international position in terms of traditional concepts of foreign policy, diplomacy and defense (Tsoukalis 2003: 66 cf. Smith 2004: 75). It might be an "economic superpower", but it is certainly a "political dwarf" (White 2004: 14, 28). As noted by Müller, "the realist school

²¹ Peterson distinguishes four different mutually interconnected factors that determine the EU's external role: Franco-German alliance, Commission, transatlantic relations and frequency of political crisis within the political system. He argues that change in any of mentioned factors would have a direct impact on the EU's international position. (Peterson 1998: 11-13)

²² Some scholars, however, disagree with this statement and claim that there is no obvious reason why the term foreign policy cannot be assigned to other international actors. As White puts it, "FPA [Foreign policy analysis] happened to emerge at a time when states was evidently the principal actor in IR, but arguably it was always the actor perspective rather than specific actor that was important to the foreign policy analyst." (White 2004: 24)

in International Relations regarded European foreign policy primarily as form of inter-state cooperation that was driven by the security interests of the participating states.” (Müller 2007: 10) Following this logic, European institutions have been regarded as arenas, “an updated version of old-style alliance diplomacy” (Pijpers 1991: 31), on which Member States pursue their interests and common foreign policy has been a sum of national foreign policies “disguised in multilateral clothes” (Jorgensen 2004: 36). For neorealists, Soviet threat to the Security of Western Europe has been identified most frequently as a common denominator for such an intensified political cooperation.

In this view, the early stages of European economic integration were regarded, mostly by the state-centric oriented intergovernmentalist school, as a form of regional cooperation limited to “low politics” without a possible transition to “high politics”. Indeed, the shift from economic to political power has proved to be extremely difficult. According to realists, the Member States perceive the EU through the lens of their own policy preferences and they can only adopt fully-fledged common foreign policy when a consensus exists that common European foreign policy is in their interests (Ginsberg 2001: 34). Moravcsik, the chief spokesman for liberal intergovernmentalist, notes that “the primary source of [European] integration lies in the interests of the states themselves and the relative power each brings to Brussels.” (Moravcsik 1991: 56) As Tsoukalis puts it, “most European countries appear to have only narrow regional concerns and little inclination to pay the price of an active global role²³.” (Tsoukalis 2003: 211) The sense of community and the strong common European identity; clearly defined European interest²⁴ and weak institutions have been identified by several authors as the most crucial missing elements for a truly common coherent foreign policy²⁵

²³ This was particularly obvious during the negotiations leading to the Maastricht Treaty, which gave birth to the CFSP. „The Maastricht Treaty revealed the contradiction between the ambitions of EU member governments to play a larger international role and their reluctance to move beyond an intergovernmental framework in doing so“ (Hill and Wallace 1996 cit. in Peterson 1998: 5)

²⁴ Following the Kissingerian and Palmerstonian view of national interest, Guéhenno argues “that the failure of Europeans to develop a true foreign policy is a consequence of a basic mistake: national interests are the foundation of a foreign policy, and any effort to circumvent them is bound to fail.” (Guéhenno 1998: 27)

²⁵ Several scholars, however, argue that European identity does exist and can be viewed as a sum of the identities of Member States. Wendt, for instance, argues that four decades of cooperation in Western Europe may have generated “a collective European identity” in terms of which states define their “self-interests” (Wendt 1992: 417). Sedelmeier identifies the ongoing process of Europeanization and the creation of norms and processes at the central level as a very important source of such collective identity (Sedelmeier 2004: 126-127).

(Tsoukalis 2003; Peterson 1998; Copper 2003; Evan 1983). Given the historical, ideological, and other differences, any attempt to attain unanimity on common European action abroad is extremely difficult. As Wolfgang Wessels has laconically noted, “only national authorities are legitimated to send out soldiers with the risk to be killed.” (Wessels, 2002: 5)

Tsoukalis, for instance, sees the EU as a postmodern political construction that does not fit well in a world with many pre-modern characteristics²⁶. The EU is a highly decentralized and system, fundamentally different from any nation-state or international organization, in which Member States remain the key players. Despite stable and clearly defined set of institutions, common rules and extensive network of organized economic and political interests, the EU cannot, unlike the USA, impose its wishes on the others. Tsoukalis argues that the EU cannot be regarded as a fully-fledged international actor mainly due to the gap in military capabilities, insufficient cooperation/integration of armaments industries and the unwillingness of Member States to subordinate their national defense and foreign policies to common European foreign policy (Tsoukalis 2003: 25-26, 88-91). It is the ongoing problem of “weak capabilities-great expectations gap” that characterizes the EU’ international role (Hill 1998).

The state-centric approach, however, has been increasingly contested as the European integration expanded and the Commission was given the right to do both to represent the common predominantly economic interests of Community in relation to other trading partners, especially the USA, and to conduct the accession negotiation with candidate countries on a bilateral basis. Many scholars argue that given the unprecedented and unique nature of the EU, any attempt to compare the common European foreign policy with foreign policy of traditional nation-states or the USA turns out to be highly misleading and inappropriate (Strömvik 2009; White 2004; Ginsberg 2001). As Brian White puts it, “whatever European foreign policy might mean, it cannot easily be contained within a state-centric analysis (White 2004: 11). In words of Roy Ginsberg,

²⁶ Many realists have increasingly criticized the concept of soft power and its notion to make a virtue out of its political and military weakness (Kagan 2003). As Tsoukalis puts it, “even civilian powers may occasionally need to resort to other means of persuasion in a world which does not consist only of post modern states.” (Tsoukalis 2003: 197)

The EU and the nation-state are not governmental equals. They spring from different historical origins and answer to different sets of needs, interests, and identities; respond very differently to the social and economic challenges of modernity and complex interdependence; do not have the same assets, capabilities, and levers of external influence at their disposal; have different institutional, constitutional, and legal personalities in the world; and have different degrees of public accountability and democratic legitimacy that shape what each can do. (Ginsberg 2001: 5)

Therefore, as many scholars argue, the EU is best understood as being a unique international actor or *sui generis* and „the only concrete method of measurement available, [...] is to compare the EU’s foreign policy with itself – over time²⁷.“ (Strömvik 2009: 27)

The EU takes numerous foreign policy actions that stretch across time, geography, actor, and issue. Economic rewards and incentives rather than military threats and punishments are usually applied by Brussels (Rosecrance 1998). Despite some obvious limitations (see Sjursen 2004: 69), the EU has launched several successful civilian and military peace support operations and initiated various political dialogues with different international actors. As the biggest aid-provider in the world²⁸, the EU has used political, economic, and financial tools to support developing countries in troubled areas of the world (Strömvik 2009: 29-30). The EU has been also actively using its normative influence in several important areas of international politics such as the promotion of human rights, peace, prosperity, democracy, nuclear proliferation and global environment in the world (Müller 2007: 19). In addition, Member States perceive that they carry more weight in certain areas when they act together as a bloc than when they act separately. As a result, the EU has gradually managed to speak with one voice in most international organizations such as the OSCE and the United Nation General Assembly (Strömvik 2009: 29). As pointed out by Ginsberg, “[European foreign policy] activities – broadly defined to include the competence or purview of the EC, the EU, CFSP,

²⁷ On the comparison of the Soviet invasion to Afghanistan in 1979 and the Russian attack on Georgia in 2008 Strömvik clearly illustrates the developments in the common European foreign policy. Thirty years ago, the EU was desperate to find a common position on the Soviet invasion and it took more than three weeks before a common statement appeared. But in August 2008, the EU managed within 24 hours to arrive at a common position and few days later submitted a common proposal for a peace treaty (Strömvik 2009: 27-28).

²⁸ In year 2010, official EU aid reached a record €53.8 billion, once again confirming Europe as the most generous donor worldwide. The European Commission spent more than €11 billion of this aid (EC, Annual Report 2011, available online: http://ec.europa.eu/europeaid/multimedia/publications/documents/annual-reports/europeaid_annual_report_2011_highlights_en.pdf).

or a mixture thereof – have expanded to cover nearly all areas and issues of international politics.” (Ginsberg 2001: 3)

Given its considerable impact on world politics²⁹, scholars have increasingly tried to define Europe’s global role in world politics in both empirical and conceptual terms (White 2004: 17). Already in the early 1970s, François Duchêne (1972) conceptualized Europe as a “civilian power“. Other conceptualizations of the EU as a “normative power” (Manner 2002), an “ethical and responsible power” (Aggestam 2000) and a genuine “superpower in the making” (Galtung, 1973; Buchan 1993) soon followed. This group of scholars views the EU as a special non-military international actor that consists of a civilian group of countries strong in economic and relatively weak in military sphere. This was in a direct opposition to traditional Military Power – a strong state preferring armed forces over diplomatic and economic influence. “Rather than including balance of power reaction against itself, the Union is acting as a magnet attracting would-be competitors and drawing them into web of economic and political cooperative frames. Europe’s attainment is normative rather than empirical – is the basic message.” (Zielonka 1998: 2)

More recently, as a reaction to state-centric criticism, less action-oriented conceptualization of Europe’s international actorness appeared. The EU has been characterized as an “international presence”. This approach examines the impact of the European integration on third countries and regions (Allen and Smith 1990). As highlighted by Hill, this concept is “a consequentialist notion, which emphasizes outside perceptions of the Community as well as the significant effect it has on both psychological and the operational environments of third states.” (Hill 1993: 36 cf. Ginsberg 2001: 48-51)

Conceptualization of the EU as a “unified actor”, however, has its shortcomings. First, the focus is on overall impact on world politics rather than internal processes of EU foreign policy-making. Second, it operates with unitary terms and in so doing fails to meet the complexity of “multiple realities” that constitute the EU. In this context, Brian White draws

²⁹ According to Ginsberg, „when the EU has political impact on others, it becomes an „international political actor“ even in the absence of a fully operative CFSP anchored in a political union...The more external political impact the EU has, the more the EU will develop a viable foreign policy decision-making system.“ (Ginsberg 2001: 11,21)

our attention to structuralist approach, “which, rather than focusing on actor-generated behavior, provides an explanation of actor behavior as a function of the international institutions or other structures within which actors are located.” (White 2001: 30) The essential focus is on both the process of institutionalization of common decision-making and its impact on Member State behavior. Institutionalists tend to reject the realistic intergovernmental view of the EU and regard it as a system of multiple transnational, transgovernmental and supranational processes (White 2004: 17-19).

The strongest political influence on other countries exercises the EU through the prospect of membership³⁰ in the most exclusive international club (Rosecrance 1998) and naturally through the ongoing process of Europeanization³¹. The systematic export of common values, rules and norms coupled with “highly advanced form of joint management of interdependence” has enabled the extension of *Pax Europea* to the large parts of European continent (Tsoukalis 2003: 167-168). As Ginsberg puts it, “States may be formally in control of EFP [European foreign policy] decision making, but processes of socialization and institutional dynamics are responsible for a number of significant outcomes.” (Ginsberg 2001: 37) In terms of European foreign policy, the term Europeanization is defined as

the process by which CFSP, and EPC before it, moved closer to EC norms, policies and habits without EPC/CFSP becoming supranationalized ... as EPC habits and procedures of political co-operation became institutionalized into corporate body of European values and norms, they eventually caused member states to change their attitudes and preferences ... [EPC] changed the ways individual states determined and pursued their interests. (Ginsberg 2001: 37-38)

Very similar definition provides Ben Tonra who defines Europeanization in foreign policy as “a transformation in the way in which national foreign policies are constructed, in the ways in which professional roles are defined and pursued and in the consequent internalization of norms and expectations arising from a complex system of collective European policy making.” (Tonra 2000: 229) In this context, Jorgensen identifies three different meanings of the term Europeanization. The first meaning describes the gradual adaptation of national

³⁰ The offer of membership has proven to be a very powerful instrument to support the economic and political transformation in Eastern Europe and thus ensure security and stability in Europe. As Karen E. Smith notes, “because membership is to be offered only if certain conditions are met, the EU has been able to influence East European countries’ internal and external policies.” (Smith 2004: 1-2)

³¹ Jorgensen identifies three different meanings of Europeanization. First, Europeanization

foreign policies to European norms, rules and procedures. The second meaning, defined as elevating policy-making, refers to a process of gradual transfer of certain aspects of national foreign policy from Member States to European level. The third meaning of Europeanization examines the links between European integration and the processes of national empowerment (Jorgensen 2004: 48-50). The two-way relation between EU Member States and EU Institutions was well highlighted by Hill and Wong,

“Europeanization can be understood as a process of foreign policy convergence. It is a dependent variable contingent on the ideas and directives emanating both from actors (EU institutions, politicians, diplomats) in Brussels, and from member state capitals (national leaders). Europeanization is thus identifiable as a process of change manifested as policy convergence (both top-down and sideways) as well as national policies amplified through EU policy (bottom-up projection).” (Wong and Hill 2011: 4)

According to Hill, both mentioned approaches, however, have their limitations. The institutionalist approach cannot sufficiently explain occasions when state does not follow the structural imperatives given by system. More precisely, this approach falls short to explain the incoherence of Europe’s international actorness. The concept of Europeanization, on the other hand, generally tends to be rather descriptive than explanatory (White 2004: 19-21 cf. Ginsberg 2001: 31)

For the purposes of this master thesis, the conceptualization of Europe’s international actorness as a “European foreign policy system” (White 2004; 2001), which operates with variables such as actors, processes, instruments and outputs, seems a more useful tool than any of the theoretical approaches discussed above. This conceptualization goes beyond the state-centricity, explains the structural incoherence of the EU and follows the social constructivist assumption that the important structures of world politics are products of social interactions between actors themselves, which are based on agreed and practiced rules, norms, ideas and patterns of behavior (White 2004: 21-22). More precisely, it takes into consideration the complex dynamic interplay between Member States, on the one hand, and European institutions and institutionalized norms and practices of multifaceted system of collective diplomacy, on the other hand³² (Müller 2007: 21). As pointed out by White, it is clear that the

³² Christopher Hill and Reuben Wong use the term *three and a half-level game of European foreign policy* to describe the nature of the system within which EU Member States currently operate. “This refers in the first instance to the standard “two-level” game whereby a government formulating foreign policy faces both outside, towards the world, and inside towards its own domestic environment. Here we need to add a third level, which is

European foreign policy activity “does not emerge from a single, authoritative source but comes in at least three forms or types of activity.” (White 2004: 15) The first subsystem incorporates the *economic* policy dimension of European foreign policy. These are the external relations of the European Community with third countries which evolved as a direct consequence of Common Commercial Policy. They usually cover areas such as trade, aid and development. The second form of activity consists of EU’s *political* relations with the outside world known as the Union’s Common Foreign and Security Policy (CFSP). More recently the European Security and Defense Policy (ESDP) was added to augment the CFSP. The third type is the set of traditional *national* foreign policies of the Member States. Considering the two-way relationship between national foreign policies and European foreign policy we cannot exclude this third type from any analysis of European foreign policy (White 2004: 15-16; 2001: 24). As pointed out by Hill, European foreign policy as a complex system of foreign policy-making is a “collective enterprise through which national actors conduct partly common, and partly separate international actions both in economic and the political realm.” (Hill 1996: 5) Such cooperation is facilitated by existing structural environment in which bargains take place; “states might formally be in control of decision-making, but processes of socialization and institutional dynamics are responsible for a number of significant outcomes.” (Jorgensen 1997: 168)

3.2 European diplomacy

As we have shown in the previous chapter (1.3 *The New Diplomacy*), the changing international environment, and especially the rise of new international actors does facilitate further path-dependent adaptation of diplomacy in terms of new structures, procedures, instruments and agendas, but it does not change its constitutive role or its substance. One may, therefore, assume that the EU’s multilayered politico-diplomatic environment would have a considerable impact on the diplomatic process and practice. What is more, given that the EU can validly be seen both as a site for globalization and as a carrier of globalization, it

that of the collective EU-foreign-policy-making process. The final “half” comes from the fact that the latter consists not only of the highly visible CFSP, but also of the Community-based external relations of Pillar I.” (Hill and Wong 2011: 227)

is frequently argued that the EU is best equipped to address the challenges to diplomacy brought about by globalization.

Conceptualization of the EU as a civilian or soft power, characterized by the dominance of political dialogue and mutual democratic cooperation coupled by economic incentives and rewards over military threat and punishment, assigns diplomacy and its forms central position in the EU's external relations. In this context, it is important to highlight the fact that the EC/EU started as a supranational trade bloc with a common commercial policy, which long determined the nature of its external representation and the character of European diplomacy. In other words, the European diplomacy has from the outset evolved operating on two ever more blurred boundaries; between "high" and "low" policy issues, on the one hand, and domestic and international politics, on the other (White 2001: 43-44 cf. Smith 2004: 22). This may not necessarily be viewed as a disadvantage. As Hocking puts it, "this suggests that what is most innovative in EU diplomacy may lie outside CFSP and in, for example, the sphere of economic diplomacy with its complex patterns of public and private sector interactions." (Hocking 2002a: 9)

Brian Hocking mentions three significant assumptions concerning the contemporary diplomatic milieu that are crucial for our understanding of the place and the role of diplomacy in the contemporary European foreign policy. First, he rejects the assertion that with the rise of mixed actor systems and the decline of traditional state in the globalizing world diplomacy has lost its relevance. As he puts it, it is the dominance of "new" over "old" diplomacy that confronts us in the EU diplomatic environment. At this place, it is important to remind that diplomacy cannot be seen as an attribute of state system. As Melissen puts it, "diplomacy is in the first place about the framework in which international relations take place, the medium that is both a necessary condition, and the lubricant, of international politics." (Melissen 1999: xvii)

Second, a broader context of the historical development of European diplomacy needs to be taken into consideration when examining the contemporary European diplomatic system. To paraphrase Hocking's statement, just as one of the features in the development of the traditional diplomacy was the gradual separation of domestic and foreign policy administration, so European diplomacy is now marked a growing blurring of the boundaries

between the intra-state and inter-state environments (Hocking 2002b: 273). As Bátora puts it, “it is no longer obvious what in the relations between the Member States constitutes “high politics” traditionally managed by diplomats following the specific rules and norms of diplomacy and what, on the other hand, represents the more mundane kinds of “domestic” political processes subject to the procedures and rules of democracy on the respective member states.” (Bátora 2009: 4-5) Third, the growing diplomatic ambiguity as the result of uncertainties related to the rising international influence of the EU needs to be taken into account (Hocking 2004: 91).

The impact of the EU on the diplomacy as an institution of the international system was well summarized by Bátora.

Today’s EU is a polity where relations between member states are no longer organized solely by the transnationally distributed set of norms and rules embodied in diplomacy, but are increasingly anchored in a thickening network of domestic relations in a number of policy fields coordinated at the central level in Brussels. With neither a clearly established centre of authority nor a clear source of sovereignty the EU is currently the most radical peaceful challenge to the established Westphalian system of states. (Bátora 2003: 11-12)

As pointed out by Hocking, the EU diplomacy “[suggests] some form of “post-diplomatic” order, at the same time negotiation, one of the key functions of diplomacy, is central to the way that the EU operates.” (Hocking 2004: 93 cf. Bátora and Hocking 2008) The “post-diplomatic” order is marked by a growing participation by a variety of actors resulting in “polylateralism“. „Polylateralism“ can be defined as

the conduct of relations between official entities (such as state, several states acting together, or a state-based international organization) and at least one unofficial, non-state entity in which there is reasonable expectation of systematic relationships, involving sine form of reporting, communication, negotiation, and representation, but not involving mutual recognition as sovereign, equivalent entities. (Wiseman 1999: 10-11)

It is frequently argued that both the membership of the countries in the EU and “polylateral” relations redefine the forms of traditional diplomacy, the roles of national diplomats, and the work at the Member States’ foreign ministries. Indeed, the process of European integration affects almost all the foreign ministry’s areas of responsibility; officials at all levels are engaged in EU work and both the foreign ministry in the country’s capital and its missions abroad, including the Permanent Representation of the Member State to EU in Brussels, are involved (Neznamova 2007: 27-28). More broadly, it seems that diplomacy as an institution is

challenged by the European integration; its embodiment can be found in bilateral relations of the Member States, multilateral diplomacy at the central level, and external relations of the EU with third countries.

3.2.1 Bilateral diplomacy

Although the bilateral relations between EU Member States and between EU Member States and third countries remain intact and Member States continue to maintain embassies in other Member States with the same organization, functions and staff as in third countries, a growing cross-border interconnectedness of national administrative systems in sector-specific policies as a result of European integration can be observed³³ (Jönsson and Hall 2005: 157-158; Bátora 2009: 6-7). This mutual interdependence is best reflected in a symbiotic relationship between domestic ministries and their counterparts in other Member States, on the one hand, and with the European Commission's directorates-general, on the other (Spence 2002: 19). Hocking argues that the significance of bilateral relations is even likely to increase mainly due to coalition-building that is necessary to influence the decision-making processes in Brussels (Hocking 2004: 98). One may increasingly speak of "bi-multilateral" EU diplomacy that is "bilateral in its procedures but multilateral in its purposes." (Hocking 2002b: 279) The retention of these structures, especially of national diplomatic services, indicates that they possess a high degree of innovative capacity (Hocking 2002a: 6) and that the change takes place within established institutional frameworks of the EU Member States³⁴ (Bátora 2003: 12-13). As well summarized by Bátora and Hocking, "whereas the EU marks a shift in the relationship between these dimensions of diplomatic practice and structure, nevertheless

³³ As Bátora argues, on the one hand, the mutual awareness of foreign policy positions might decrease the role of member states' embassies; on the other hand, embassies can be seen as organizational carriers of diplomacy as institution and states hence continue to establish them irrespective of the actual usefulness and effectiveness (Bátora 2009: 7,12).

³⁴ According to Bátora, there are three possible institutional change dynamics in intra-EU bilateral diplomacy. First, the institutionalized structures and procedures of bilateral diplomacy prove resistant and remain unchanged; second, they change in a collectively varying manner reflecting the national differences; and third, they transform in a collectively identical manner leading to the introduction of qualitatively new structures and practices of intra-EU bilateral diplomacy (Bátora 2009: 13).

bilateralism remains a key, yet changing, feature of what might be viewed as a “post-modern” (or perhaps “post-Westphalian”) foreign policy environment.” (Bátora and Hocking 2008: 3)

Given that the foreign ministry is the central coordinating institution for every diplomatic activity, the overlaps within the EU of the institutionalized intra-state and inter-state spheres have significantly both expanded and modified its agenda in terms of much wider geographical and issue related scope of European external activities (Bátora 2009: 6). National management of external relations is now characterized by a proliferation of actors, issues, channels and procedures. As Hocking puts it, not only in the EU context, but

around the world, foreign ministries have sought to respond to increasing demands against the background of diminishing resources, internal bureaucratic reorganizations, expanding policy tasks, a revolution in communications and information technology and, not least, the expectations generated by transnational civil society organizations and the business community. (Hocking 2002a: 5)

The most important task of every Member State’s foreign ministry is to coordinate national actions in various EU institutions in order to enhance the national influence in the EU³⁵. Indeed, there is also a markedly increasing coordination role for prime ministers’ offices. Many Member States developed additional coordination departments (the EU departments) and established new posts (e.g. Minister or Secretary of State for European Affairs, European Correspondent, Political Director, and Political and Security Committee (PSC³⁶) Ambassador) at foreign ministries in order to help officials to tackle the complexity of EU policy-making and to adapt to EU timetables³⁷. They constitute a direct link between the national permanent

³⁵ In this context, Hocking mentions the multilayered character of the coordination problem. The first layer can be associated with a constant need for a better horizontal coordination between foreign ministry and other sectoral ministries whose influence has greatly increased. The second layer describes the vertical coordination between foreign the ministry and several subnational entities and autonomous communities within a particular state. The third, less familiar, layer is connected to increasing capacity of civil society organizations –NGOs- to take part at the European policy-making processes (Hocking 2002b: 282).

³⁶ The PSC was established in 2001 and formalized in the Nice Treaty. It comprises one ambassador per Member States, a permanent representative of the Commission, a representative of the EUMC, a representative from the Secretariat of the Council of the EU and legal service. The main task of the PSC is to monitor the international situation in the areas covered by the CFSP. It delivers opinions to the Council in order to help define policies, coordinates, supervises and monitors the work led by the different working groups in the area of the CFSP, and examines the draft conclusions of the General Affairs Council.

³⁷ Pomorska identifies the lack of “European thinking” and the unpreparedness to work in a multilateral environment as the two biggest challenges for national diplomats that European diplomacy brought about. As she adds, “the experts themselves were pushed to take greater responsibility, as the dynamics of EU work do not

representation in Brussels, often considered as the Brussels extensions of foreign ministries, and the government as well as the various “domestic” ministries, which due to the growing need for specialization play even greater role in European diplomatic milieu (Neznamova 2007: 27-28; Ekengren and Sundelius 2004: 119; Jönsson 2005: 158).

The decision-making processes; the professionalism and the stability of the civil service; and the high standard required of technical and information systems have been identified as the most significant challenges to the foreign ministries that have in the meantime started to be regarded as a integral part of the EU (Pomorska 2011: 169-170). As a result, there is some evidence that especially smaller Member States have “improved the effectiveness, broadened the range and increased the capabilities of foreign policy-making.” (Tonra 1997: 197 cf. Hill and Wong 2011: 218) As well summarized by Hocking, “to a considerable degree, their [foreign ministries’] continuing and evolving role appears to represent success in responding to change that is underpinned by their boundary-spanning capabilities, which enable them to operate in the shifting boundaries that separate complex policy domains.” (Hocking 2002b: 284)

In this context, Ekengren and Sundelius mention the phenomenon of “complementary sovereignty” between the national and the EU levels; “EU member state representation at the EU level is aimed not only at securing the national interest in the EU, but also gets its organizational dynamics from the tasks it has to perform for the Union in international arena.” (Ekengren and Sundelius 2004: 111 cf. Jönsson and Hall 2005: 158-159) As Spence argues, “one clear role for foreign ministries and their embassies abroad is the overall principle of coherence in the defense of the EU line.” (Spence 2002: 22) On the one hand, Member States’ diplomatic services have gained the European “weight” and “reach” in the global diplomatic system, they became parts of a major actor on the world stage (Hocking 2002b: 277), and reduced risks and costs of pursuing a controversial or negative policy against any third state³⁸. On the other hand, it might not be a cost-free advantage in terms of constraints posed by balancing the variety of demands within European diplomatic system (Hocking 2004: 95;

leave time for passing every decision up to the highest ministerial level. Thus, the decision-path was shortened and very often the decisions and responsibilities remained at the lower levels.” (Pomorska 2011: 170)

³⁸ As Hocking puts it, particularly smaller Member States have come to enjoy their higher significance as third states recognize them as representatives of the EU „whole“ (Hocking 2002: 280).

Wong and Hill 2011: 9). The changes in national diplomacies were well summarized by Hill and Wallace more than a decade ago:

From the perspective of a diplomat in the foreign ministry of a member state, styles of operating and communication have been transformed. The COREU telex network, EPC working groups, joint declarations, joint reporting, even the beginning of staff exchanges among foreign ministries and shared embassies: all these have moved the conduct of foreign policy away from the old nation-state sovereignty model towards a collective endeavor, a form of high-level networking with transformationalist effects and even more potential. (Hill and Wallace 1996: 6)

The absence of the threat of intra-European war has turned the attention of important actors within the EU towards “low-politics” agendas such as trade, human rights, cultural issues and regional cooperation. The security in Europe is achieved through openness and cooperation rather than through balance of power and mutual threats. In addition, the existence of the common European legal environment facilitates the development of additional sets of norms, administrative structures and socialization procedures, such as common diplomatic training, that regulate the relations among Member States. A convergence in diplomatic style and practice can be witnessed. As a result, the emergence of third dimension what Bátora calls “intra-European mode of diplomacy” added to national and transnational side of diplomacy can be observed³⁹ (Bátora 2003: 11-15; Bátora 2009). This intra-EU order is characterized by the overlap between two traditionally disjointed spheres of state – domestic politics and diplomacy (Bátora and Hocking 2008: 13). As Hocking notes, “in terms of intra-EU diplomacy, part of the problem for member state diplomacy is adapting to a situation in which the demarcation lines between what is not yet a European “domestic” policy but is neither “foreign” policy, are increasingly blurred.” (Hocking 2004: 103)

³⁹ According to Whitman, it is important to distinguish between intra-European diplomacy and extra-European diplomacy. The latter, as he argues, “consists of member states national foreign policies, areas that fall to community competence (much of which is foreign economic policy) and we have our common foreign, security and defense policies under the CFSP and the ESDP and our common internal security policies. All of this extra-European diplomacy is conducted bilaterally and multilaterally creating a complex network of cross cutting relationships linking the member states, EU institutions and third parties.” (Whitman 2005: 2)

3.2.2 Multilateral diplomacy

According to Hocking, it has been more multilateral diplomacy manifested in the Council (which consists of the relevant ministers from the member states) than bilateral diplomacy between Member States that characterizes the complexity of diplomatic relations in the contemporary European Union (Hocking 2004: 93). As Keukeleire notes,

the importance of the process of European integration lies not just in its potential to implement common policies vis-à-vis internal and external policy matters [...] it also lies in the possibilities it offers member states to arrange their mutual relations in a satisfactory manner. [...] Whereas in the eyes of a neutral or external observer the EU may have failed as a diplomatic actor in particular matter (because the EU failed to exert substantial external influence), for its member states the EU may have performed well (for instance, because an individual member state could be persuaded not to act on its own). (Keukeleire 2003: 32,34)

The General Affairs and External Relations Council (GAERC)⁴⁰ and the European Council, alongside with the Comité des représentants permanents (COREPER), have traditionally been identified as the primary multilateral diplomatic forums that are responsible for both the efficient cooperation of the EU Member States in political matters and the protection of the national interests in the EU system (Bátora 2003: 16-19). Most EU decisions are resolved informally in COREPER before reaching ministers in the Council, and COREPER serves as the “negotiating instance of last resort before foreign ministers and heads of state or government meet.” (Spence 2002: 29) Since 2001, the PSC, with representatives from Member State foreign ministries, has been preparing EU decisions concerning such matters as conflict prevention and crisis management, and has also been given the right to take formal decisions regarding the implementation of the Union’s crisis management missions (Jönsson 2005: 160).

As Jönsson and Hall (2005: 159) argue, however, “the complexity of diplomatic relations in the European Union goes beyond the need to coordinate governmental and supranational

⁴⁰ Prior to Lisbon, foreign affairs fell under the scope of the GAERC, dealing both with external relations and general policy questions and chaired by the rotating Presidency. Since Lisbon, however, the General Affairs Council meets as a separate configuration and external relations is covered by the Foreign Affairs Council (FAC), chaired by the High Representative of the Union for Foreign Affairs and Security Policy (see chapter 4.1 *High Representative of the Union for Foreign Affairs and Security Policy*)

actors.“ Multilevel governance entails a quantum of special interest groups of various backgrounds operating in “Europe’s capital”. European diplomats are often engaged in “polylateral” dialogues with unofficial actors such as NGOs, MNCs and subnational actors representing and lobbying for business, labor, public and territorial interests (ibid., p. 159). The role of non-state actors and their impact on diplomacy have already been discussed in chapter 1.3.3 *Non-state actors*.

COREPER and several other sub-groups of European diplomatic milieu have been increasingly seen as a powerful socialization mechanism promoting the cross-national collegial solidarity, common identity and network of informal contacts among European diplomats. The advantages of such developments are obvious: “they [National Representatives in Brussels] make things softer, they gained some confidence and friendship with other colleagues so they feel confident to present things less radically than their capitals might wish, but at the end they get more results.” (Pomorska 2011: 172) These officials, however, are increasingly thinking in “European” rather than “national” terms and have a significant impact on the procedures and substance of the national foreign policies. This might have some undesired consequences. As Pomorska notes, “it can lead to them being accused in their capitals of having “betrayed” the national interest.” (ibid., p. 171 cf. Spence 2002: 23-24)

Given the active participation of the Presidency of the EU, the EU Commission and the EU Parliament (indirect) at the Council’s negotiations, it is frequently argued that the multilateral settings of the EU go beyond the traditional multilateral diplomacy in terms of democratization of diplomatic processes (Bátora 2003: 16-19; Wong and Hill 2011: 9-10). As Bátora and Hocking note, “it is in particular in COREPER and in the Council more generally that the transposition of rules of appropriateness between the domestic political spheres governed by democracy and the far less orderly international sphere governed by diplomacy, becomes visible.” (Bátora and Hocking 2008: 14-15) What is more, given that the Council offers a useful framework to give shape to the relationships among the member states, diminish mutual mistrust and resolve inter-state conflicts, one may argue that the functions of bilateral diplomacy are partly taken over by the complex EU mechanism (Keukeleire 2003: 35).

As we shall see, the introduction of a new general heading on the guiding principles of EU external action under the Lisbon Treaty significantly challenges both the roles of the most important institutional players and the nature of multilateral diplomacy as we know it.

3.2.3 External diplomatic relations of the EU

Finally, the multi-level nature of the European decision-making process can also be seen in the development of burgeoning European diplomatic machinery largely entrusted to the Commission. As Jönsson and Hall put it,

The most relevant body as far as diplomacy is concerned is the Commission, which has broad powers to initiate policy and monitor the implementation of EU decisions and, consequently, is able to speak authoritatively on behalf of the Union. This has enabled the EU to progress further in developing a distinct diplomatic *persona* than most other international organizations founded on the intergovernmental logic. (Jönsson and Hall 2005: 151)

Considering the long history of European external relations with their complex patterns of public and private sector interactions⁴¹, many scholars argue that the EU is much better equipped to address the vast majority of contemporary conflicts and tensions, which are often rooted in political, social and economic instabilities, than any other international organization or nation state (Jopp 1994).

On the one hand, it has become obvious that a sense of collective European responsibility for international relations is firmly established and certain external actions already reflect a unique European brand of diplomacy; on the other hand, one cannot forget that Member States with their divergent historical interests remain the key players in this sensitive policy arena (Ginsberg 2001: 31; Spence 2002: 33-34).

⁴¹ Recently there have been quite many examples of prolific and versatile cooperation between NGOs and the EU. NGOs play very important role as partners or subcontractors of the EU in the implementation of a wide variety of EU foreign aid programs. NGOs are funded by the EU to promote social progress, economic development, health, education, human rights, protection of the natural environment, democratization, and condition of civil society in various parts of the world (Hill 1998: 43-46).

In this context, it is increasingly tempting to assume that norms, structures and socialization procedures together with innovative diplomatic processes recently developed within contemporary European diplomatic milieu may have a similar Europeanization impact on the global diplomatic system as once the Westphalian state order had (Bátora 2003: 23-24). As pointed out by Hocking,

One conclusion would be to view the emergence of a pan-European diplomacy as the logical and final stage in the development of the European project, reflecting in part the reintegration of the domestic and the foreign whose separation provided the rationale for the development of European diplomacy in the post-Medieval world. Another is to view the development of a nascent EU diplomacy as the “rescue” of national diplomatic systems. (Hocking 2004: 106)

On the other hand, one cannot forget that the diplomatic world is still predominantly comprised of diplomatic relations between sovereign nation-states and the ability of the EC/EU to conduct its own diplomacy can be perceived as evidence for the perennial nature of diplomacy. As well summarized by Jönssen and Hall, “the European Union, in short, remains an exception in a world of state-centric diplomacy. The fact that this odd creature has been accepted into society of states testifies to the flexibility and adaptability of the institutions of diplomacy rather than any profound transformation.” (Jönssen and Hall 2005: 161)

4. Evolution of European diplomacy

The European Union is not a country, it is a group of countries that sometimes in some particular cases try to put their put their policy in common, but we don't have a single foreign policy, we have a common foreign policy. (Javier Solana)⁴²

We can observe two main development modes in the history of the European unification process: coordination and integration. While the former guarantees the Member States the preservation of their powers and rights, the latter presupposes their transfer to some higher supranational entity. For almost 60 years, the Member States have been applying these two methods with varying degrees of success.

Given that the independent execution of foreign policy and diplomacy has been considered a part of the core of state sovereignty, policy cooperation in this field has therefore almost exclusively operated under the coordination method. Indeed, the reluctance of Member States to submit their diplomacy and foreign policy to the strait-jacket of EU common decision-making has remained over decades. It has been mainly reflected in the institutional arrangements based on the principle of unanimity. On the other hand, Member States from the very beginning agreed to integrate aspects of economic activity. As White points out, “what member states were prepared to concede was that the Community could and – in the case of commercial and trade policy- must be given competence over some aspects at least of what was regarded as the less politically sensitive are of external economic relations.” (White 2001: 48) The parallel evolution of both methods led consequently to the creation of heterogeneous structure of contemporary EU, which is marked by coexistence of supranational organs and forms of intergovernmental negotiation.

As we have already discussed in previous chapter, this complicated nature of the European political system is best reflected in the concept of European foreign policy system consisting of supranational Community foreign policy, intergovernmental Union foreign policy and sovereign National foreign policy. Given that the EC/EU started as a supranational trade bloc

⁴² Javier Solana, High Representative of the Common Foreign and Security Policy, interviewed by Jonathan Freedland, BBC, February 24, 2003. Available online at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/sghr_int/74805.pdf

and soon became an important international player in key areas not immediately associated with the traditional notion of foreign policy or diplomacy, such as trade, enlargement, economic assistance and humanitarian aid, it has from the outset struggled to (re)-define its international position in traditional “high politics” terms. As Tsoukalis notes, “as regional integration deepened, covering an ever-increasing number of policy areas, relations with the rest of the world were bound to be affected, raising some fundamental questions about external representation and the definition of the common interest in relations to others.” (Tsoukalis 2003: 66)

As we shall see, the external consequences of the EC/EU’s Common Commercial Policy covering principally trade and development relations with third states have long determined the nature of EC/EU’s external representation and the character of European diplomacy in terms of the blurred boundary between economic issues and political or security issues. As Michael Smith notes,

The relationship between “high” and “low politics” has been reversed because international economic dealings are now of greater significance than the international politics of war and diplomacy. Europe’s international potential is mostly in pillar I now that the external economic relations of the European Community have become “politicized”, and achieved an importance such that they should be considered as the focal point of EU foreign policy. (Allen 1998: 45)

Jean-Victor Louis follows the same path when he argues that the distinction between low and high politics in terms of the EC/EU still has some justification but it is a very minor one. As he puts it: “When the EU enters into negotiations with Russia for gas supply, is it low or high politics? Are the negotiations within the Doha Round in the WTO low or high politics?” (Louis 2007: 5)

Keukeleire argues that the EU has gradually developed what he refers to as “structural diplomacy” transcending the different pillars of the EU. Structural diplomacy is based on various strategies and partnerships the EU has established with third countries, and is aimed at promoting structural long-term changes of economic, social and cultural character. It operates with various economic and financial instruments, which can have both a direct impact through the support of political reforms and economic development and indirect impact through the promise of economic-financial cooperation as leverage to promote or enforce necessary

change in particular country or region. As Keukeleire points out, when the diplomatic negotiations and political dialogues between the EU and third countries produce results, it is often precisely because they are closely connected to economic and financial instruments (Keukeleire 2003: 48-49; Keukeleire and MacNaughtan 2008: 53).

In many of these areas, the Commission has been formally the external representative. Its evolution as an external policy actor has matched both the expansion of Community competence and the growing economic and political weight of the EC/EU itself. As Allen puts it, “the Commission has proved to be quite effective in mobilizing the collective power of the Member States in pursuit of their shared economic interests.” (Allen 1998: 45) As Keukeleire argues, “it was the Commission that took the lead in framing the predominantly economic relations with third countries and other regions into a more global political EU policy based on an outspoken strategic view on the developments in the various regions.” (Keukeleire 2003: 51) As we shall see, it has soon become increasingly difficult to ignore the problems of coordination between supranational external economic policies and largely intergovernmental politico-military policies and associated competence tensions between the Commission and Member States.

4.1 The Birth of the EC/EU diplomacy – the first mission of the ECSC

The history of European diplomacy and external representation begins, interestingly, with the establishment of the European Coal and Steel Community (ECSC) in 1952 and the failure of the European Defense Community (EDC) in 1954.

The ECSC, the first of the European Communities, placed Franco-German coal and steel production under a common High Authority within the framework of an organization in which other European countries could participate⁴³. Given that these two raw materials were the basis of the industry and power, the nature of the ECSC was from the outset not only

⁴³ The idea of pooling Franco-German coal and steel production was developed by the “founding fathers” of the European unification process French Foreign Minister Robert Schuman and senior French civil servant Jean Monnet. The full text of the proposal, which was presented by Robert Schuman and which led to the creation of what is now the EU can be found at: http://europa.eu/abc/symbols/9-may/decl_en.htm

economic but also political. The central political objective was to strengthen Franco-German solidarity, avoid another war and open the way to European integration. The Treaty establishing the ECSC was signed in Paris on 18 April 1951 by France, Germany, Italy and the Benelux countries and entered into force on 24 July 1952. Its validity period was limited to 50 years and thus expired on 23 July 2002⁴⁴ (White 2001: 5).

It is important to note, that the institutional architecture of the European political system as we know it today originated in the ECSC Treaty. Six founding states agreed to establish already mentioned High Authority, an Assembly, a Council of Ministers and a Court of Justice. What is more, the ECSC had legal personality. The most important organ, the High Authority, was a real supranational independent collegiate executive body⁴⁵ with the task of achieving the objectives laid down by the Treaty and acting in the general interest of the Community. It was the High Authority established in the ECSC Treaty that later transformed to the European Commission. The Assembly consisted of national Parliaments' representatives and was given relatively small supervisory powers. The Council was made up of six ministers representing national governments and its two main tasks were to approve important decisions taken by the High Authority and coordinate them with the national economic policies. The ECSC Treaty also established the Court of Justice, which ensured that the law was observed in the interpretation and implementation of the Treaty (Wessels, 2008).

One of the main tasks of the Community, as stated in Chapter X of the ECSC Treaty⁴⁶, was to conduct a common commercial policy towards third countries. Although the Treaty of Paris contained no explicit Community role in the external field, it had a number of powers such as setting maximum and minimum rates for customs duties and supervising the granting of

⁴⁴ Before its expiry, the ECSC Treaty had been amended by the following treaties: Merger Treaty (Brussels 1965), Treaties amending certain financial provisions (1970 and 1975), Treaty on Greenland (1984), Treaty on European Union (TEU, Maastricht, 1992), Single European Act (1986), Treaty of Amsterdam (1997), Treaty of Nice (2001) and the Treaties of Accessions (1972, 1979, 1985 and 1994). Before its expiry, the ECSC Treaty provisions were incorporated into the Treaty establishing the European Community (Summaries of EU legislation 2010)

⁴⁵ The nature of the construction of the High Authority reflected Jean Monnet's vision of simpler, from experts consisting and thus more technocratic governing mechanism that would be more independent from national politicians.

⁴⁶ The full text of the Treaty establishing the European Coal and Steel Community is available online at: <http://eur-lex.europa.eu/en/treaties/index.htm#founding>

import and export licenses, as well as the right to be kept informed of commercial agreement relating to coal and steel. In this context, it is important to note that the early foreign representation of the Community evolved as reaction to external environment, influenced mainly by the commercial policy towards third countries (Spence 2006: 397)

As we have argued, the beginning of the European external representation is also linked to another highly ambitious attempt to extend the promisingly advancing European integration: The European Defense Community. After the outbreak of the costly Korean War (1950-1953), the United States insisted on the creation of European defense force under the NATO command, which would commit European states to shoulder a great burden of defense in Western Europe. This plan involved a full-scale West German rearmament and a continual recreation of German armed forces within an integrated framework. Not surprisingly, such a proposal horrified Europeans and soon led French government to advance a counter-proposal, the Pleven Plan, for a European Defense Community in which a fully integrated European army would be linked to a politically untied Europe. The European Defense Community Treaty, signed in Paris in May 1952, presupposed an establishment of the political superstructure, known as European Political Community, which would have transformed the six founding states into an effective federation containing both a common European foreign and defense policy, with a European Executive accountable to a directly-elected European Parliament. Absurdly, it was the proposal's author, the France, whose National Assembly claiming the EDC is too direct an attack on the core of national sovereignty put an end to this political integration in 1954⁴⁷ (White 2001: 5; Wallace 2005: 430-431; Tsoukalis 2003: 84).

Ironically, it was the failure of EDC and a major crisis it produced in both European and transatlantic relations that paved the way for the EU diplomacy. In this context, it is important to highlight the fact that the relation with the United States has been very crucial from the very beginning of the European unification process⁴⁸. As Tsoukalis puts it, “between trade

⁴⁷ Soon after the collapse of the EDC an intergovernmental compromise led to the creation of the seven-member (Britain, France, the Benelux countries, West Germany and Italy) Western European Union (WEU), which replaced the 1948 Treaty of Western Union (signed as a preliminary commitment in the negotiations which led to the Atlantic Alliance) and whose military capabilities were integrated in NATO (Wallace 2005: 431)

⁴⁸ It is therefore not surprising that on his first working day in 1952, Monnet received a dispatch in the name of President Truman from the Secretary of State Dean Acheson confirming full US diplomatic recognition of the ECSC. The United States was the first non-member country to provide international recognition to the ECSC.

and high politics, relations with the United States have been the single most important determining factor of a common European policy.” (Tsoukalis 2003: 66) The growing concern that the demise of the EDC might signal to the United States a parallel demise of European integration itself led Jean Monnet, the first President of the High Authority of the ECSC, to try to send a positive sign to the contrary⁴⁹. In 1954, as a result of a close cooperation between Monnet, who was unusually well-networked in Washington, and the ECSC’s US lawyer George Ball⁵⁰, a two-room ECSC information office with an annual budget of \$41,000 in Washington was set up⁵¹ (Spence 2004: 64; Spence 2006: 400-401).

This first delegation of the ECSC, led by an American national and a former Marshal Plan official Leonard Tennyson⁵², laid foundation stone of what was to become the External Service of the European Commission. Two years later, Curt Heidenreich, the first EC diplomat serving outside Europe, joined Tennyson and a US Ambassador was accredited to the ECSC in 1956. It was the second overseas mission to establish diplomatic relations with the Community Institutions. The first had been in fact with the UK, which hosted the community’s first full diplomatic mission in London in 1956. Subsequently, the ECSC opened a Liaison Office for Latin America in Santiago de Chile (Moran and Ponz Canto 2004: 13; Spence 2004: 64).

⁴⁹ The early US-Community relationship was marked by the fact that many American influential policy-makers were often more enthusiastic about European integration than many Europeans. Considering the importance of the transatlantic partnership, any loss of such an enthusiasm might have endangered the entire European integration project. This positive relationship was also helped by the fact that the issues of the time were less divisive than they would become as the European integration process continued and global trade expanded.

⁵⁰ George Ball later became a key figure in both the J.F. Kennedy and L.B. Johnson Administrations and had a significant impact on American policy towards European Community.

⁵¹ In this context, it is important to note that the ECSC information office was neither *de facto* nor *de jure* a diplomatic mission. In contrast to nation-state diplomatic delegations in the USA, it could not officially represent the Community or the ECSC Member States. What is more, for almost forty years of European the very wording “common foreign policy” was never mentioned in the Treaties,

⁵² Until 1958, there were only American nationals who run the ECSC information Office in Washington. This fact has long determined the internal structure of the Washington delegation. As Günter Burghardt, former Head of Delegation in Washington, notes, “what differentiated the Washington delegation from national embassies from the outset was and still is its important number of local staff, including American citizens who work tirelessly for the cause of European and transatlantic unity.” (Moran and Ponz Canto 2004: 13)

As the European integration proceeded and the trade relations with third countries deepened, the European Commission, as a successor to the ECSC High Authority, soon needed to respond to growing demand for Europe and begun to take its first steps to be more present in the wider world. In this context, when looking at the history of the European external representation, the evolution of the geographical coverage, tasks and status of the delegations needs to be taken into consideration.

4.2 Commission delegations in development countries

Currently the EU provides approximately 60 per cent of all aid in the world⁵³. The tradition of the EU's developmental and humanitarian assistance to development countries, however, has a long history. At the beginning, the assistance was primarily oriented at the former colonies and dependent territories of European members. This group included most of the poorest countries of the world which needed both sizeable short-term crisis action and extensive long-term technical and administrative support. The first missions were therefore created to manage and control the implementation of development projects run by the Commission in these countries. Given that they were gradually granted more political functions, their history may be seen as a good example of the spillover process. What is more, the gradual institutionalization⁵⁴ of the EC Delegations have played an important role in EC/EU external affairs and significantly determined the future character of EU diplomacy.

⁵³ There are two dimensions of EU development policy that need to be distinguished: on the one hand, the EU, more precisely the Commission, has consistently been among the top four donors in the world transferring bilateral financial resources directly to developing countries; on the other hand, the largest portion of EU multilateral aid is managed by the member states, which historically have resisted any proposal to give up sovereignty in this area. As Carbone notes, "it is only when these two dimensions are combined that the EU becomes the largest provider of official development assistance (ODA) in the world." (Carbone 2011: 326)

⁵⁴ In this context, Véronique Dimier and Mike McGeever define „institutionalization“ as „the process whereby an organization-and the officials who operate therein-develops its own identity or culture by, firstly, defining its mission, e.g. aims, methods, principles, norms, values and types of public action; secondly, inserting this mission into a social structure through recruitment, a socialization process and a specific power structure; thirdly, legitimizing this mission within a specific context; and, finally, giving the institution a certain autonomy *vis-à-vis* its main stake-holder – in this case the EU Member States.“ (Dimier and McGeever

The collapse of the EDC was a defeat for European federalists and signaled that the future integration would be rather gradual and indirect, focusing mainly on economic and social matters (Wallace 2005: 431). As early as 1952, a plan for further integration including a more wide-ranging customs union and a common market embracing the six members of the ECSC was proposed by the Foreign Minister of the Netherlands J.W. Beyen. These ideas together with Jean Monnet's plan for integrating atomic energy were subjected to intensive intergovernmental bargaining, which consequently led to the signing of the Treaties of Rome in March 1957. One Treaty established the European Economic Community (EEC) and the other the European Atomic Energy Community (EURATOM) (White 2001: 5-6).

The EEC Treaty gave legal personality to the EC (Article 210 EEC) and provided that international agreements, including commercial agreements and associations, concluded between the EC and one or more States or an international organization were binding on the EC institutions and on Member States (Article 228 EEC along with Article 238). The core of the EEC Treaty was to be found in Articles 110-116, which dealt with the Common Commercial Policy (CCP) and Common External Tariff (CET), and set out an explicit treatment of policy-making for external relations at Community level⁵⁵. It is important to note that the EEC Treaty allocated an exclusive competence to the European Commission in matters affecting the CCP. As pointed out by Piris, "this was necessary to avoid the possibility that, by concluding international agreements on matters covered by internal EC rules, Member States would affect these rules or impede their development." (Piris 2010: 238)

Giving the Commission the exclusive competence in external economic relations forever determined both the future Commission's role within the Community and the future character of Community's external representation. As Piening puts it, "the key to understanding how and why the Community became an international actor lies in the 1957 Treaty of Rome, which set up the European Economic Community." (White 2001: 49) Given that the broad goals set out in articles dealing with the CCP embraced not just Community interest, but also

⁵⁵ As laid down under Article 113, the negotiating procedure for a „simple“ trade agreement has several stages and involves the Council of Ministers and special committee appointed by the Council.

those of the international economy⁵⁶, the Commission became able to establish its international status through very active relations with third countries and international organizations.

On the other hand, as pointed out by Smith, certain vagueness about the range of Commission's competence in some commercial policy areas soon led to tensions with the Council of Ministers and with individual Member States, the legacy of which is still visible⁵⁷ (Smith 2006: 315-318). The increasing intermingling of Commission, Council and Member States competences soon became typical of the external relations domain. Given that the Community established a major presence in the international arena, and the Commission was central to this presence, its strategy in this area, from the very beginning, was to seek to extend its own competence where possible. It did this by building precedents, for instance, where preambles to its own texts reflected previous Council declarations in non-related areas, or by using implied competence on one area as a precedent for acquiring competence in another (Smith 2006: 322-324). Oft-cited are the examples of the World Trade Organization (WTO) and the Organization for Economic Cooperation and Development (OECD), where both the Commission and Member States are represented, but the Commission has increasingly managed to extend the scope of its competence (White 2001: 55; Smith 2006: 326-327; Tsoukalis 2003: 69,73).

White identifies three types of economic diplomacy the Commission was able to develop. The first and the most important for the evolution of European diplomacy and External Service are the framework instruments. They include different cooperation, association and partnership agreements through which the Commission has created sets of influential frameworks and provided the third countries with aid, economic cooperation and privileged

⁵⁶ Balancing the internal interests of the Community and the demands of the third countries has soon become a central task for the Commission and a source of competence tension between the Member States and the Commission (Smith 2006: 317).

⁵⁷ As Smith notes, it has soon become clear "that the role of the Commission is determined not merely by the formal Treaty provisions but also by the nature of the issues at stake and the attitudes of other EU institutions. Even in areas of common policy, it is possible for the Council and for individual Council members to act as a brake on progress." (Smith 2006: 324)

relationships of different kinds⁵⁸. Given that the Commission policies have targeted not only those third countries whose partnership is valued by the Community or those who want access to the European market or wealth, but also some “delinquent” countries, the Commission has also developed various coercive instruments. This second type of economic diplomacy, developed under the legal authority of Article 113, has enabled the Commission to remove economic favors in the absence of “hard” forms of coercion. The third type includes regulatory instruments which have often been used to stop unfair trading with third countries (White 2001: 56).

Although the main focus of EU external relations has historically been the industrialized countries (such as the USA, Japan, Canada and most recently China) and much of the Commission’s external economic activity has occurred in the context of the GATT/WTO, the OECD and the UN, European diplomacy, however, has been in the first place molded by the sophisticated infrastructure of institutions and contacts dealing with the Third World. In truth, the European commitment to the economic and social development of the countries in the Third World, especially African countries, had already been put forward by Robert Schuman in the Declaration of 9 May 1950⁵⁹. Schuman suggested that “with increased resources Europe will be able to pursue the achievement of one of its essential tasks, namely, the development of the African continent.”⁶⁰ As Frisch notes, in order to fulfill this task, the four Member States (France, Belgium, Italy, and Netherlands), which had overseas territories, agreed “to give up the exclusive economic relations between the “parent” country (supplier of manufactured products) and its overseas territories (suppliers of raw materials) and open up

⁵⁸ Given that the ECSC was created within the existing framework of trade rules established by the General Agreement on Tariffs and Trade (GATT was originally established in 1947) and the six founding members were bound by its principle of multilateralism and the „Most Favoured Nation“ (MFN) clause, according to which any trade concession offered to one country should automatically be extended to all other members, the Community had to seek exemption from MFN treatment to justify its rich collection of different kinds of preferential and association agreements with third countries. In fact, by offering preferences to some group of third countries, the EU was discriminating against other low-income countries (White 2001: 59). Tsoukalis identifies three major groups of privileged partners with whom the EU has signed different kinds of preferential agreements: all candidates or potential members of the Union, countries of Mediterranean region, and countries usually referred to as ACP (African, Caribbean, and Pacific countries) (Tsoukalis 2003: 74-75).

⁵⁹ This initiative was supported mainly by France and Belgium, which possessed large overseas territories and during the negotiations leading to the Treaty of Rome demanded them to be associated with the future EEC (Frisch 2008: 2)

⁶⁰ The Declaration of 9 May 1950 is available online at: http://europa.eu/abc/symbols/9-may/decl_en.htm

markets to all the future Member States of the EEC. In return, the six founding States agreed to play their part in financing the development of these territories.” (Frisch 2008: 3)

Under the Article 238, the EEC Treaty provided measures for association⁶¹ of the then overseas countries and territories (OCTs) of the six founding Member States⁶². The main purpose was to promote their economic, social and technical development and to establish close economic relations between them and the Community. As Tsoukalis points out, these “agreements contained trade liberalization on the European side with no reciprocity on the other, preferential rules of origin, complex arrangements for sugar exports, stabilization schemes for export earnings for several commodities and minerals.” (Tsoukalis 2003: 82) This involved among other things the establishment of a five-year long development fund, known then by its French acronym FEDOM (European Overseas Development Fund), the forerunner of today’s European Development Fund (EDF)⁶³, endowed with some 580 million European units of account (ECU), to be managed by the Commission. The effective management and control of this fund, which was almost entirely used for capital aid programs to develop physical infrastructure such as roads, hospitals, schools and irrigation, required representation in the field. The Commission soon deployed contract teams led by a *Contrôleur Technique* (“technical inspector”) recruited from, mostly French, European engineering consultancy companies to be resident in the mainly African beneficiary countries and carry out strictly project management functions. As Dimier and McGeever put it, “the role of the inspector was also very important in helping the African states to draft their projects, keeping an eye on the consultants, supervising the call for tenders and drawing up financial proposals.” (Dimier and McGeever 2006: 490) In this context, it is important to note

⁶¹ The provisions for association agreements under Article 238 required unanimity among Council members and EP agreement on the basis of majority vote.

⁶² As Tsoukalis puts it, “those agreements can be seen as an attempt at collective management of post-colonial economic ties. Numbers have been increasing with successive rounds of enlargement of the EU.” (Tsoukalis 2003: 82)

⁶³ The EDF is currently „the main financial instrument for cooperation between the EU and the ACP group. It is not included in the EU budget but is replenished every five years by the member states. Decisions are made through a weighted system based on the financial contributions made by individual member states.“ (Carbone 2011: 327)

that at the time the relations between the Community and developing world were in making⁶⁴ and Commission's contract teams soon found themselves dealing with matters well outside their initial terms of reference (Spence 2004: 64-65; Spence 2006: 401; Moran and Ponz Canto 2004: 15-16).

As the majority of the associated countries gained their independence in the early 1960s, they quickly established diplomatic missions in Brussels and, by 1963, 18 African missions had been accredited. These newly independent African countries wanted to consolidate their privileged position with the Community and called for the Commission to designate resident permanent representatives in the associated States. This appeal remained unanswered mainly due to de Gaulle's persistent refusal to provide the Communities with the right to exercise active legation (i.e. the EC having its own single diplomatic representation). He instead proposed his own vision of future political cooperation in Europe, known as "Fouchet plan"⁶⁵, in 1962 (Frisch 2008: 4; Moran and Ponz Canto 2004: 16).

In order to upgrade the presence of the Commission and thus satisfy the growing need for the Delegations, a strange semi-autonomous non-profit organization set up under Belgian law, the European Agency for Cooperation (EAC), funded under a Commission grant was established in 1964. As Spence puts it, "[EAC] was composed of former colonial administrators from Member States administrations or development professionals from the private sector, but it reported to a board of senior Commission officials and its Director was seconded from the Commission." (Spence 2006: 402) The profiles of deployed staff led by the contractual Heads of Mission, known as *Contrôleurs Délégués* (the first appointed "delegate inspector" was René Calais in Chad in 1966), were still essentially technical and they were concerned mainly with development cooperation. These missions were answerable to Commission's DG VIII⁶⁶

⁶⁴ As Frisch puts it, „in Bandung, the „Third World“ had just about managed to organize itself as a „non-aligned movement“ (1955); „development cooperation“ and „developing countries“ were not at all current terms.” (Frisch 2008: 3)

⁶⁵ „Fouchet plan“, named after French diplomat Christian Fouchet, was an unsuccessful attempt by General de Gaulle to regain control for national governments of European policy-making and to give the Member States of the Community a more resonant, effective, and autonomous voice within the Western alliance. It was centered on an overarching structure which would have subsumed the Community institutions (Nuttall 1992: 5,53).

⁶⁶ DG VIII can be seen as an intermediary between the authorities of the associated territories (later independent States) responsible for proposing and implementing the EDF projects, and the Council of Ministers. As Dimier and McGeever put it, “DG VIII was in charge of selecting and analyzing the development projects before they

(today's EuropeAid Development and Cooperation) led until 1985 exclusively by French Commissioners and were entrusted with clear (albeit limited) mandate for representational activity, but did not enjoy any diplomatic status. In this context, it is important to note that the DG VIII soon developed a specific management culture based on very personal relationships, on dependence and staff loyalties both in Brussels and the Delegations. This unique *esprit de corps* helped delegates to work towards necessary compromises between the expectations of the Commission, those of the African leaders and EC Member States, to say nothing of a number of European consultancy firms and businesses (Spence 2006: 401; Dimier and McGeever 2006: 486-487,491).

From 1965 onwards, some 21 missions of this type were established in the associated countries in order to implement Community aid granted through the second EDF (730 million units of account) under the Yaoundé Conventions (1966-1975)⁶⁷ (Moran and Ponz Canto 2004: 16-17; Spence 2004: 65). Shortly after, as a reaction to growing criticism of EC's discrimination of those African states not belonging to the club, an association agreement with Nigeria in 1966 (Lagos Agreement) and an agreement with three east African states, Kenya, Uganda and Tanzania in 1969 (Arusha Agreement) were concluded. All these agreements granted mentioned countries particular advantages in terms of access to the common market. In 1967, the EEC signed the International Food Aid Convention and thus supplemented the cooperation instruments available under the association agreements by food aid, which was the first form of assistance not linked to specific countries (Frisch 2008: 5).

Development and social activities of the Commission were seen in the 1960s as a temporary phenomenon that would not require long-term permanent Commission personnel (Spence 2004: 65). However, it soon became obvious that Commission delegations in the associated

were forwarded to the Member States' representatives. It was in charge of concluding the financing agreement with the African states. It was also responsible for supervising the call for tenders launched by the African states and controlling the implementation of the projects." (Dimier and McGeever 2006: 487)

⁶⁷ The first Yaoundé Convention was signed in the capital of Cameroon with the 18 Associated African States and Madagascar (AASM) and remained in force from 1966 to 1970. Among other things, it laid concrete provisions for financial and technical aid for associated States. The second Yaoundé Convention (1970-1975), however, came up against serious problems. Germany and Netherlands (globalists) increasingly criticized former parent countries, especially France and Belgium (regionalists), for abusing their dominant position in order to acquire a lion share of the concluded contracts (Frisch 2008: 4; Dimier and McGeever 2006: 488; Carbone 2011: 326).

countries are reaching their limits. As the European integration proceeded and the Commission was given more competences in external affairs, the EC/EU found itself compelled to define its international actorness and deploy permanent officials with dedicated Commission career structures. This led to gradual bureaucratization of Commission delegations⁶⁸.

4.3 From technicians to diplomats

In July 1971, under strong support of Germany and Netherlands, the Commission published its first *Memorandum on a Community development cooperation policy* that extended the policy of association beyond the former colonies and offered other developing countries tangible opportunities of cooperation, such as promotion of trade, technical assistance and encouragement of regional cooperation between developing countries. This memorandum paved the way for the signing of the first *Lomé ACP-EEC Convention*⁶⁹, concluded on 28 February 1975 under Article 238 (310) of the Treaty of Rome⁷⁰, between 46 African, Caribbean and Pacific States⁷¹ (which included a part of the former British colonies) and the EC and its nine Member States. As Carbone notes, “the adoption of the Lomé Convention in 1975 was hailed as the latest step in a historical process which went from colonialism towards mutual cooperation and equality.” (Carbone 2011: 326) The EDF rose to ECU 3 billion

⁶⁸ As Dimier and McGeever note, “this [bureaucratization] meant a growing rationalization of its [Commission’s] procedures: the porous organization came to use strict regulations regarding appointments and promotions, rigid definitions of power and jurisdiction and other “bureaucratic tools” in order to ensure impartiality, neutrality and balance between the various competing “clans” and leaders.” (Dimier and McGeever 2006: 486)

⁶⁹ In contrast to the previous agreements, the convention resulted from open and global negotiations and instead of the term “association”, considered neo-colonial by many ACP States, began to use the term “international partnership” (Frisch 2008: 22; Spence 2006: 402).

⁷⁰ The Lomé Conventions went beyond the provisions set out by the Rome Treaty by establishing a rather different policy-making structure involving a distinctive set of actors, such as: the ACP-EC Council of Ministers, the Committee of Ambassadors and the Joint Assembly (White 2001: 52).

⁷¹ The ACP Group was established by the Georgetown Agreement in June 1975 in order to facilitate the future negotiations with Europe. As Frisch notes, “the fact that a single spokesman had negotiated with the Community on behalf of a large group of developing countries brought about new political balance in North-South relations which were unequal by nature.” (Frisch 2008: 13)

covering a period of five years and it was supplemented by ECU 390 million from the own resource of the European Investment Bank (Frisch 2008: 7-8,12).

The convention and the 1973 enlargement brought about enormous change to the Commission's external relations⁷² and to the scope of DG VIII, changing its mission, methods and operating assumptions and requiring an expansion of the Delegation network. As the former UK colonies were now added to the system, a need for reconciliation between the French and British styles of management of aid soon became apparent. The post 1973 reforms included changes in both headquarters and delegations, which were to lead to more efficiency, transparency and rationality of the external representation (Spence 2006: 402; Moran and Ponz Canto 2004: 20). The DG VIII's geographical coverage was restructured in order to encompass the British Commonwealth; the single purely project based approach to management of the EDF was eliminated and the inspectors of the EDF, whose functions were set out in the Lomé convention itself, were renamed into "*delegates of the Commission*" (Dimier and McGeever 2006: 493; Moran and Ponz Canto 2004: 20).

Given that the Lomé convention also covered trade, regional integration and cultural cooperation, the role of the Commission's representatives soon expanded beyond the limited mandate of the *Contrôleurs Délégués* and became more representational and thus political. As the role of the ACP contracted delegates grew in complexity, they began to claim fairer procedures in recruitment, promotion and transfer, to become officials paid from the EC budget and to be granted diplomatic status appropriate to their functions. These claims were all the more legitimate when Commission missions in ACP became full "Delegations" of the Commission⁷³ and especially after 1981 when the political role of the delegates was reinforced by a decision of the Council which stressed that the delegations would take part in political cooperation with the ambassadors of the Member States (Dimier and McGeever 2006: 493-494; Spence 2006: 403).

⁷² As Smith notes, „[one] particular aspect of policy towards the Third World has been the growth of the Commission as a coordinating body for crisis and humanitarian assistance as well as longer term technical assistance. The legitimacy built up in this area had major implications for Commission activism in the crises of the 1990s and 2000s, both in the Third World and closer to home.“ (Smith 2006: 329)

⁷³ According to Spence, the total number of the ACP Delegations of the Commission increased to 41 between 1975 and 1978 and the total staff complement had reached 900, including 250 Europeans (Spence 2004: 66).

Besides the Delegations of the Commission in the ACP countries administered by the DG VIII and the EAC (some 75% of all External Service staff were in these missions), the Commission also established some 31 Delegations managed by the DG I (before the Lisbon Treaty known as DG External Economic Relations⁷⁴) by the early 1980s. These Delegations trace their origins back to the failure of the proposal that would provide the Communities with the right to exercise active legation (discussed in previous chapter) and included (from the mid-1970s fully accredited) Delegations to the OECD in Paris, to the international organizations (to the GATT and later the UN organizations) in Geneva, to the UN in New York and Washington, Caracas, Bangkok, New Delhi and Tokyo. Given that the Commission Delegations were no longer restricted to the ACP geographical area⁷⁵, the number of the Delegation managed by DG I continued to grow. Other southern and eastern Mediterranean as well as some Latin American and Asian (ALA) countries soon entered into cooperation agreements with the Community. The mechanisms of these agreements copied the EDF model but were concluded for an unspecified period and paid through the EC budget and the European Investment Bank. What is more, all these and subsequent agreements included provisions on political dialogues and the promotion of human rights, democratic principles and the rule of law, highlighting the Commission's shift towards a more political dimension⁷⁶ (Spence 2004: 66; Spence 2006: 403; Moran and Ponz Canto 2004: 24,32; Frisch 2008: 14,16).

In 1977, the Commission (in a close cooperation with the European Council) adopted a comprehensive review of the rapidly expanding delegation network, which for the first time defined the main tasks of Delegations in their host countries. Moran and Ponz Canto (2004: 24) mention the most important ones:

⁷⁴ From the 1970s to the 1990s, DG I developed an extensive mechanism of international representation and reporting, responsibility for which was then transferred to DG IA and later to DG RELEX. Under the Lisbon Treaty, the EEAS took over the DG RELEX's functions, merging them with its counterparts in the Council of the European Union.

⁷⁵ See the list of current ACP Countries in Annex

⁷⁶ The shift towards promotion of human rights and rule of law can be seen as a logical and pragmatic step to enhance the economic cooperation and outcome. As Tsoukalis puts it, "the ACP group includes too many economic and political disasters: oppressive regimes, widespread corruption, and declining living standards; in other words, many weak or failed states for which the agreements signed with the EU cannot on their own serve as the mechanism to extricate them from the vicious circle of economic and political underdevelopment." (Tsoukalis 2003: 82)

- *to provide advice and support for officials travelling on Community business;*
- *to act as a contact point for those wishing to communicate with the institutions;*
- *to provide information on EC aims and objectives;*
- *to assist in the execution of EC policy and cooperation agreements;*
- *to cooperate with Member States in situ and keep them informed on the implementation of EC policy; and, last but by no means least*
- *to encourage cooperation and coordination with and between Member States missions*

Delegations administered by the DG I soon assumed political and diplomatic functions and signed one by one an *accord du siège*⁷⁷ (establishment agreement) with their host countries. These agreements were based on the 1961 Vienna convention on diplomatic relations and thus accorded full diplomatic privileges and immunities to the head of mission and his foreign staff. The Delegations soon developed own techniques of negotiation, representation, confidential dealings with a wide range of international organizations and NGOs and political and economic analysis. They were equipped with the staff and support from Brussels to engage in external representation and acquire high-level access. The DG I proposed “that all future new DG I heads of delegation in grades A1-A3 should be accorded in their letters of credence, signed by the President of the Commission, the personal rank and courtesy title of ambassador in their country of accreditation for the duration of their duties as heads of delegation.” (Dimier and McGeever 2006: 496) Given that the European Community was not a state, the process of granting diplomatic status to the DG I delegations was very incremental. As new delegations were opened, third countries and international organizations one by one accepted the revolutionary thesis that the European Community as a diplomatic actor could be accepted as a state. The nascent External Service came to being without direct involvement of the Member States and in 1985, when the official European flag first appeared as pennant on some delegation’s car, they realized that an EC diplomatic service had been created (ibid., p. 496-497).

As the Commission continued to establish its permanent diplomatic machinery around the world, a number of diplomatic missions of third countries accredited to the Community in

⁷⁷ Given that provision regarding the establishment of diplomatic relations in the 1961 Vienna convention on diplomatic relations applied exclusively to States, Delegations of Commission were therefore obliged to sign a special bilateral establishment agreement with the host country.

Brussels grew steadily. This growing diplomatic network was of great importance both to the Commission and to third countries. As White notes, "for the commission, it facilitates its role as both negotiator and regulator of agreements. For third parties, the network provides lines of communication and access to a policy process that can often seem to them complex, confusing and difficult to penetrate." (White 2001: 54)

The co-existence of two different types of missions and several categories of delegates and heads of mission administered by constantly competing DG I and DG VIII, as well as identity crises were not the only factors that led both the young service and the Commission into more administrative inconsistencies and incoherence. The problem of insufficient professionalism was another major challenge that needed to be dealt with. As well summarized by Adrian Fortescue, a former UK career diplomat:

They [Delegations] also have the same needs as embassies to cope with specific requirements of a diplomatic life in distant parts. Above all, they need to attract quality personnel who can give their best efforts to the work involved without fear that they are suffering professional or material damage by being absent from HQ. (Moran and Ponz Canto 2004: 29)

The human resource issues were mostly linked to the fact that administrative chiefs such as DG VIII, DG I and DG X (the latter being responsible for the information offices) treated "their" delegations primarily as an extension of their particular service, rather than as representing the institution as whole. Delegation staff had very few opportunities to serve in Brussels and it suffered from lack of career development and appropriate diplomatic training. Given that the most of the Commission officials in the 1960s and 1970s had been recruited for developmental and technical tasks, there was a considerable shortage of properly skilled personnel in the Delegations of the Commission that would take up new diplomatic roles (Spence 2006: 404-406). As Moran and Ponz Canto note, "a cursory glance at the *organigrammes* of DG VIII and DG I in the mid-1980s shows that fewer than 10 % of middle or senior management had any delegation service behind them." (Moran and Ponz Canto 2004: 31)

As the number of Delegations rose and the Community continued to develop its international impact, it became increasingly difficult in practice to separate external economic activity from a political context. It was almost impossible to conduct effective aid policy or developmental

assistance without having agreement on the broader political context within which aid and technical assistance were to be provided. With the growing economic interdependence between states in the early 1970s this problem became even more obvious. As White puts it, “the changing international context within which the Community operated served only to underline the practical utility of establishing some system of coordinating foreign policy rather than simply relying on bilateral relations between member and non-member states.” (White 2001: 73)

4.4 European political Cooperation

The establishment and the success of the EEC revived aspirations to give an overtly political dimension to Community’s external activities. The growing demand for a more unified political cooperation in external affairs among Member States can be explained by both internal and external contextual factors. Internal factors included three major developments. First, after the de Gaulle’s resignation, the resolution of a general problem of “widening” (membership enlargement) versus “deepening” (further integration) at the summit meeting in The Hague in December 1969 was achieved⁷⁸. As Wallace puts it, “French acceptance of “widening” with negotiations for British accession was balanced [...] by commitments to “deepen“ economic and monetary union (EMU), and by renewed efforts at political cooperation.” (Wallace 2005: 433) Second, as the West Germany’s economic and political power grew, it started to look for ways to promote its own international interests. This was reflected in a wish of the West Germany government to acquire a multilateral support for its *Ostpolitik* (towards East Germany and the Soviet Union and its allies in Eastern Europe) by locating it within a European political framework. Third, after the de Gaulle’s departure, the integration ideal that economic integration was only a first stage on the way to real European political union able to play an active role in world affairs, acting as a single unit, and speaking with one voice, once again won recognition (White 2001: 72; Wallace 2005: 433).

⁷⁸ In 1961, Britain, Denmark, Ireland, and, in 1962, Norway submitted their application to join the EEC. The general question was: could the Community enlarge its membership and continue with the integration at the same time? Given that France vetoed the British application on two occasions, on 1963 and 1967 because French President Charles de Gaulle feared the very close British links with the United States, this problem could not be solved until de Gaulle was in office (White 2001: 6-7).

As we shall see, it was rather immediate and substantive external pressures and demands from third countries than the internal dynamic of European integration that impacted upon the creation of a political complement to Community's external economic relations. As Allen puts it, "at the end of the 1960s attempts to pursue an exclusively economic external policy provoked both economic and political responses, and determined efforts by third countries to make linkages between economic, military and political issue areas." (Allen 1998: 46) More clearly, it soon became apparent that Community's development policies might give rise to responses in the politico-military sphere on the part of third countries. In a period when US policy-makers were preoccupied with Vietnam, questions about the reliability of the United States as an ally only stimulated such concerns (White 2001: 72; Wallace 2005: 433).

From October 1970 following the Luxembourg Report, the Member States' foreign ministers and officials began to consult one another on major international policy problems, in a purely intergovernmental manner, operating by the rule of consensus, outside the existing EC institutions and treaties, through what was then called European political cooperation (EPC). The main aim was to discuss, exchange information and coordinate Member States' positions on international affairs (excluding defense) and, where appropriate, to act in concert. The quarterly meetings were prepared by the Political Committee, consisting of "political directors" from foreign ministries, under which soon developed a network of working groups (Wallace 2005:433). Additional support at the highest level was provided by the creation in 1974 of the European Council. The rotating presidency (later extended under the "Troika" system to include officials seconded from the previous and the following presidencies) was another key actor involved in the EPC mechanism that initiated periodic meetings of foreign ministers and administratively supported the EPC. Day-to-day agenda was managed by a group of junior national officials, known as the European Correspondents, who communicated with each other through a secure telex link COREU (Correspondance Européenne) managed by the Dutch foreign ministry (White 2001: 74-75).

On the hand, EPC created both an old secret style framework for multilateral diplomacy that helped to mitigate the initial skepticism of governments and a powerful socialization mechanism promoting the cross-national collegial solidarity, common identity and network of informal contacts among European diplomats; on the other hand, the rigorous exclusion of the

Commission⁷⁹ in the early years (the 1981 London Report⁸⁰ ended restriction on Commission participation in EPC) and the initial strict separation of “foreign policy” from “external relations” forever determined the character of common European foreign policy and gave a birth to the second type of the European foreign policy system: *Union foreign policy* (see chapter 2.1 *Conceptualizing the EU as an international actor*). However, as soon as EPC was established, external events and international actors began to exert a persistent demand that the “Europe” links the areas of “high” and “low” politics and in so doing starts to act in an increasingly unified way.

The pressure of outside events - crisis in transatlantic relations in the early 1970s⁸¹, the disputes about the Arab-Israeli War of October 1973 followed by the European dismay at the drift of US policy in towards confrontation with the USSR (1979-1981), the revolution in Iran (1979), the Soviet invasion of Afghanistan (1979), the coup in Poland (1981), the Argentinean invasion of the Falklands (1982), or the Israeli invasion of Lebanon (1982) - only highlighted the need to make use of Community instruments to secure more effective and coherent European foreign policy (Trauner 2004; Algieri 2010; Hill 1992; White 2001). On the other hand, there were several “cases” in the early years of the EPC, which involved direct linkage between political and economic relations and necessitated limited Commission involvement (Nuttall 2006: 343). Frequently cited examples include the cooperation of the Member States and the Commission within the Conference on Security and Cooperation in Europe (CSCE), the launch of the Euro-Arab dialogue independently of the USA at the European summit meeting in December 1973, the economic sanctions applied to the Soviet Union by Council Regulation, or the imposition of restrictive measures against South Africa (Nuttall 2006: 343-346). As Brian White puts it, “it was the evolving agenda of EPC that finally brought the Commission centre stage in the EPC process, illustrating an important linkage between the

⁷⁹ Following the Luxembourg Report, the Commission would be consulted only if Community’s external relations were affected by the work of EPC (The full text of the 1970 Luxembourg Report is available online at: <http://www.cvce.eu/viewer/-/content/4176efc3-c734-41e5-bb90-d34c4d17bbb5/en>).

⁸⁰ Although the foundations of the EPC mechanism were originally adopted in the 1970 Luxembourg Report, they were developed and reshaped in the 1973 Copenhagen Report, the 1981 London Report, the 1983 Solemn Declaration on European Union, and finally codified in the 1986 Single European Act.

⁸¹ As pointed out by Wallace, the relations with the US have always had a major forming impact on the EPC. In his “Year of Europe” speech of April 1973, Henry Kissinger, US Secretary of State, provoked a debate on the links between European and Atlantic political cooperation, which resulted into a bitter Franco-US confrontation, with other European governments caught in between (Wallace 2005: 433).

contextual, agenda and process elements of the policy system.” (White 2001: 77). As Nuttall notes,

The Commission [...] made slow but steady progress into EPC mechanisms. It made itself acceptable by the modesty of its behavior and indispensable by its technical expertise, especially on trade policy questions. From practical point of view, and setting aside theoretical considerations, this was something the Member States could not do without. (Nuttall 2006: 344)

The birth of European political cooperation had also a considerable impact on the Delegations of the Commission. On the one hand, Delegations found themselves involved in sensitive and confidential matters with Member States’ diplomatic missions and the Member States increasingly begun to take on board the Delegation’s expertise in EC policy, its institutional memory and the fact that the Commission was the only stable element in the fluctuating constellation of troikas; on the other hand, Commission delegates did not enjoy the full confidence among ambassadors on the spot that would be needed if the Commission was to play its proper role (Moran and Ponz Canto 2004: 32). This problem of peer respect was well highlighted by one former European Correspondent: “the foreign policy establishments of all Member States, confidently reposing on their long-lasting traditions of state diplomacy, were at best inclined to treat the Commission with the high courtesy of condescension.” (Nuttall 1996, 130) As Michael McGeever, who served in seven posts as Head of Delegation, notes, “we [Commission Delegates] were expected to be models of discretion and self-effacement particularly vis-à-vis our own Member State’s representatives...” (Moran and Ponz Canto 2004: 26)

The 1986 Single European Act⁸² (SEA) did not introduce a substantial change to the relations between the Commission and the Member States. The SEA codified the hitherto rather informal EPC, according to which the Member States endeavored jointly “to formulate and implement a European foreign policy” (title III Art. 30 (1)) and formalized the full association of the Commission with the proceedings of Political Cooperation (title III Art. 30 (3b)). The SEA granted no new responsibility to the Commission, which would continue to define “European interests” via its sole right of initiative and powers to negotiate for and represent the EC under a mandate from the Council, but it demonstrated unprecedented awareness of

⁸² The full text of the 1986 Single European Act is available online at:
http://ec.europa.eu/economy_finance/emu_history/documents/treaties/singleeuropeanact.pdf

the dangers of incoherence implicit in separate procedures for Community external policies on one hand and EPC on the other (title III Art. 30 (5)). It also mentioned the delegations formally and codified the obligation of the Member States and the Commission to intensify the cooperation between their representations accredited to third countries and to international organizations (title III Art. 30 (9)). At that time, when “common positions” were adopted, they only constituted “a point of reference” for the policies of Member States (title III Art. 30 (3c)). As Nuttall notes, “while conferring no new powers, the SEA confirmed the practice which had grown up since the London Report, whereby the Member States and the Commission intensified cooperation between their representatives in third countries and international organizations.” (Nuttall 2006: 348) On the other hand, the SEA, in fact, formalized a twin “pillar” structure (although not in name) with the Community and EPC remaining clearly separated and thus determined future bifurcation of the EU’s external profile.

A notable change towards the professionalization and unification of the External Service was brought by the “Annex X” to the Staff Regulations (specifying the measures and procedures applicable to officials abroad) in 1987. As Moran and Ponz Canto note, “these changes were significant, not least because new delegations were opening at an average rate of five every year in the 1980s, and the Commission needed large numbers of quality personnel to man them.” (Moran and Ponz Canto 2004: 33) With the 1987 reform, the number of delegates rose overnight from 165 to 440 and the local staff complement had reached 1440 (*ibid.*, p. 34). Annex X defined the rights and obligations of Commission officials serving in Delegations and formally set out financial and material support for official posted overseas comparable to that applicable for Member States diplomats. As Spence notes, “this began to remedy the career development deficiencies and provided the Commission’s resource management counterpart to the role it and its delegations were to play under the foreign policy provisions in the SEA.” (Spence 2004: 67)

Annex X granted the EAC staff serving in the ACP Delegations the status of civil servants with specific attributes. In 1989, under the fourth Lomé convention⁸³, all ACP States agreed

⁸³ There were altogether four Lomé Conventions: Lomé I (1975-1980), Lomé II (1980-1985), Lomé III (1985-1990) and the ten-year Lomé IV Convention (1990-2000). The volume of funds continued to increase from one EDF to the next: Lomé I: ECU 3 billion; Lomé II: 4.5; Lomé III: 7.4; Lomé IV/1: 10.8. The development

to sign an establishment agreement and thus granted the Delegations full diplomatic privileges and immunities. The service would in future be administered under common statutory rules, although it would take more time before a unified management structure could be placed within Commission. Thus, in the period 1988-1993, all Delegations of the Commission were managed by the Directorate for the Administration of the Delegations (DAD), specific section within the DG IX (Personnel and Administration), which took over the functions of the EAC (Spence 2006: 404-406; Dimier and McGeever 2006: 498).

With 89 missions spread across six continents in 1988, the External Service had become the sixth largest in the world and thus achieved a truly global reach. What is more, Delegations of the Commission seemed to represent the unique bridge between “low” (economic) and “high” (political) affairs. They became the Commission’s eyes and ears on the ground and act as mouthpiece *vis-à-vis* the authorities and other actors in their host countries. They were now playing a vital part in delivering Community policies in their host countries, whether it be: political cooperation, trade relations, development cooperation, high-level visits assistance, human-rights promotion or information gathering (Moran and Ponz Canto 2004: 34). This process had been, however, marked by an extensive growth of bureaucratization. As well summarized by former German delegate:

Being civil servants with the diplomatic status of ambassadors, we gained in prestige, having been finally accepted by the ambassadors of the EU Member States and the ambassadors of the other countries locally...Concerning the implementation of our projects and programs in developing countries, the change in our status was very helpful in the end. But in the delegations where we used to be for a long time the absolute masters (*des vrais patrons*) in all administrative matters, we lost all our power and became like other members of delegations, slaves of a rigid, nitty-gritty administrative system. (Dimier and McGeever 2006: 499)

instruments, protagonists and the beneficiaries of cooperation also became more diverse. In particular, NGOs and the private sector started to play a growing role (Frisch 2008: 18).

4.5 Building a common foreign policy

The Maastricht Treaty entrusts the diplomatic representatives of the Member States and the delegations with the task of representing the EU in non-member countries and international organizations. This has effectively made you indispensable instruments in the EU' expanding role on the international stage of our globalised world.

Romano Prodi

A qualitative and quantitative change in both the Commission's External Service and the Commission's role in external relations itself came with the cataclysmic changes taking place in Central and Eastern Europe in 1989⁸⁴. The fall of the Communist regimes, the disintegration of the Soviet empire and the possibility of German reunification changed the political map of the Europe and required immediate response from the Community to provide political and economic assistance in the reform process. As Smith puts it, "the success of the reforms was considered crucial for ensuring long-term stability and security in Europe, in the belief that capitalist, free-trading, democratic countries make better neighbors because they do not pose a threat to security." (Smith 2004: 43) At once, Europe seemed prepared to play the same role vis-à-vis Central and Eastern Europe that the US had played in Western Europe immediately after the Second World War (Allen 1998: 47).

In this context, Nuttall mentions two remarkable occasions in the pre-Maastricht Treaty era which centered on unprecedented agreement of Member States that there should be a common, consistent and dynamic approach to Central and Eastern Europe and given its prior experience in development aid programs, the Commission should play the leadership role in this process⁸⁵. First, at President Bush's instigation, but with Commission President Delors' willing acquiescence during the Western Economic Summit (G7) in July 1989, the Community emerged as the unprecedented leading actor in the West's relations with the reforming Central and Eastern Europe and the Commission was entrusted with the task of

⁸⁴ The Community's relations with Central and Eastern Europe through 1988 were very limited. As Karen E. Smith notes, "until 1988, neither the Community nor EPC played a significant role in relations with Eastern Europe, Relations between Eastern and Western Europe were constrained by the Cold War, leaving little room anyway for the Community/EPC to act. But the member states also retained control over their bilateral relations with the East European states, thereby limiting any potential role for the Community/EPC." (Smith 2004: 22)

⁸⁵ The agreement was reached at the General Affairs Council meeting on 24 April 1989. The Council adopted the proposals put forward by Belgium and the Commission to intensify the cooperation between both the Community and Central and Eastern Europe, and Community and EPC policies (Smith 2004: 47).

coordinating the international G-24 aid program to Poland and Hungary. Second, the Commission played a primary role in the negotiation of second-generation agreements with the candidates and potential members from Central and Eastern Europe and the agreements with Soviet Union and later with its successor States (Nuttall 2006: 348-349). As Smith points out, this highly visible leadership role entrusted to the Commission in Central and Eastern Europe “would have implications for the Community, both for external policy and for internal developments.” (Smith 2004: 49)

Besides the G-24 aid program, the Community also set up its two own aid programs: the PHARE program⁸⁶, focusing on Central and Eastern Europe and TACIS⁸⁷, operating in Russia and the newly independent States. Both aid programs were administered by the DG I and required close supervision and monitoring on the spot. This and a pressing need for Europe to enhance its political profile in newly reborn sovereign states led to an unprecedented expansion of the Commission’s External Service. As Wallace notes, “with over 100 missions in third countries, it [the Commission] had a wider network than many member states, with significant funds to distribute in developing countries and in the former socialist states.” (Wallace 2005: 440) At the beginning it was impossible to set up full diplomatic missions in all of the countries concerned and some of these delegations had to have regional mandates (Moran and Ponz Canto 2004: 40; Smith 2004: 70-72). In 1995, the Commission, in close cooperation with the Council, anew mapped out the major lines of EU’s policy towards the most important regions such as Russia, the Mediterranean area, Latin America, and Asia⁸⁸. This move pointed to a literal globalization of the EU’s external attention, which in the

⁸⁶ PHARE (Poland and Hungary Assistance for Restructuring of their Economies) was established by the General Affairs Council in December 1989 to support the economic and political transformation of Poland and Hungary, but it was soon extended to 8 additional countries. PHARE’s initial budget was 300 million ECUs, but in 1999 the amount allocated soon increased to 1.634 billion ECUs.

⁸⁷ TACIS (Technical Assistance for the Commonwealth of Independent States) was established by the General Affairs Council in 1991 to aid 13 members of the Commonwealth of Independent States.

⁸⁸ This was reflected in the *Conclusions of the Presidency* after the European Council of Madrid in December 1995. They included the Report on relations with the Central and Eastern European Countries, the Barcelona Declaration adopted at the first Euro-Mediterranean Conference, the New Transatlantic Agenda adopted during the EU-US summit meeting, the EU’s position for the first Euro-Asian Summit (ASEM), the European Union’s Strategy for Future EU/Russia Relations, Council guidelines for cooperation between the Community and Latin America, as well as references to the Regional Framework Agreement with Mercosur (Keukeleire and MacNaughtan 2008: 53).

previous five years had mainly focused on the Central and Eastern Europe and determined EU policy for the following decade (Keukeleire 2003: 45-46).

In this context, in terms of functions, it is important to distinguish two different types of Delegations of the Commission: Delegations accredited in states with the perspective of attaining membership of the EC/EU and Delegations accredited in states without such a prospect. The former increasingly took on new important responsibilities such as providing pre-accession assistance, supplying necessary information on the Union to all levels of society and preparing their host countries to adopt the EU *acquis communautaire*. They also played a key role in the preparation of the Progress Reports on applicant's ability to meet the conditions of membership as set out by the 1993 Copenhagen Council (Pajtinka, 2005: 24). Given that the Commission from the very beginning decided to employ local staff at all levels in its Delegations consisting of economic advisers, press and information specialists, project managers, researches and IT experts, the Commission Delegations possessed the necessary know-how and experience and were best equipped (in contrast to Member State embassies) to meet the various requirements and challenges in the candidate countries (Cameron 1998: 64). In fact, the successful results in stabilizing most of the Central and Eastern European states can be considered a remarkable achievement of EU diplomacy. As Keukeleire notes, "helping to stabilize and restructure the ten associated central and eastern European states is possibly more crucial for European security than defeating Iraq in Kuwait or Serbia in Kosovo." (Keukeleire 2003: 47). On the other hand, as the Delegation acquired new functions and responsibilities, their gradual bureaucratization seemed to be inevitable. As Dimier and McGeever note, "with the idea of linking development projects to political conditionality and the growing importance of the common foreign and security policy, heads of delegation were given more and more political functions, meaning also more control from headquarters." (Dimier and McGeever 2006: 499)

Having experienced the positive outcome of EC-EPC collaboration in Central and Eastern Europe, several Member States (Germany and Benelux countries) and the Commission expressed throughout 1990 the wish to bring EPC to a much greater extent within the Community framework. As Nuttall points out, bringing foreign policy and defense within the integrated framework of the EC "would have meant merging the EPC and EC machinery within the Council, at least at Ministerial level. It would also have meant introducing a degree

of majority voting for foreign policy questions and providing the Commission with a role resembling that which it performed in the Community.” (Nuttall 2006: 349)

This courageous attempt, however, raised some serious concerns and doubts. They were well summarized by Jacques Delors, the former President of the European Commission: “Does the Community have the political will to act in a coherent and unified way on these vital foreign policy issues? Are we ready for enhanced global cooperation, and are we prepared to devote the necessary human, financial, and economic resources?” (Delors 1990: 15) However, it soon became apparent that all similar proposals together with the radical attempt by the Dutch presidency to bring all aspects of European policy into a unitary union structure and in so doing ensure the efficiency and coherence, were destined to fail (Keukeleire and MacNaughtan 2008: 50). The determination of other Member States to ensure that foreign policy and defense would remain to be handled on an intergovernmental basis and therefore outside Community framework put an end to all integrationist hopes to establish a strong European Political Union (EPU) (Nuttall 2006: 349-350; White 2001: 9). As Keukeleire points out, even those Member States that were in favor of a strong CFSP wanted to retain full control over it; “for Bonn and Paris in particular, the CFSP was more important as symbol than as substance. They took the initiative to create the CFSP in order to mend the rift between them caused by the movement towards German unification. Creating an effective and credible European foreign policy actor was thus not their first objective.” (Keukeleire 2003: 33)

In this context, it is important to remind that European integration does not take place in an international vacuum and several external developments throughout 1990-1991 accelerated the heat of debate among national negotiators at the Intergovernmental Conference and led to formation of several dividing lines among Member States. As Wallace notes, “if the negotiators had been able to focus on the issues at stake undistracted by extraneous developments, the Maastricht package on CFSP might conceivably have been tied up more neatly.” (Wallace 2005: 436-437 cf. Keukeleire and MacNaughtan 2008: 49)

There was a considerable dividing line between Atlanticists (Britain, the Netherlands, and Portugal), which centered on the US determination to maintain the primacy of NATO in post-cold war Europe and Europeanists (France, Belgium, Italy and Germany), which wanted to

ease the relationship between the Atlantic Alliance and the EU. This was reflected in the negotiations on the appropriate link between the EU and WEU. A compromise was reached in the new NATO Strategic Concept adopted at the NATO summit in Rome of November 1991, which approved the development of European multinational forces as the preferred instrument for European defense policy, but also reaffirmed the leading role of the NATO. Yet it remained unclear how all this would translate into practice. The outbreak of the Persian Gulf War in August 1990, the Yugoslav crisis and Germany's unilateral recognition of Croatia and Slovenia led to creation of other dividing lines between Member States and had a major impact on negotiation results (ibid., p. 436-438).

4.5.1 The Maastricht Treaty and the illusive CFSP

The Treaty on European Union (TEU) establishing the EU was signed at Maastricht on 7 February 1992 and entered into force on 1 November 1993. It laid foundations for a Union based on three "pillars". The most powerful pillar 1 contained the three established Communities now referred to as the European Community (EC) and incorporated all the major internal areas of policy together with external areas falling within Community competence. Pillar 2 contained the Common Foreign and Security Policy (CFSP), which succeeded EPC, and pillar 3 dealt with cooperation in areas related to justice and home affairs (JHA). In contrast to the Communitarian Pillar, the issue areas contained within Pillars 2 and 3 were decided exclusively by intergovernmental agreement. The TEU also introduced the European Security and Defense Identity (ESDI) and designated the WEU as the EU's future defense arm⁸⁹ (Article J.4; White 2001: 9).

The replacement of EPC by the CFSP under the Title V of the TEU (the structures serving the previous political cooperation were integrated into the Council structures) promised to create a more effective and coherent European foreign policy including for the first time security and defense policy, but it merely reflected existing practice as it had evolved since the SEA. As

⁸⁹ The WEU Council meeting in Bonn in June 1992 was able in the "Petersberg Declaration" to outline a distinctive role for WEU in undertaking humanitarian, peacekeeping and peacemaking operations. The Petersberg Declaration defined a list of the "Petersberg tasks", which cover a great range of possible military missions, ranging from the most simple to the most robust military intervention.

Keukeleire and MacNaughtan note, “although all member states accepted CFSP [...], some were firmly opposed to a CFSP that would be able to make true its name. And for other member states, CFSP had already fulfilled its main function at the moment of its creation.” (Keukeleire and MacNaughtan 2008: 49)

According to Article J.2 “Member States shall inform and consult each one another within Council on any matter of [CFSP] of general interest in order to ensure that their combined influence is exerted as effectively as possible by means of concerted and convergent action.” The TEU, however, failed to provide the CFSP with necessary instruments and institutions required for an effective foreign policy. On the one hand, the TEU appointed Community institutions, the Council (the previous Ministerial Meetings of EPC now officially disappearing), COREPER (the Committee of Permanent Representatives) and the Commission to be jointly responsible for coherent external affairs; on the other hand, the measures remained to be firmly in the intergovernmental mode and fell considerably short of what was sought by those who wanted foreign and security questions to be decided by Community procedures. In other words, despite the system of intense interaction between the European Council, the Council, COREPPER and many CFSP working groups, “the efficiency of the CFSP in settling mutual relationships is more limited as a result of the absence of “neutral” supranational actors able to function as mediators of buffers.” (Keukeleire 2003: 35). The key features of the original EPC framework – separate institutional framework, exclusion of autonomous supranational institutions, consensual decision-making, absence of legally binding commitment and enforcement mechanisms – were still present in the provisions of the CFSP (White 2001: 97; Nuttall 2006 352) As Gebhard puts it, “the institutional background the treaty provided for political cooperation among the Member States *reinforced* the pre-established dualism between supranational integration and intergovernmental cooperation instead of removing it.” (Gebhard 2011: 104)

The TEU gave the Council, together with the rotating Presidency of the Council (assisted by *Troika*), a unitary role in the new process and in so doing formalized the rivalry between the Commission and the Council in the struggle to supplant national foreign offices in creating and maintain a European foreign policy. As Allen notes, “the TEU ensured the emergence in Brussels of two rival cultures, each with their own institutional base and their own rationale for assuming responsibility for identifying and representing the European interest.” (Allen

1998: 51) The Council was empowered to adopt, by unanimity, “common positions”, which bound the Member States. One of the most important innovations was the introduction of majority voting for the implementation of “joint actions”. The decision to decide by majority, however, had to be taken unanimously (Article J.3). The obligation to take decisions by unanimity has proven to be a major obstacle in view of the often contradictory opinions among Member States on the way in which the EU should act in the external world. As a result, joint actions and common positions were used to a limited extent only, and had only limited impact on the external environment. Policy initiative, representation and implementation were explicitly reserved to the Presidency (Article J.5). It chairs mutual consultations among the member states’ delegations in third countries and international organizations. Also proposals for joint actions, common positions, demarches and other initiatives are often formulated by the Presidency. The ambivalent “European” statute (it is a Community institution composed of national actors), the lack of continuity, the limited availability, the absence of sufficient instruments, and the lack of authority and leadership (Presidency depends on a mandate of the Council) have soon become identified as the major obstacles for coherent and effective foreign policy (Keukeleire 2003: 40-41; Wallace 2005: 438).

The TEU formalized the co-equal right of initiative of the Commission with Member States and thus provided the Commission with the opportunity to act in a more structured and consistent way. The Commission was now formally involved in all stages of CFSP activity (Article J.9). Its representational role was also enhanced (Nuttall 2006: 351; White 2001: 98). Given that the Commission was now responsible for consistency in all external actions including coordination of CFSP policy “on the ground”, other international actors were increasingly regarding the Commission “as the prime focus of the European input into international affairs.” (Spence 1999: 259-261) What is more, it was soon agreed that any declarations made under CFSP would be made not “on behalf of the EU and its member states” but on behalf of the “EU only”. As White points out, “this has more than linguistic significance and can be regarded as an important step towards creating a more integrated actor identity in foreign policy.” (White 2001: 98).

The TEU created diplomatic framework more precise than the SEA and for the first time defined the roles of the Commission Delegations in European primary law:

The diplomatic and consular missions of the Member States and the Commission Delegations in third countries and their representations to international organizations shall cooperate in ensuring that the common positions and common measures adopted by the Council are complied with and implemented. They shall step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in article 8c of the Treaty Establishing the European Community (TEU Title V J.6).

The provisions in Article 8c, which stated that “every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State”, can be viewed as both an attempt to provide ordinary citizens with a direct benefit from increased cooperation and a possible solution to shrinking budgets of the Member States foreign ministries.

The official recognition of the Commission Delegations led also to new reforms. In order to increase the Commission’s influence in external representation, the Delors Commission shifted the responsibility for foreign policy from the EPC unit in the Secretariat General to a new Directorate General, DG IA, with a Commissioner specifically charged with CFSP. As Allen puts it, with the establishment of the DG IA, the Commission revealed its intent to construct its own equivalent of a “foreign ministry” (Allen 1998: 52). As the range and volume of Commission’s external responsibilities increased, the profile of new DG I expanded in parallel. The responsibility for Delegation staff was taken from EAC and DG IX, and given to a specific committee within DG IA. At the end of 1996 DG IA was responsible for a network of 127 Delegations around the world, employing 729 staff in Brussels and 2,452 overseas (Cameron 1998: 63). However, besides DG I (responsible for external economic relations) and DG IA (responsible for external political relations), two other directorates-general, each reporting to different Commissioners, were responsible for relations with third countries. As Wallace notes, “this scarcely made for an integrated approach to economic and political issues, or for global approach to the EU’s external relations.” (Wallace 2005: 440) It soon became obvious that this artificial division of political and economic areas was less than satisfactory.

In 1994, the Unified External Service (UES) was created to replace the DAD. With the 1995 enlargement the Santer Commission (1995-1999) reunited political and economic affairs and established four separate DGs: DG IA became responsible for Europe and the Commonwealth

of Independent States, the CFSP and external missions. It soon developed a number of horizontal units including those of the European correspondent, Planning, Human Rights, Security Issues, UN, OSCE, and Council of Europe. DG I became responsible for commercial policy, relations with North America, the Far East, Australia and New Zealand. DG IB became responsible for the Southern Mediterranean, Middle East, Latin America, Southeast Asia, and North-South Cooperation. DG VIII became responsible for development cooperation with ACP countries, plus Lomé Convention. Commissioners of these four DGs together with DG for Economic and Financial Affairs and the European Commission's Humanitarian Office (ECHO) became known as the Relex Group of Commissioners and their regular meetings, chaired by the President of the Commission, were prepared by the Relex Group of Directors General (Cameron 1998: 62-63). However, it soon became apparent that existence of several policy portfolios of the Commissioners responsible for external relations, as well as their DGs, would lead to disputes and competition. As Spence points out, "shifting constellations of internal organization for the panoply of external relations portfolios resulted in an absence of consensus within the Commission as to what the nature of the Commission's arrangements for coordinated input into external relations and CFSP really should be." (Spence 2006: 370)

The 1996 "Williamson Report" brought significant reforms in terms of further rationalization and professionalization of the External Service. Its key recommendation included new principles and mechanisms of rotation between headquarters and delegations, such as the obligation to serve abroad for all officials working in the external relations field, new appointment policy and a commitment to career development and professional training (Spence 2006: 407; Dimier and McGeever 2006: 498). Given that the future advancement depended among other things on the willingness to be mobile, the overseas service soon became very attractive. As Moran and Ponz Canto note, "by 2003, a large number of management posts in the External Relations, Development and EuropeAid DGs in Brussels were manned by such personnel." (Moran and Ponz Canto 2004: 48) The establishment of common training has been identified as one of the most crucial developments in the history of EC/EU diplomacy. As Dimier and McGeever put it, "the Commission considered these measures as necessary to create "diplomatic identity" and a more "professional service". Maintaining an *esprit de corps* amongst the staff of the delegations and headquarters is crucial for the good working of this newborn bureaucracy." (Dimier and McGeever 2006: 498)

The TEU granted the European Parliament increased powers in pillar I areas of external policy but only the right to be consulted by the Presidency “on the main aspects and the basic choices of the common foreign and security” and to be “kept regularly informed by the Presidency and the Commission of the development of the Union’s foreign and security policy.” (Article J.7) The Commission provided the Parliament every year in the period 1996-2003 with a complex and serious analysis, known as “Commission Communications”, covering all aspects of External Service management and development. Given that the European Parliament had the exclusive competence to approve the External Service Budget; it increasingly played significant part in monitoring and prompting the expansion and professionalization of the service. As a result, Commission established close contacts between Heads of Delegation and the European Parliament such as appearance of newly appointed Heads of Delegation before parliamentary committees (Spence 2006: 407-408).

As we have already argued, despite initial efforts to integrate CFSP into wider Union activities, the Treaty on European Union did not introduce a radical change towards more coherent European foreign policy that would put an end to the battles over competences between the Commission and Member States. What is more, the Treaty on European Union failed to create the basis for an all-pillars-encompassing European foreign policy that would reflect both the reality of blurred boundary between economic and political or security issues and the ever-growing input from the Commission to EC/EU foreign policy-making.

4.5.2 The Amsterdam Treaty: moving towards action?

The Yugoslav tragedy and the war in Kosovo exposed the enormous limitations of the CFSP. The EU was often dived, slow to act, short of the ultimate instruments of persuasion in international diplomacy, and desperately depended on the US military capabilities. Internal administrative arrangements were clearly revealed as loose and inefficient. As Tsoukalis notes, “the CFSP thus exemplified the big gap between expectations and capabilities, or between rhetoric and action.” (Tsoukalis 2003: 86) Ironically, most of the decision concerning the Balkans, such as provision of aid to the provisional administration in Kosovo, were taken with the catch-all first pillar’s Article 235 of the EEC Treaty as the legal base (Spence 2006: 362).

The failure of EU policy in the Yugoslavia stigmatized the 1996 Intergovernmental Conference to review the progress towards CFSP. White mentions three major shortcomings of CFSP identified and discussed at the IGC. Firstly, the distinction (albeit vague) between joint actions and common positions was not followed in practice and thus resulted into confusion about the role of different instruments. Secondly, instead of creating a solid budget for CFSP, the TEU proposed a cross-pillar funding that soon led to procedural problems. Finally, the TEU provided the EU with only limited range of policy instruments insufficient to assert its identity on the international scene (White 2001: 104-105). Cameron argues that the common denominator of all these problems is the lacking planning capacity. As he puts it, “any foreign policy, worthy of the name, must be based on the best available analysis of objectives, interests and risks.” (Cameron 1998: 67)

The Amsterdam Treaty was signed on 2 October 1997, and despite the extensive preparations and lengthy negotiations, the Treaty was a major disappointment for those who hoped that the EU would take bold steps towards a more coherent and effective foreign policy, and as such, again, provided no lasting solution to the structural disconnect between the EC and the CFSP. Although the Amsterdam Treaty clarified the distinction between joint actions and common positions and added a new foreign policy instrument common strategies (Articles J.2-J.5), charged the CFSP budget to the Community, leaving operations having military or defense implications to be funded by Member States (J.18), increased the use of majority voting in CFSP and introduced the possibility of “constructive abstention” (Article 1.13), it failed to overcome the problematic pillar structure, to introduce overall QMV and to provide the EU with a legal personality.

The most important institutional innovations were the creation of the post of High Representative of the CFSP and the establishment of the “Policy Planning and Early Warning” unit⁹⁰. Some characterized it as an incremental change towards more coherent CFSP: “for the first time, CFSP would be supported by a permanent actor and would also have a face.” (Keukeleire and MacNaughtan 2008: 54) For others, the creation of the High Representative actually enhanced the internal conflict between the Commission and the

⁹⁰ The declaration to the Final Act provided for the creation of the Policy Planning and Early Warning unit to be established under the responsibility of the High Representative. Its personnel were drawn from the General Secretariat, the Member States, the Commission and the WEU, (Cameron 1998: 70-71).

Council: “as the post was conferred on the Secretary General of the Council, the Commission saw its overall position considerably weakened.” (Gebhard 2011: 104) The High Representative was responsible for assisting both the rotating Presidency in the execution of its CFSP tasks and the Council in the formulation, preparation and implementation of policy decisions. At the request of the Presidency, the High Representative acted on behalf of the Council in conducting political dialogue with third parties (Article J.16). Given that the Amsterdam Treaty did not provide the High Representative with any real executive resources, it put him in quite a miserable position. As Paul points out, “in fact he is, in a sense, in a weaker position than the external relations commissioner, who might be of lower political profile but has a considerable autonomous control over first pillar instruments.” (Paul 2008: 9)

On the one hand, in the struggle for control of Union external policy, Member States reaffirmed their decisive role; on the other hand, with the creation of the post of High Representative, Member States seemed to be less convinced than ever about their ability to run the CFSP exclusively via the rotating Presidency of the Council. Following the EU’s most recent debacle in Kosovo, Member States decided to appoint Javier Solana, recognized personality, former Foreign Minister of Spain and former Secretary-General of NATO, as the first High Representative in 1999 for a period of five years. He was reappointed for another five years in 2004 (Keukeleire and MacNaughtan 2008: 55). With the Solana’s appointment, Delegations increasingly took up new roles within CFSP and were involved with Solana’s numerous missions to foreign policy hotspots around the world and played an important support role for him and the various EU special envoys that were appointed by the Council under the CFSP (Moran and Ponz Canto 2004: 43-44; Spence 2006: 409).

At the 1996 IGC, the problem of coherence was raised by Belgium that proposed that: “the diplomatic networks, expertise, personnel and resources available on each of the Member States should be fully utilized in a joint approach with the Commission acting as a catalyst and coordinator.” (Spence 2006: 408) The Amsterdam Treaty provided the Commission with some opportunities in the reconstituted *troika* (The Presidency, the Secretary General, and the Commission), but third countries remained uncertain about who is entitled to represent the EU. As Allen points out,

Competition between the Commission and the Council for the ultimate control of European foreign policy is here to stay, and the Amsterdam Treaty does not definitively settle the issues, although it favors the Council. Even if the Treaty represents a concerted attempt to clip the Commission's external policy wings, the question remains: is the Commission or the Council most likely to produce something like a European foreign ministry and a European diplomatic service? (Allen 1998: 58)

In 2000, the European Parliament passed an important resolution (the Galeote report) proposing the establishment of a common European diplomacy which included a call that a new College of European diplomacy be set up to train professionals from the EU institutions and from Member States in Community policies and in diplomatic methods. According to the proposal, the Commission Delegation should become Community Delegation accountable to Council and Parliament and the External Service should be a professional, permanent Community Diplomatic Service. The main objective was to create an External Service of better quality that would cooperate more closely with foreign services of the Member States (Moran and Ponz Canto 2004: 51). This would have settled disputes between Commissioners with external policy portfolios and provided an adequate response to one former Director-General's call for "a more coherent [external] service and an end to the situation where delegations are empires for Commissioners with regional responsibilities who sit on them like hens on eggs." (Allen 1998: 56)

This ambitious proposal, however, did not find enough support and the long expected overall reform of the Commission's management system, launched by the new Prodi Commission (1999-2004), was exclusively about improved management and rationalization. The Directorates General Relex and Trade were housed in one building and focused on policy and programming in their respective areas. Moreover, a new directorate-general – the EuropeAid Cooperation Office – was set up to administer development cooperation worldwide. In order to improve the external policy coordination among DGs in the Relex family, Prodi proposed to assign a senior Commissioner an overall coordinating role. On the one hand, this led to a more coherent Commission approach to CFSP; on the other hand, the *primus inter pares* principle met with resistance of "to be coordinated" Commissioners and thus failed to create a really effectively coordinated management of external relations. In view of the proposed creation of an EU Foreign Minister, the Barroso Commission from late 2004 divided the portfolios as follows: DG Trade, DG Enlargement, DG Development and Humanitarian Aid, DG External Relations and European Neighbourhood Policy, with the Commission President

chairing the Group of External Relations' Commissioners (Spence 2006: 372, 409-410; Keukeleire and MacNaughtan 2008: 86).

What is more, the Commission improved the quality and delivery of cooperation programs by a reform known as "deconcentration." It involved the full devolution of responsibility for implementation of assistance programs to Delegations. The principle behind the reform was to give more power to the delegations as far as the selection, running and evaluation of projects are concerned. This step required a major redeployment of staff from headquarters, and the reinforcement by other staff. According to Spence, in total 1559 staff was re-allocated over the 2000-2004 period (Spence 2006: 413). In addition, perhaps reversing the historical trend, greater use became made of contracted specialist placed in delegation offices. The 2001 Chêne Report (named after Claude Chêne, Director General for personnel and administration) clarified the role of the Head of Delegation as representative of the Commission and made them fully responsible for the organization and work of the Delegation (Dimier and McGeever 2006: 499-500).

During the same time, as more countries expanded their trade with Europe and joined the WTO, several sectoral DGs (Trade, ECHO, Justice & Home Affairs or Research) began to place staff in Delegations. As a result, the size of many Delegations has increased to considerable 50-100 staff. There has been also a growing number of officials detached from Member States' services being placed in delegations. This heterogeneous structure of Delegation personnel, however, militated against coherent personnel and career management. In order to reinforce the collective management of the External Service and improve the transparency within the system, the 2001 Chêne Report proposed that all Delegation personnel should be managed solely by DG Relex. By the end of 2003, the delegation network, now accredited to more than 150 countries, was manned by more than 5000 staff, making it one of the largest European diplomatic services (Moran and Ponz Canto 2004: 54-56; Spence 2006: 411-412).

The launch of European Security and Defense Policy (ESDP) at the Cologne European Council summit in June 1999⁹¹ ended two areas of tension that had paralyzed EU foreign

⁹¹ In December 1998 the French and British governments signed an agreement at St. Malo, which paved the political path for EU governments to launch the ESDP. The St. Malo Declaration stated that the EU "must have

policy: “European integration versus Atlantic solidarity” and “civilian power versus military power.” (Keukeleire and MacNaughtan 2008: 55-56) On the other hand, “the legal formalization of the structures for fledgling ESDP marked the beginning of a new wave of conflicts between the Council and the Commission.” (Gebhard 2011: 105) What is more, the establishment of the ESDP brought qualitatively new functional areas for the Commission Delegations and thus indirectly increased the Commission’s role. As Spence puts it,

CFSP and ESDP increasingly require first pillar policy tools and thus a high degree of Commission involvement through its responsibilities for humanitarian aid, nuclear security and disarmament, running project management, the international implications of policies in the area of critical infrastructure protection, terrorism, sanctions and third pillar responsibilities in the areas of asylum, immigration and visa policy. (Spence 2006: 416)

Crisis management, conflict prevention and international security issues were now formally on the EU agenda and a joint threat analysis by Member States embassies and Commission Delegations became a new requirement. As Spence puts it, “CFSP and ESDP increasingly require first pillar The changing agenda for Delegations, however, revealed some grave shortcomings of the diplomatic presence of the EU, both in terms of coverage and staff numbers. On the one hand, both the coordination of the Commission Delegations in third countries and the number of joint reports by heads of mission were increasing; on the other hand, Commission Delegations did not have the competence, skills or personnel to deal with ESDP issues. Delegation personnel lacked the necessary know-how and culture of confidentiality and had no access to intelligence networks. The need for more effective cooperation with Member States’ diplomats, in order to maximize the collective weight and visibility of the EU in the world, soon became apparent (ibid., p. 415).

4.5.3 The Constitutional Treaty and the problem of coherence

Improving the effectiveness and coherence of the European Union’s external relations has become something of a refrain. In fact, the need for political and institutional coherence has

the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.” (Franco-British Summit, Joint Declaration on European Defense, 1998)

been an issue since the early days of the European integration. From the EPC over the Maastricht and Amsterdam Treaties to the Treaty of Nice, European foreign policy has significantly developed. In fact, foreign policy is probably the area where the EU has most advanced in recent decades. Given the enormous importance of the EU as a global actor and its potential to play an even more influential role, it is no difficult to see why concerns of coherence in the EU's external activities are legitimate. As Keukeleire and MacNaughtan note, „a lack of consistency in EU external policies is detrimental to the EU's capacity to „speak with one voice“ in international politics and undermines its credibility as an international actor as well as its ability to achieve specific foreign policy goals.“ (Keukeleire and MacNaughtan 2008: 121) Paul summarizes the main shortcomings of the current EU's external activities as a lack of leadership, continuity, consistency and diplomatic resources. As he puts it, “this results in a lack of strategic thinking, proactive decision-making and coherent action, which is why the Union punches below its economic and (potential) political weight in foreign policy.” (Paul 2008: 8)

The lack of coherence in EU external activities cannot only be traced back to missing political will, but also to the EU institutional set-up. As well summarized by Gebhard:

Unlike a nation state, the EU is vertically and horizontally multilayered, and hence a highly complex system of institutional structures...Contrary to the aim of “speaking with one voice”, the EU has no built-in institutional framework that would allow for sound and concerted external action. It does not just have to bring together an increasing number of national positions. As a result of its own history as an organization, the governance of the EU's external relations is also spread across pillars and thus divided into two different procedural channels governing decision-making, financing, and implementation – a supranational channel primarily governed by the European Commission, and an intergovernmental one centered on the Council. (Gebhard 2011: 102)

Although the question of coherence in the EU's external activities is not new, it assumed special importance in the post-cold war international system. Duke indentifies several developments that have stimulated the demand for coherence on the part of the EU since the end of the Cold War. First, the emergence and evolution of both CFSP and ESDP have brought to the fore the need for institutional mechanisms to ensure coherence in the enhanced external activities of the EU. Second, the post-cold war period has made clear that the dysfunctional division between economic and political areas was the main reason for the lack of coherence. Third, the growing number of countries and regions with which the EU

maintains ever closer relations has called for a more coherent and inclusive European foreign policy (Duke 2006: 2).

What is more, the general aspiration of “acting as a whole” appeals to the very core objectives of integration and builds on the intuitive hope that more coherent internal structure necessarily translate into more successful and more efficient external action. As we have seen in previous chapters, since the SEA the so-called coherence requirement has persistently appeared in every treaty. According to the Article 3 TEU:

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. They shall ensure the implementation of these policies, each in accordance with respective powers.

In article 13(3) TEU, we learn that “The Council shall ensure the unity, consistency and effectiveness of action by the Union”. Not only is there lack of concrete mechanisms to translate these provisions into practice, but by emphasizing in Article 3 TEU that the Council and Commission are to act “each in accordance with its respective powers”, Article 3 TEU actually emphasizes the inter-institutional turf battles at play.

The EU’s complex system of political and bureaucratic actors with varying competences and differing resources cannot but lead to significant problems with regard to coherence. The concept of coherence can be defined as a necessity of bringing together different strands of political action both strategically (as referring to conflicting objectives or clashing political agendas) and procedurally (as referring to the administrative implications of having to reconcile the supranational and intergovernmental channels of policy-making) (Gebhard 2011: 106). In general, there are four different but inherently interlinked aspects of coherence in EU external relations: *vertical, horizontal, institutional, and external coherence*.

Vertical coherence refers to the overall consensus between policies agreed at the EU level and those pursued by Member States nationally. It determines the ability of the EU to “speak with one voice”, most importantly when rapid common response is required. Even though Member States are obliged to comply with CFSP decisions once they have been taken, the Union lacks the means known from the first pillar to enforce them *vis-à-vis* Member States. As long as

Member States retain their national sovereignty and important decisions continue to require unanimity, the EU's foreign policy capabilities continue to be limited and vertical coherence will remain a matter of case-by-case balancing (Gebhard 2011: 107; Paul 2008: 10).

Horizontal coherence is concerned with the policies formulated across the EU's policy-making machine and particularly across policies developed through various pillars (inter-pillar coherence). Achieving horizontal coherence – both in respect of its policy/content dimension and its procedural/administrative dimension - is linked with the compatibility, interoperability, and credibility of the EU as a bilateral and multilateral partner. A case in point would be the coherence between trade and development policy, or trade and human rights. Although the Commission managed to establish the “relex group” which is chaired by Commission president and comprises the Commissioners for external relations and neighborhood policy, enlargement, development aid and trade, there remain some turf battles between persons and services involved (Paul 2008: 9; Gebhard 2011: 107). As Keukeleire and MacNaughtan note, “the policy portfolios of the Commissioners responsible for external relations, as well as their DGs, have been regularly reshuffled, each bringing their own turf wars...The external relations DGs each have their own philosophy, set of objectives, legal bases for policy initiatives, and different types of instruments.” (Keukeleire and MacNaughtan 2008: 86-87)

Institutional coherence refers to the main institutional entities governing EU external policies, meaning the Commission and the Council, including their associated bureaucratic machineries. It can also occur intra-institutionally: within institutions, policy-making communities work towards different goals, under different mandates and with different philosophies. As Dembinski puts it, although the Council was given the power to define CFSP, since the 1957 Rome Treaty the Commission has been responsible for the most important areas of EC/EU external relations such as trade, development, and association policy. Over the time, especially since the early 1990s, the number of Commission's competences has been constantly growing. Currently, the Commission regulates a wide range of policy areas including enlargement, neighborhood policy, conflict prevention, election monitoring, human rights, democratization and humanitarian aid. More than any other actor, the Commission has struggled with the boundary problems leading to competition and conflicts between EC and CFSP/ESDP competences (Dembinski 2010: 10).

Whereas the Commission takes lead in Community matters, it is the Council and its Secretariat that do so in CFSP affairs. In practice, both elements cooperate well and complement one another in some cases, but often find themselves in some form of rival partnership characterized by turf wars and duplication of means. What is more, foreign policy resources are unevenly distributed among the pillars. Council Secretariat lacks human, technical and financial capabilities; it has actually no more than 390 staff working on international affairs and only two offices abroad. The Commission, in contrast, disposes of around 2260 staff in charge of external action in Brussels and 4755 personnel in its 123 Delegations abroad. This state of affairs gives rise to the concrete risk of inconsistencies between policies pursued by the Commission and the Council and necessitates qualitatively different cross-pillar coordination (Paul 2008: 9; Keukeleire and MacNaughtan 2008: 121).

External coherence refers to the way the EC/EU presents itself to the third countries and international organizations. The split of responsibilities and resources and the weak decision-making procedures also one of the greatest shortcomings of EU external action: lack of leadership and diplomatic professionalism. Think tanks often repeat the well-known Kissinger's question: "When I want to speak to Europe, whose number do I call?" It seems that whom you call depends on why you are calling and what the issue is. As Paul puts, "neither the external relations commissioner nor the Commission president or high representative are supposed to play such a role, nor would they have the capacity to do so." (Paul 2008: 10) Another issue is the lack of continuity in Europe's external representation. On the one hand, the treaties assign to the Council presidency the top responsibility of representing the EU in CFSP matters; on the other hand, the system of rotating Council presidency means that the face and voice of Europe changes every six months. The problem of a "duplicated representation" of the EU by Commission Delegations and embassies and missions of the Member State chairing the EU in third countries or at international organizations is another oft-cited example of external incoherence. Given that many Member States have rather limited network of embassies, the Union's representation in third countries often falls to a Member State that is actually not in the chair in Brussels. As Paul notes, "in terms of genuine EU actors, it is only the Commission that is permanently and globally represented in third countries – but it is limited in its competences to act on behalf of the Union." (Paul 2008: 11) However, the Delegation personnel still lack proper diplomatic training and experience known from traditional national diplomatic services. The Commission

External coherence is basically determined by a range of internal coordination processes: finding a proper balance between Commission Delegations, national embassies, Special Representatives and the Council presidency is a matter of both vertical and horizontal coherence. As Gebhard puts it, “any failure to coordinate positions within the EU-be it among member states or between the Council and the Commission-has a significant impact on the EU’s ability to perform towards other major actors.” (Gebhard 2011: 109).

External shock waves such as the 2001 terrorist attacks in the US and the wars in Afghanistan (2001) and Iraq (2003) once again forced the EU to strengthen the European project generally and reconsider the basic principles and objectives of its foreign policy. The Javier Solana’s European Security Strategy adopted by the European Council in December 2003 made a strong call for a more coherence in EU external activities. It indicated that “the challenge now is to bring together the different instruments and capabilities: European assistance programs and the European Development Fund, military and civilian capabilities from Member States and other instruments,” and that “Diplomatic efforts, development, trade and environmental policies, should follow the same agenda.”⁹²

Learning from the disappointing results of the Maastricht, Amsterdam, and Nice Treaties, the attention of the Convention (consisting of representatives from governments, national parliaments, the European Parliament and the Commission) which drafted the Treaty Establishing a Constitution for Europe focused on how to improve decision-making, working structures and the coherence between the EU pillars rather than amending the substance of the provisions, such as the scope and content of CFSP. In fact, making the European Union “stronger in the pursuit of its essential objectives and more present in the world” was the main objective when the Union started its constitutional adventure with the “Laeken declaration” (European Council, 2001). The draft Constitutional Treaty included whole range of amendments and innovations ranging from one single title on the Union’s external relations to the insertion of a solidarity and mutual defense clause. Keukeleire and MacNaughtan identify three most important innovations as proposed by the treaty:

⁹² The full text of the European Security Strategy *A Secure Europe In A Better World* is available online at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

- The already mentioned Title V on “The Union’s External Action” merged all dimensions of EU external action: CFSP, ESDP, trade policy, development cooperation and humanitarian aid and thus formally buried the EU’s pillar system established by Maastricht. What is more, the Union as a whole was granted legal personality.
- On the institutional side, the most important innovation was the creation of the post of Union Minister of Foreign Affairs, of a European Council President, and of a European External Action Service (EEAS).
- A third set of innovations was to be found in the provisions on ESDP. The Constitutional Treaty broadened the Petersberg tasks, introduced a solidarity and mutual defense clause and created European Defense Agency (EDA) (Keukeleire and MacNaughtan 2008: 62).

According to Keukeleire and MacNaughtan, the Constitutional Treaty brought several important innovations, but it, however, failed to strengthen the coherence within the formerly first pillar of the EU’s external action. “The Constitution did not strengthen the EU’s capacity to act as a coherent force in international organizations and other for a, such as the UN, G8, IMF or the World Bank, thereby disregarding one of the major weaknesses of the EU’s international actorness.” (Keukeleire and MacNaughtan 2008: 63)

The Constitutional Treaty was signed by the 25 Member States in Rome on 29 October 2004. After its rejection in the French and Dutch referenda of 2005, a hope for a change in terms of achieving a more coherent EU external action seemed to be lost for some time. The following two-year long “period of reflection” on what to do next marked by existential crisis and overall skepticism provided the opportunity for a wide public debate helped to prepare a solution suitable for all EU Member States.

5. EU foreign policy and diplomacy after Lisbon

The decision to appoint a Brussels-based European foreign policy chief who is also Vice President of the European Commission is an important break with the past and reflection of the (reluctant) acceptance that in an enlarged EU the fragmented system whereby each member state in turn provided direction was no longer feasible. (Vanhoonaeker 2011: 89)

During their European Council meeting of June 2007, Member States agreed to convene an Intergovernmental Conference to prepare a “Reform Treaty” and charged the IGC to “complete its work as quickly as possible, and in any case before the end of 2007, so as to allow for sufficient time to ratify the resulting Treaty before the European Parliament elections in June 2009.” (European Council, 2007: 2) The European Council, during its informal meeting in Lisbon in October 2007, adopted the Reform or Lisbon Treaty to be signed in Lisbon in December 2007. In contrast to the Constitutional Treaty, the Lisbon Treaty did not replace the former EU treaties but amended them. Given the broad consensus that the proposed provisions on external action should be maintained, the Lisbon Treaty retains the majority of innovations which had been foreseen by the Constitutional Treaty, albeit banishing the “constitutional” symbols and terminology which had provoked concern in several Member States (European Council, 2007: 15). Hence, the “Union Minister for Foreign Affairs” was renamed “High Representative of the Union for Foreign Affairs and Security Policy”, the unified title on all external actions was split into two parts and two declarations underlining the specific nature of CFSP were issued with the treaty. The Lisbon Treaty also abandoned the EU symbols such as flag, anthem, and motto. Ironically, the new treaty’s entry into force (1 December 2009) was baptized with the bitter experience of the UN climate negotiations in Copenhagen in December 2009, which was later described by the new President of the European Council Herman Van Rompuy as “a disaster in which Europe was excluded and mistreated”⁹³ and thus provided a fresh impetus for greater cooperation and coherence in dealing with global issues.

In subsequent chapters we will examine the three most significant novelties brought by the Lisbon Treaty in the area of external affairs: the “triple-hatted” High Representative of the EU for Foreign Affairs and Security Policy (HR), the appointed Presidency of the European Council, and the European External Action Service (EEAS). Besides these innovations,

⁹³ The Guardian, quoting a Wikileaks source, 3 December 2010

several other important alterations can be identified. The Lisbon Treaty changes provisions concerning CFSP and ESDP, formally abolishes the pillar structure, merges the Community and the Union, and provides the EU with a single and express legal personality. As Paul argues, “this will remove any remaining doubt about the Union’s capacity to act under international law and within international organizations. The overcoming of the pillar structure further opens the way to bringing previous Community external action and CFSP closer together.” (Paul 2008: 13) Thus, it can be argued that the Lisbon Treaty represents one of the biggest EU institutional reforms in the fifty-year history of European integration.

5.1 High Representative of the Union for Foreign Affairs and Security Policy

Although the Lisbon Treaty swapped the title EU Foreign Minister for High Representative (HR), the function is practically identical to that anticipated by the Constitutional Treaty (Gebhard 2011; Paul 2008; Piris 2010). This new office is actually “triple-hatted,” in the sense that it merges the roles performed by:

- the High Representative for the CFSP/Secretary-General of the Council, who, besides the tasks outlined in the previous chapter (3.5.2 *The Amsterdam Treaty: moving towards action?*), had authority over the EU Military Staff, was Secretary-General of the WEU, Head of the EU Agencies (Satellite Center and Institute of Security) and coordinate the work of the EU special representatives;
- the Commissioner for External Affairs, who contributed to the Commission’s right of initiative in CFSP (Article 22(1) former TEU), as well as the possibility of the Commission’s assisting the Council Presidency in conducting negotiations for the conclusion of international agreements in the field of CFSP (Article 24 former TEU); and
- the Chairman of the General Affairs and External Relations Council (GAERC), who, before the Lisbon Treaty, “represented the Union in matters coming within the [CFSP]”, was “responsible for the implementation of decision”, “expressed the position of the Union in international organizations and international conferences” (Article 18 former TEU), negotiated international agreements on behalf of the Council in CFSP matters

(Article 24(1) former TEU) and consulted the European Parliament on CFSP matters (Article 21 former TEU).

The “double-hatted” nature is the groundbreaking feature of the post. It is meant to mitigate, if not to overcome, the dichotomy between Community and CFSP policies in EU external action and thus inject more continuity, coherence, as well as leadership into the external representation of the EU. With his/her intergovernmental “Council hat”, the HR chairs the new Foreign Affairs Council and conducts the Union’s CFSP as mandated by the Council. With his/her transnational “Commission hat”, he/she is a member of the college and one of its vice-presidents. He/she “ensures the consistency of the Union’s external action” and coordinates “other aspects of the Union’s external action” (Article 18(4) TEU) – such as development or trade policy that continue to be conducted under the authority of specific commissioners (Paul 2008 16-17; Piris 2010: 244-245; Vanhoonacker and Reslow 2010: 2).

Although the Lisbon Treaty brings together the execution of previous first and second pillar tasks, it does not completely merge them and today CFSP continues to be subject to specific rules. Therefore, the HR indeed wears at least two hats instead of one. As Paul explains:

That is, while conducting CFSP, the high representative will act according to the specific rules applicable in this policy area and under the mandate of the Council. Commission procedures won’t apply since the Lisbon treaty entrusts the responsibilities concerning the execution of CFSP specifically to the high representative and not to the Commission as such. On the other hand, whenever dealing with “Community” external affairs, the high representative will be fully bound by the college rules and less supervised by the Council. (Paul 2008: 17)

The HR is appointed by the European Council, acting by QMV, with the agreement of the President of the Commission (Article 18(1) TEU) and subject to a vote of consent by the EP on the incoming Commission (Article 17(7) TEU). His/her term of office (normally five years) may be ended by the European Council, acting by QMV. The President of the Commission may also request the HR to resign. This request, however, has to be confirmed by a QMV⁹⁴ in the European Council (Article 18(1) and 17(6-8) TEU). Finally, the European Parliament can dismiss the Commission as a college; “the members of the Commission shall resign as a body and the High Representative shall resign from the duties that carries out in

⁹⁴ As from 1 November 2014, the QMV will be defined as at least 72% of the members of the Council, representing Member States comprising at least 65% of the population of the EU (Article 238 TFEU).

the Commission.” (Article 17(8) TEU) This means that the HR would continue to fully exercise his/her responsibilities under CFSP. However, as Paul argues, “this provision makes little difference since the Parliament would have to give its assent to the high representative when it approves the new Commission replacing the dismissed one.” (Paul 2008: 38) On 1 December 2009, Baroness Catherine Ashton, the former Commissioner for Trade, was formally appointed as the first occupant of the new position.

The principal duties, competences and powers of the HR can be summarized into following five groupings:

Initiative and agenda-setting The Lisbon Treaty provides the HR with extensive possibilities to take initiative in EU foreign policy and to shape the Union’s agenda in international affairs. This results first of all from his position as chair of the Foreign Affairs Council (Article 18(3) and 27(1) TEU). The HR replaces the rotating Presidency⁹⁵, is in charge of preparing the Council meetings and have the right to convene extraordinary Council meeting if need be (Article 30 (2) TEU). The HR is in charge of exercising the right of initiative and making proposals in the field of CFSP with any Member State (Articles 18(2), 27(1) and (3), 30(1), 42(4) TEU), in some cases jointly with, or with the support of the Commission. In fact, the Commission as a college formally loses its right to table CFSP proposals (Articles 22(2), 30(1) and 42(4) TEU). In non-CFSP matters, the exclusive right of initiative remains with the Commission (Article 17(2) TEU). The HR takes part in the work of the European Council, but is not a “member” of it (Article 15(2) TEU). Finally, the HR initiates the appointment of EU special representatives (Article 33 TEU) and the conclusion of international agreements (Article 218 TFEU).

Coordination and consensus building Given that EU external action is to a large extent about policy coordination and reaching compromise, the HR is supposed to play a important role in this endeavor. The HR has to ensure horizontal and vertical coherence of EU external action. In fact, the coordination requirement seems to be the most challenging one. The HR is placed in a quite vulnerable and sometimes even impossible position, as she is subject to power

⁹⁵ The Lisbon Treaty splits the current General Affairs and External Relations Council (GAEC) into two separate configurations: the Foreign Affairs Council, to be chaired by the HR, and the General Affairs Council (GAC), which will continue to be, like all remaining Council configurations, chaired by the rotating Presidency.

struggle among Member States and between the Commission and the Council (Vanhoonacker 2011: 89). As Möller puts it, “imagine serving two institutions who, from their very nature, could hardly be more different.” (Möller 2010: 1) According to Article 21(3) TEU, the HR, together with the Council and the Commission, is in charge of ensuring the consistency between the different areas of the Union’s external action and between these and its other policies. As Vice President of the Commission, the HR is “responsible within Commission for responsibilities incumbent on it in external relations and for co-ordinating other aspects of the Union’s external action.” (Article 18(4) TEU)

With regard to vertical coherence, one of the most challenging tasks for the HR, in view of some contradictory provisions, would be to build up consensus among Member States and to ensure, together with the Council, “the unity, consistency and effectiveness of action by the Union” in CFSP (Article 26(2) TEU). On the one hand, the two Declarations (13 and 14) attached to the Lisbon Treaty underline i.a. that the new provisions “do 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”; neither do they “prejudice the specific character of the security and defense policy of the member states” or “the primary responsibility of the Security Council and of its members for the maintenance of international peace and security;” on the other hand the HR should ensure that “the Member States [...] support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and [...] comply with the Union’s action in this area.” (Article 24(3) TEU) Given that the Lisbon Treaty does not provide the HR with any instruments to this end (according to the Article 24(1) TEU, the ECJ continues to be excluded in CFSP), Mrs. Ashton has to rely on her persuasion as well as her skill in coordination and consensus building. In truth, in the first few years Mrs. Ashton faces an extremely difficult balancing act, which might not produce any immediate synergies. Finally, the HR is in charge of regularly consulting the EP “on the main aspects and basic choices of the [CFSP and ESDP]”, informing it „on how those policies evolve“ and ensuring that the Parliament’s views „are duly taken into consideration.” (Article 36 TEU)

Representation and negotiating The representation of the EU externally belongs to the key duties of the new EU foreign policy chief. The HR replaces the rotating Presidency and is in charge of representing the EU, which includes conducting political dialogue with third

countries, expressing Union's position in international organizations and international conferences and presenting the Union's position in the UN Security Council when the Union has defined a position (Article 27(2) and 34(2) TEU). According to Paul, this provision provides "a real chance that the Union will be increasingly represented in the world's top body by a single and familiar face." (Paul 2008: 19). Indeed, the Presidencies priorities, which inevitably changed every six months, are now replaced by long-term actions translating overall European objectives. The EU has now the capacity to build long-term relationships with strategic foreign interlocutors based on continuity, predictability and effectiveness.

However, the HR cannot, of course, speak on behalf of permanent or elected Member States that sit in the Council. Major instruments serving the HR in representing the EU constitute the European External Action Service (Article 27(3) TEU), the 130 or so Union Delegations in third countries and at international organizations (Article 221(2) TFEU), and the special representatives (Article 33 TEU). The Commission continues to entrust other Commissioners with external representation in sectoral policies, including issues such as trade and development (Article 17(1) and 18(4) TEU).

Implementation As we have already mentioned, the HR takes over the political and managerial tasks from both the Commissioner for External Affairs and the High Representative for CFSP. What is more, the Mrs. Ashton is now in charge of conducting, carrying out (Article 18(2) TEU), putting into effect and ensuring the implementation of CFSP decisions adopted by the European Council and the Council (Articles 26(3) and 24(1) TEU). On the one hand, the HR's role in CFSP is considerably upgraded compared to Javier Solana's responsibilities; on the other hand, the HR's room of manoeuvre continues to depend to large extent on the willingness of the Member States to grant the HR the necessary freedom to act.

Crisis management The Lisbon Treaty introduces several amendments to the previous provisions on the PSC, the main purpose of which is to increase the responsibility of the HR and thus to ensure efficiency and horizontal coherence between Community and CFSP policies. Like the Council, the HR can request opinions from the PSC. The monitoring role of the PSC on the implementation of agreed policies is to be done "without prejudice to the powers of the [HR]. Moreover, the role of the PSC in the political control and strategic

direction of the crisis management operations is to be exercised “under the responsibility of the Council and of the [HR]“ (Article 38 TEU) and „the Chair of the [PSC] shall be held by a representative of the [HR] (Declaration no.9(2) TEU). Added to these responsibilities are those as chairperson of the boards of foreign and security policy-relevant agencies such as the European Defense Agency, the EU Institute for Security Studies, the EU Satellite Centre and the European Security and Defense College.

5.1.1 *The New Triumvirate*

One of the biggest challenges in terms of achieving a more coherent external representation of the EU is the hazy relationship between the HR, the President of the Commission and the President of the European Council. As João Vale de Almeida, the head of the EU Delegation to the United States, once interestingly noted: “the EU is “a strange animal for Americans: trying to explain the relationship between its institutions – not to mention between its High Representative and various presidents – is not easy.”⁹⁶ The Lisbon Treaty entrusts the Commission, and thus the President of the Commission, for the first time expressly with the external representation of the Union in all areas except CFSP and the Euro (Article 17(1) TEU). Given that there are so many policy areas the Commission is involved in which have an external dimension, it seems unlikely that the President of the Commission would abstain from intervening in the sphere of foreign relations in favor of the HR. In fact, the Barroso’s decision of 2010 to allocate the financial instruments of European neighborhood policy (falling under the HR’s competence) into the DG Enlargement (falling under the Commission’s competence) clearly shows that the President of the Commission is determined to take advantage of his upgraded competences in the EU external representation (Dembinski 2010: 14). In addition, the other members of the Commission keep the task of negotiating international agreements and representing the Union at their level, within their own area of responsibility. The Lisbon Treaty gives Mrs. Ashton a coordinating task (*primus inter pares*) in the Commission (Article 18(4) TEU), but it does not provide her with necessary legal authority over her fellow Commissioners. It will, therefore, remain to be seen to which extent

⁹⁶ João Vale de Almeida’s remarks during the EPC Breakfast Policy Briefing 23 March 2012 are available online at: http://www.epc.eu/events_rep_details.php?cat_id=6&pub_id=1437&year=2012

other commissioners charged with external action will, in practice, accept such coordination by a fellow college member (Piris 2010: 248; Paul 2008: 22-23).

The creation of a permanent President of the European Council to supplant the existing rotating Presidency can be viewed as another decisive novelty that the Lisbon Treaty has brought about for the management of coherence and consistency. Herman Van Rompuy, former Prime Minister of Belgium, was appointed as the first President of the Council in 2009 for a period of two and a half years. He was reappointed for another two and a half years in 2012. His main tasks include the chairing and preparation of the European Council meetings, as well as the representation of the Union “at his level and in that capacity” in CFSP matters, “without prejudice to the powers” of the HR (Article 15(6) TEU). Mr. Van Rompuy shares therefore vertical powers with the HR on CFSP issues and horizontally with the President of the European Commission on all non-CFSP issues.

Given that the Lisbon Treaty does not provide a clear delimitation of competences between these three offices, it leaves a room for conflicts and may lead, ironically, to further problems of coherence in external representation of the EU. During summits with third countries, the European Union should be represented at the level of heads of state or government by both the President of the European Council (focusing on political issues) and by the President of the Commission (focusing on Community issues). At the ministerial level by the HR and, for instance, the Trade Commissioner (focusing on own area of responsibilities). Yet, as the rotating Presidency is still in charge of the management of the EU’s internal politics within preparatory meetings of the Council (for instance on agriculture, transport, energy, etc.), it is conceivable that the rotating Presidency will also be part of the delegation in summits with third countries. In addition, the Lisbon Treaty provides a theoretical possibility for Eurozone states to have unified representation in the international financial institutions, such as IMF and WB. During economic summits such as the G8 or the G20, the representation continues to be split between the President of the Commission, the President of the Eurogroup, the rotating President of the Economic and Financial Affairs Council (Ecofin), and the President of the European Central Bank. Thus, the quality of external representation of the EU will be largely determined by the personalities who exercise these functions in practice and their strength and ability to work without friction (Chopin and Lefebvre 2010: 4-6; Paul 2008: 22).

In this context, Edmund Ratka, German Member of the European Parliament, argues that the Lisbon Treaty has reaffirmed the Member States' prerogative in choosing the personnel responsible for both external and internal representation of the EU. The President of the European Council is elected (Article 15(5) TEU), the President of the European Commission is proposed (Article 17(7) TEU), and the HR is both proposed and appointed (Article 18(1) TEU) by the Heads of State or Government of the Member States. As Ratka puts it, a classic example of Member States' striving to remain in charge of the European politics was the reappointment of José Manuel Barroso in 2009 often described as too opportunistic towards leading politicians of national governments. Similarly, the unanimous appointment of the new EU's leading duo of European foreign policy, Ashton and Rompuy, was once again a result of intransparent intergovernmental bargaining similar to "horse-trading". What is more, with the decision to appoint two absolutely unrecognized personalities in the world politics, Member States confirmed their tendency to further determine the European foreign policy (Ratka 2010: 76-77). Therefore the hope that policy competence does not lose out to political expediency, and that legitimate personal and national ambitions do not hijack the overarching European interests seems not be fulfilled (see CEPS Joint Study 2007: 130).

Chopin and Lefebvre argue in a similar way and quote Valéry Giscard d'Estaing, the former French President and Chairman of the Convention in 2002-2003, who wanted Europe to find its "own George Washington." After Rompuy's appointment, Giscard d'Estaing disappointedly noted, "European leaders are not considering the president as someone above them, but at the very best as someone among them – a representative figure from the average of the system." (Chopin and Lefebvre 2010: 2) Giscard d'Estaing's statement proved to be true in the first few months of the new arrangements, "when the (Spanish) Presidency behaved as if nothing had changed by convening a number of important international meetings without reference to Mr. van Rompuy." (Gebhard 2011: 123) Political figures seen as too strong or too assertive can be more divisive than consensus building⁹⁷. The smooth functioning of the Union requires a culture of negotiated compromise and the President of the European Council must be first and foremost a consensus-builder, someone capable of

⁹⁷ It is known that Tony Blair, as another potential candidate for the post of the President of the European Council, failed to secure unanimous support partly as a result of his outspoken role defending the intervention in Iraq, his strong charisma, and his willingness to ruffle feathers (Chopin and Lefebvre 2010: 2).

managing big egos, reconciling heads of state or government on sensitive issues⁹⁸. Interestingly, Mr. Van Rompuy himself seems to interpret his role of the President of the European Council as more of a facilitator than a leader. He has sought to find his own role on the diplomatic scene, in particular at summit meetings, and to spur the Member States into discussing openly. His recent reappointment clearly certifies that his personal profile meets all the criteria envisaged by Member States.

The new office of “triple-hatted” HR has created a lot of expectations: more coherence, more effectiveness and more visibility. The Lisbon Treaty charges Mrs. Ashton with heavy tasks: she has to travel a lot and also exercise her mandates both as a member of the Commission and as the President of the Foreign Affairs Council. Given that the Lisbon Treaty does not provide for deputies having the same extraordinary “triple-hatted” responsibilities, some scholars argue that “along with the two “hats”, the HR may also have to carry a raincoat and umbrella.” (CEPS Joint Study 2007: 129) As pointed out by Piris, the HR has to “request ad hoc help from other colleagues for each of his/her “hats”, either from fellow Commissioners or from foreign affairs ministers of the Member States, on a case-by-case basis.” (Piris 2010: 249). Since February 2010, Mrs. Ashton can rely on four “deputies”. The three Commissioners (DG Enlargement and Neighborhood Policy, DG Development, and DG International Cooperation, Humanitarian Aid and Civil Protection) in the European Commission are supposed to work “in close cooperation with the High Representative/Vice-President in accordance with the treaties” as President Barroso has indicated⁹⁹. The fourth “deputy” is the national foreign minister of the Member State holding the rotating Council presidency (Kaczyński 2011: 4). The dual character of the HR’s responsibilities also raises a question of the HR’s loyalty. As Paul asks, “will it rather lie with the Commission or the Council? Will he be the “Council cuckoo in the Commission nest”, as some fear, or will he even end up being “double-hated” rather than „double-hatted“? (Paul 2008: 31)

⁹⁸ As a minister, president of the Flemish Christian-Popular Parliament, deputy prime minister, president of the Chamber of representatives, and then prime minister of Belgium, Herman Van Rompuy succeeded at easing the strong tensions that had prevented the formation of a stable government acceptable to both the Flemish and the Walloons.

⁹⁹ José Manuel Barroso’s remarks at presenting the members of the new Commission are available online at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1837>

In this context, Chopin and Lefebvre question Mrs. Ashton's ability to take a full advantage of the institutional changes brought about by the Lisbon Treaty. Considering Mrs. Ashton's lack of diplomatic experience and leadership skills, she does not seem to fit the ideal profile of a "European foreign minister". The timing of her proposals and the quality of the discussion papers have been also criticized. According to Chopin and Lefebvre, Mrs. Ashton was appointed by default;

Because the Blair candidacy for President of the European Council failed and it was necessary to give compensation to the British; because David Miliband, an obvious candidate, preferred to dedicate himself to his national ambitions; because a woman was in any case preferred, especially by Scandinavian countries; because it was necessary to find someone from the left side of the political spectrum, since the jobs of President of the Commission and President of the European Council were assigned to male conservatives stemming from small states; and finally because her rivals could not establish themselves as viable candidates. (Chopin and Lefebvre 2010: 4)

Indeed, Mrs. Ashton's beginnings in the new job have been a bit shaky, due to a combination of at least three factors: her own lack of experience in diplomatic affairs and CFSP matters; the institutional and procedural vacuum into which she was catapulted after Solana's departure; and the impossible agenda she has been confronted with from the start. A certain lack of strategic orientation and political compass has also been mentioned as contributing to the difficult "baptism of fire" of the new HR.

Considering both the lacking clear delimitation of competences within the EU's new triumvirate formed by the HR, the President of the European Council and the President of the Commission and profiles of personalities who exercise these functions, it seems that the oft-quoted Kissinger question of the 1970s: "What is Europe's phone number?" remains to be unanswered for some time. In fact, the EU continues to have several phone numbers.

Phone Numbers for Europe		
President of the European Commission	José Manuel Barroso	call +3222991111
President of the European Council	Herman Van Rompuy	call +3222816111
High Representative for Foreign Affairs and Security Policy	Catherine Ashton	call +3222816467
Rotating President of the European Council (Denmark, first half of 2012)	Helle Thorning-Schmidt	call +4533923300

President of the European Central Bank	Mario Draghi	call+496913447455
President of the Eurogroup	Jean-Claude Juncker	call +35224782101
President of the Ecofin Council (Denmark, first half of 2012)	Margrethe Vestager	call +4572282400
Trade Commissioner	Karel De Gucht	call +3222999156
Commissioner for Development	Andris Piebalgs	call +3222988624
Commissioner for International Cooperation, Humanitarian Aid and Crisis Response	Kristalina Georgieva	call +3222989333
Commissioner for Enlargement and European Neighborhood Policy	Štefan Füle	call + 3222957957

(Table designed by author)

5.2 European External Action Service (EEAS)

With the creation of the EEAS, the Lisbon Treaty brings about an important innovation in the organizational structures of the institutions in order to make the EU's external action more coherent and efficient, thereby increasing the EU's influence in the world. It was always strange, and for historical reasons only, that the services dealing with EU's external relations were totally separate and not always sufficiently coordinated. As one observer puts it, "it is hard to imagine a genuine common foreign policy without a common diplomatic service and a means of identifying and operationalising the notion of the European interest." (Spence 2006: 419)

The long-time idea to establish single unified service which would deal with all matters in the area of external relations of the EU, encompassing both CFSP (including ESDP), which was under the responsibility of the General Secretariat of the Council, and other sectors, which were under the responsibility of six DGs (DG External Relations, DG Trade, DG Development, DG Enlargement, DG Humanitarian Aid Office (ECHO) and DG EuropeAid Cooperation Office) took solid form during the 2002-2003 Convention. The Lisbon Treaty took over the framework retained by the Convention and under the Article 27(3) TEU provided the legal basis for the establishment of the EEAS:

In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the

Member States and shall comprise officials from 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. The organization and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission (Article 27(3) TEU).

Given that the Lisbon Treaty left most of the details on the structure, organization and functioning of the EEAS unresolved (too detailed provisions might have led to disagreements among the main institutional players), in October 2009 the Presidency issued a report with guidelines for the HR in the preparation of the draft Council Decision on the organization and functioning of the EEAS¹⁰⁰. This report, which i.a. identified three stages for the setting up of the EEAS, was endorsed by the European Council at its October 2009 meeting¹⁰¹. During the first stage, the HR was invited with the support of both the small preparatory team and the pre-existing external relations structures of the Commission and of the Council General Secretariat to present a proposal for the organization and functioning of the EEAS as soon as possible after entry into force of the Lisbon Treaty, with a view to its adoption by the Council at the latest by the end of April 2010. At the end of the second stage (in 2012), the EEAS should acquire a “full cruising speed” and a first status report should be made by the HR. During the third stage (between 2012 and before the end of the term of office of the HR on 31 October 2014), a review report of the functioning and of the organization of the EEAS should be made.

On 25 March 2010, following extensive consultations with the Commission, Member States and the European Parliament, Catherine Ashton presented her draft proposals¹⁰² noting:

The Lisbon Treaty offers the opportunity to build a modern policy for the modern world – moving beyond traditional diplomacy. The EEAS I want is a comprehensive service to craft a distinctive European response to the 21st century agenda. A service that represents the

¹⁰⁰ The Presidency report to the European Council on the EEAS (doc. 14930) is available online at: <http://register.consilium.europa.eu/pdf/en/09/st14/st14930.en09.pdf>

¹⁰¹ The Presidency Conclusions, European Council, 29-30 October 2009 (doc. 15265/09) is available online at: <http://register.consilium.europa.eu/pdf/en/09/st15/st15265-re01.en09.pdf>

¹⁰² The draft proposals on the organisation and functioning of the EEAS (doc. 8029/10) is available online at: <http://register.consilium.europa.eu/pdf/en/10/st08/st08029.en10.pdf>

best that Europe has to offer. We can only punch our weight if we pull together all the different strands of our external action.¹⁰³

The proposals were the basis for further consultations with the staff representatives from national diplomatic services, the Council and the Commission on the Staff Regulations and the Conditions of Employment. Formal consultations were opened with the European Parliament in the context of the so-called “quadrilogue” involving Ashton’s aides, the Commission proper, the Spanish EU Presidency, and an informal delegation from the European Parliament. The early stages of preparatory work were marked by numerous backstage battles over the leading posts in the top management of the new service. Several other questions regarding the financing, the placement, the scope of activity and the number Commission’s DGs to be incorporated in the EEAS led to intensive political debates in the first half of 2010. On 26 July 2010, the Council adopted decision establishing the EEAS and setting out its organization and functioning¹⁰⁴. The Decision provided the basic parameters of the new service, but gaps remained to be filled. On this occasion, HR Catherine Ashton said. “I am delighted that in four short months since I tabled the proposal, we have come so far. We can now move forward to build modern, effective and distinctly European service for the 21st century. The reason is simple: Europe needs to shape up to defend better our interests and values in a world of growing complexity and fundamental power shifts.”¹⁰⁵

In this context, Broin and Kaczyński identify three paradoxes of the institutional set-up of the EEAS. Firstly, while the broad elements of the EEAS had already been agreed upon during the 2002-2003 Convention, the actual implementation started only in early 2010. As a result, by early 2010 all players were under huge pressure to deliver quickly on an issue that raises intricate problems. Secondly, the relevant provisions on the Treaty have proved to be at the

¹⁰³ Catherine Ashton High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission Introductory remarks at presentation of the proposal for the European External Action Service (EEAS) EU Council press centre Brussels, 25 March 2010. Available online at: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/129&format=HTML&aged=0&language=EN&guiLanguage=en>

¹⁰⁴ The Council Decision establishing the organisation and functioning of the EEAS (doc. 11665/1/10) is available online at: <http://register.consilium.europa.eu/pdf/en/10/st11/st11665-re01.en10.pdf>

¹⁰⁵ Catherine Ashton High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission EU Council press centre Brussels, 26 July 2010. Available online at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/genaff/115960.pdf

same time too specific and too vague: too specific when the one-third rule of staffing was laid down whereby the EEAS should come to incorporate staff from the relevant Commission DGs, the Council General Secretariat, and the Member States' Diplomatic Services; and too vague regarding the possible nature and location of the EEAS in the EU "system". Finally, while the EEAS can only take shape gradually and as a part of work in progress, its legal foundations must be laid down in a hurried and one-off legislative procedure – thus generating undesired potholes and roadblocks for the proper functioning of the new service (Broin and Kaczyński 2010: 146)

The EEAS started to work on 1 January 2011, namely one year (and one month) after the entry into force of the Lisbon Treaty. The basic structure was set up during the year 2011 in terms of merger of different constituent parts – parts of the European Commission, the Council Secretariat and Member States' diplomats – and in terms of taking up Presidency functions.

5.2.1 Scope, Staffing and Budget

According to the EEAS Decision, the EEAS is placed under the authority of the HR and it is a functionally autonomous body of the EU, separate from the Council and the Commission and distinct from existing models (EEAS is neither an EU institution, nor an EU agency). Its main task is to support the HR in all her functions, including her role as Commission Vice-president, chair of the Foreign Affairs Council and external face of the Union. The key feature of the EEAS is therefore its "inter-pillar" nature. Just as the HR wears a "double-hat", so does the EEAS bear responsibilities both in CFSP and Community matters, namely coordination, planning, agenda setting, monitoring, intelligence gathering, analysis, crisis management, representing and negotiating. According to the relevant provisions, the EEAS should also assist the President of the European Council and the Commission and its President in their functions in the area of external relations, namely providing briefings and analysis and preparing their participation in Summits. In total 937 briefing requests were handled by the EEAS from January 1 to September 30: 243 for the HR, 67 for President Van Rompuy, 125 for President Barroso and 235 for Commissioner Fülle (EEAS Report 2011).

As any diplomatic service, the EEAS consists of a central administration and EU Delegations in third countries and at international organization¹⁰⁶. At the central level, the EEAS is managed by a team consisting of an Executive Secretary-General, two deputy Secretary-Generals and a Chief Operating Officer responsible for financial, budgetary and administration issues. Furthermore, the EEAS consists of several specialized Directorates-General: five geographic (Asia and Pacific; Africa; Europe and Central Asia; North Africa, Middle East, Arabian Peninsula, Iran and Iraq; Americas), a thematic one (Global and Multilateral Issues), another devoted to budgetary and administrative matters, and a number of horizontal “departments”: for strategic planning and analysis, information and public diplomacy, and inter-institutional relations and coordination. The array of structures and bodies operating in the domain of crisis management and civil-military planning as well as one separate DG Crisis Response & Operational Coordination are placed under the direct authority of the HR (Organizational chart of the EEAS 2012).

Some of the single geographical and thematic desks deal with the candidate countries from the overall foreign perspective, but preparation of enlargement negotiations remains the responsibility of the Commission. The analytical capacity, strategic vision and coordination clout of the desks should ensure coherent engagement with third countries. Furthermore, the EEAS should strengthen overall EU development policy by bringing political engagement and development efforts together. The management of the EU’s external cooperation programs remains under the responsibility of the Commission, but the HR is in charge of ensuring overall political coordination of the EU’s external action, in particular through the Development Cooperation Instrument, the European Development Fund and other instruments. Proposals under these instruments should be prepared jointly by the relevant services in the EEAS and in the Commission under the responsibility of Commissioner for Development. Thus, the political expertise provided by the EEAS should be combined with the Commission’s development expertise (EEAS Decision).

In terms of staffing, the EEAS Decision gives the HR the right to act as an appointing authority for EEAS staff. Officials from the Commission (mostly DG RELEX, the ACP-

¹⁰⁶ See the The European External Action Service Graphic Representation in Annex

related geographic directorates of DG DEV – but not those in charge of budget execution, which remains a Commission prerogative, and neither EuropAid or ECHO) and the Council Secretariat (especially DG E) as well as national diplomats constitute the “treaty sources” the EEAS can draw from¹⁰⁷. The transfer of staff from Council and Commission took place on 1 January 2011, when the EEAS fully came into being. Although the Service is supposed to be initially composed of existing staff from Commission and Council officials, Member States’ diplomats, selected on the basis of merit whilst ensuring adequate geographical and gender balance¹⁰⁸, should make up at least one third of the EEAS by 2013. Once the service is up to full speed (by 2013), EU officials should represent at least 60 % of all EEAS staff at AD level. Mobility and rotation should be ensured within the EEAS as well as between the EEAS and national diplomatic services (EEAS Decision).

According to first status report issued in December 2011, the initial staffing of the EEAS on 1 January 2011 was composed of 2805 people transferred from the Commission and 675 from the Council Secretariat. The EEAS received 8830 applications for 181 posts and conducted 1300 interviews. At the end of the year 2011, the EEAS had 3611 staff, including 1551 working in Brussels and 2060 in delegations. The “one third objective” was almost achieved in delegations (29% of all posts and 31% of management posts), but was lower in headquarters (13% overall) due to fewer vacant posts that could be published. What is more, in order to facilitate the recruitment procedures the EEAS has established a Consultative Committee on Appointments and provides training opportunities to ensure faster selection procedures. In early August 2011, HR Ashton appointed 25 heads of EU Delegations around the world as part of the rotating appointment process. As underlined by the Lisbon Treaty, he appointees are either individuals from the Member States, the EEAS, or the European Commission. However, the majority of the prestigious posts, such the UN, India, Turkey, Democratic Republic of the Congo, Japan, and the WTO, went to national diplomats. EEAS representatives landed in “second-ranked” delegations with the exception of the EU

¹⁰⁷ According to the EEAS Decision (doc. 11665/1/10), after July 2013, also officials from other EU institutions (like the EP) can apply for EEAS jobs.

¹⁰⁸ According to research on the geographical and gender distribution of staff at the level heads of EU Delegations done by Ivan, despite the overall positive evolution in 2011, the nationals of some Member States are overrepresented, while those from some other Member States are not represented at all or are underrepresented. At the same time, women account for less than 20% of all heads of delegations (Ivan 2011: 5).

Delegation to Italy. France, Italy, and the UK ended up with the largest numbers of national diplomats appointed (EEAS Report 2011).

According to the EEAS Decision, the EEAS is treated as an autonomous body in budgetary terms. This means that the EEAS budget is a separate section of the EU Budget, to which the usual budgetary rules apply (i.e. with control by the European Parliament and the Court of Auditors), and the HR is responsible for the internal rules for the management of the administrative budget lines. The Commission remains in charge of the implementation of the operational expenditure. For that reason, a new Commission service has been established to handle operational expenditure of the EU's foreign policy instruments, under the authority of Vice President Ashton. The EEAS is guided by the principle of cost-efficiency aiming towards budget neutrality. The Budget of the EEAS in 2011 was €464 million divided between €184 million in headquarters and €280 million in delegations. The EEAS also managed €253 million on behalf of the Commission for the administrative expenses linked to Commission staff in delegations. Given that the EEAS suffers from a continuing structural deficit of staff and other resources following the transfers from the Commission and the Council, an increase of €26.9 million for 2012 has been requested (EEAS Report 2011).

5.2.2 EU Delegations

On 1 December 2009, the Commission Delegations became EU Delegations under the authority of the HR and have progressively assumed the responsibilities previously held by the rotating Presidency for the coordination of EU positions and local representation of EU statements and demarches. For the first time the EU is represented by a single voice in third countries: this innovation is potentially even more important than the new structure at headquarters. As David O'Sullivan, Chief Operating Officer of the EEAS, points out,

The transition from Commission Delegations to EU Delegations has been one of the great success stories partly due to the skilful way that EEAS staff managed it, but also due to the extremely loyal cooperation that MS have shown on the ground. Whereas Commission Delegations were seen as a useful but non-core part of the Commission's work, the Copernican revolution brought about by Lisbon is that the Delegations are truly the "external action" part of the EEAS and need to be fully integrated into policy shaping, as well as policy implementation. (O'Sullivan 2012: 6)

The new Delegations are being transformed from essentially donors and fund managers into fully-fledged political actors responsible for a wide range of issues; from trade and aid to dealing with political issues, security, energy, migration, counter-terrorism and general diplomacy. They carry out a number of important functions such information gathering, analyzing local political dynamics, improving contacts with local actors and the non-governmental sector and improving representation *vis-à-vis* third countries. In order to be able to meet the high expectations arising from the new functions, their capacities need to change and increase in diversity and specialization. Experts should be recruited from a diversity of fields including the energy, security, military and migration sectors.

The personnel diversity, however, creates a challenge in terms of managing the Delegation staff. On the one hand, the EU Delegations are an integral part of the EEAS and all staff is under the authority of the Head of Delegation; on the other hand, not all the Delegation's staff are members of the EEAS. As it is the case for most national embassies, other departments could send personnel to the missions according to local needs. This created tensions in many places, not only because many of the incoming EEAS diplomats were previous national diplomats, but the Delegation's staff coming from relevant Commission services often receives instructions the Heads of Delegations are not always informed about. This creates a considerable management problem. In addition, Commission staff is paid from operational budget and therefore is not a part of financial circuits for the administrative budget of the EEAS. A logical consequence of the split in the establishment plan in Delegations is both an excessive burden of unnecessary routine administrative management and extensive coordination problems.

Following the relevant provisions on close cooperation with the diplomatic missions of Member States, the EEAS has established an ongoing dialogue with Member States through the Secretaries-General of the Foreign Ministries focused on how to better implement cooperation, in, and around, Delegations. The EEAS has also clarified the scope of diplomatic demarches and created a technology platform to facilitate information sharing between the Delegations and Member States. The future prospect of joint programming of development assistance should further enhance the mutual cooperation. What is more, as national diplomatic services are cutting their resources to concentrate on national priorities, the

existence of an extensive network of 140 EU Delegations can provide both a proper representation of the EU throughout the world and a much wider menu of options for Member States to structure their diplomatic presence in a 3rd country. If it performs well, and in harmony with national embassies, EEAS can make European diplomacy more effective and more economical (O'Sullivan 2011).

In this context, the missing capacity to provide consular support for EU citizens who find themselves in difficulty in third countries (Article 5(10) of the EEAS Decision) has been identified as one of the most important challenges for EU Delegations and the EEAS. During the first year of the EEAS, some (smaller) Member States with limited diplomatic and consular networks have repeatedly expressed a strong interest in seeing EU Delegations provide this service. On the other hand, bigger Member States are clearly opposed to the idea the EU taking on a greater role in this area, which they see as a national competence. Considering the rather high degree of Euroscepticism among European public, the issue of consular assistance clearly visible to EU citizens should be therefore resolved quickly and pragmatically.

The Lisbon Treaty impacts not only EU relations with third countries, but it also has a significant impact on the EU's presence in international organizations. While the EU representation in the area of exclusive competences is relatively clearly determined (e.g. the WTO or the World Customs Organization), at the same time there is an additional need to represent the Member States collectively in the areas of shared competences between the EU and Member States (e.g. the UN General Assembly). The scope of the EU's role in external representation also depends on non-EU states accepting a uniform EU representation at international organizations of which they are part. In May 2011 the UN General Assembly finally passed a resolution¹⁰⁹ (voting on the resolution had been delayed since September 2010 at the request of 76 UN Member States) which gives the EU an upgraded status allowing its representatives: the Acting Head of the EU Delegation, the HR, or the President of the European Council to speak on behalf of the EU. Moreover, the Lisbon Treaty provides for the EU to accede to the European Convention on Human Rights. The Council of Europe has already amended the document allowing the EU to become legally bound by the Convention

¹⁰⁹ The General Assembly resolution on the participation of the EU in the work of the UN is available online at: <http://www.un.org/Docs/journal/asp/ws.asp?m=a/65/l.64/rev.1>

(previously only states could be parties to the Convention). Once this happens, the EU presence in the Council of Europe system will mean that there will be EU Delegations to the Council of Europe's Council of Ministers (most likely a Commissioner responsible for fundamental rights), and its Parliamentary Assembly (most likely a European Parliament delegation), as well as judge in the European Court of Human Rights nominated by the EU (Kaczyński 2011: 9).

On the other hand, there are many international organizations or bodies in which the EU has no institutional status, but its position has improved following the Lisbon Treaty's entry into force. In the UN Security Council, the HR can now be invited to speak for the EU if the EU Member States have a common position. The EU-NATO relationship is now sometimes described as one of strategic partnership. One could think of fostering this partnership by reciprocal observer status (at the North Atlantic Council and the EU Political and Security Committee). The arrangements at the World Bank, however, represent a major anomaly, since the EU is now a larger aid donor than any of its member states, yet it does not even have observer status on the executive

5.2.3 Questions and challenges

The EEAS has indeed the potential to provide the EU with a more coherent, visible and effective way of conducting foreign policy both in Brussels and in third countries. It creates a structure in which national diplomats and officials of EU institutions work together. This offers the chance for European policy-making to be enriched by national experience, and national policy-making by European experience. What is more, compared to national ministries, the EEAS encompasses tasks carried out by both foreign and defense ministries, and helps define the aims of development cooperation, a role which in many countries is performed a separate ministry or agency. The significance of the establishment of the EEAS is well summarized by Kaczyński: "foreign policy is the central feature of a state, and for the first time in contemporary history a supranational entity (which is not a state!) is set to conduct a foreign policy with unified external representation as one of its features." (Kaczyński 2011: 9-10)

After the first year of its operation, the EEAS has already brought some considerable results. In the period 1 January- 9 November 2011, 504 statements were issued, including 78 HR Declarations on behalf of the EU, 279 HR Statements, 102 HR Spokesperson's statements and 45 Local EU statements. After some initial hesitations and setbacks, the EEAS reacted to events and played its role as both a policy and donor coordinator. It provided added value in terms of crisis response, democratic transformation and economic development, responding to the specific needs of each country. There is no doubt that the EEAS responded quickly and managed to work closely with the Commission to develop an EU comprehensive strategy to the Arab Spring in the March communication "A partnership for democracy and shared prosperity with the Southern Mediterranean". The EEAS and the HR have taken an active role in international coordination efforts, together with the UN, the Arab League and other major regional actors like Turkey. During the Libyan crisis the HR brought together the UN and regional organizations (EU, Arab League, African Union and OIC) in the Cairo Group and she actively participated in the Libya contact group. (EEAS Report 2011).

The HR and the EEAS have also become active in other sensitive international issues to which the EU attributes strategic priority, namely the Iranian nuclear program and the Middle East Peace Process. In fact, one of the first longer trips abroad of the HR was to the Middle East in March 2010. Mrs. Ashton's decision to visit Gaza and show a presence in this region sent a very important political signal. In 2011, the EU took a more central role in the Quartet efforts to get the Middle East Peace process unstuck and in September of the same year the EEAS managed to prevent a complete fall-out of Member States over Palestine's application for UN membership. What is more, at the same time, the EEAS tried hard not to neglect its other neighborhoods. HR Ashton took a critical stance toward developments in Belarus and raised concerns about the law-suit with Yulia Tymoshenko. The importance of the Eastern Partnership was reinforced at the September 2011 summit at Warsaw and underlined at the EU-Ukraine summit of December 2011. In the Western Balkans, the EEAS has helped to maintain stability, defuse tension and push forward a pro-EU agenda. The EEAS continues to facilitate an ongoing dialogue between Serbia and Kosovo aimed at establishing relations and creating lasting stability and prosperity. Furthermore, the EEAS has developed several new comprehensive EU strategies: the March 2011 Partnership for Democracy and Shared Prosperity with the Southern Mediterranean and the May 2011 Review of the European Neighborhood Policy, both prepared in cooperation with the Commission and published as

joint communications of the Commission and the HR; the March 2011 strategy for the Sahel region; the June 2011 “Comprehensive Approach” to Sudan; and the November 2011 Strategy for the Horn of Africa. Whereas most of these strategies were long in the making, they were given a final spin by the EEAS and adopted or endorsed under headings reflecting the post-Lisbon institutional architecture (Blockmans 2012: 15). In addition, the already mentioned UN General Assembly resolution which gives the EU an upgraded status allowing its representatives (the Acting Head of the EU Delegation, the HR, or the President of the European Council) to speak on behalf of the EU, clearly represents a direct diplomatic success of the EEAS (EEAS Report 2011).

But there is still much work to do. The Lisbon Treaty did not alter the challenges of collective action inherent in EU cooperation. Foreign affairs remain very much the prerogative of Member State. As Whitman points out, “particularly on issues where geopolitics and assertiveness play a role – such as Russia, China and energy security – it has been hard to reconcile the wide range of views among member states into focused policies.” (Whitman 2011: 2) Especially France and the UK have historically been active foreign policy actors seeking to maintain their status as mid-sized powers on the international stage. Since the creation of the EEAS, there have been several cases that illustrated the power relations among EU Member States on sensitive international questions and significantly undermined the ability of the new service to fulfill its most important task - to bring more coherence to the European external representation. The HR’s response to the the International Court of Justice’s ruling on Kosovo’s 2008 unilateral declaration of independence from Serbia in which Ashton put Kosovo and Serbia on equal ground created the first dividing line within the Union on serious international question. Although the EEAS has been particularly effective in bilateral settings (a case in point is the EEAS’s civilian operational coordination in response to crises like the ones on Egypt and Fukushima), the EEAS has failed to persuade some Member States to allow the EU to speak with one coherent voice in multilateral settings. The NATO response in Libya and the splits between Member States of the EU with regard to this showed up once again how divided the 27 Member States are on key foreign policy issues. In this particular case, France and the UK completely bypassed and ignored the EEAS and other EU’s institutions in favor of NATO. The postponement of the EU-China Summit in October 2011 can be seen as another fiasco of European diplomacy. The “single voice” requirement was also pushed aside after the killing of Osama Bin Laden, when no less than

five senior EU officials released repetitive declarations, statements and press releases. The HR released her statement last.

Moreover, procedural problems and structural weaknesses have also had a considerable negative impact on the EEAS's performance in its first year of operation. The turf battles between the EEAS and the European Commission's DG Development and Cooperation and the nonexistence of an integrated approach to EU foreign affairs which would include all competencies of foreign policy have been increasingly criticized by several EU Member States blaming especially the EEAS for not being capable enough to ensure proper cooperation between the two institutions on the foreign affairs agenda. The competing rather than complementing relationship between the EEAS and Commission has resulted into a hazy chain of command of political and development cooperation staffs which have made EU Delegations unable to serve the potential of the EU's institutional reforms to bring together all aspects of EU external policies in third countries. In addition, difficulties of communication and cooperation between the HR and her Cabinet, on the one hand, and core services of the EEAS (e.g. between a top heavy management and the expert desk officers), on the other, have been identified as another serious problem the EEAS needs to tackle in a near future (Blockmans 2012: 11).

However, to be fair, 2011 was indeed a challenging year in which to launch an institution like EEAS. As Catherine Ashton in her report on progress points out,

The global economic crisis and tensions within the euro zone, together with the Arab Spring, have dominated the international agenda. At the same time, public administrations across Europe are under acute budget pressure, with consequences for the diplomatic services of Member States. This is hardly the ideal backdrop for the launch of a new service for the external relations of the Union. (EEAS Report 2011)

Moreover, the long delay in its creation (since the 2002-2003 Convention) has led to uncertainty and low morale among personnel transferred to the new service. Although they are to "carry out their duties and conduct themselves solely with the interests of the Union in mind" (EEAS Decision), the nationalism displayed by Member States in setting up the service has given an unfortunate impression. Observers argue that the Member States have in fact successfully prevented any strategic debate on the EEAS. Instead, talk in Brussels and the European capitals has been all about placing bureaucratic limitations on the power of Lady

Ashton's staff. As Balfour points out, "the EEAS was not born with ready-made political capital. It needs to prove that it is not an extra "body" overly complicating the policymaking cycle, but a true "service", as its original mandate conceived it, constructively contributing to improving synergies and coherence regarding the EU's performance in international affairs." (Balfour et al. 2012: 3-4) However, in order to be able to meet these high expectations, more time is required. As David O'Sullivan, Chief Operating Officer of the EEAS, in 2011 noted: "we need three years to build the kind of service we need: a modern, agile and service-oriented organization that is able to complement national diplomacies in a rapidly changing operating environment." (O'Sullivan 2011: 1)

The main challenges for the EEAS can be summarized into following three broad categories:

Personnel It has been repeatedly noted that the success of the EEAS will largely depend on a team of competent and committed officials. Indeed, with bringing together officials from the Commission, the Council and the Member States' diplomatic corps, the EEAS is blessed with considerable human capital of talent and knowledge, which will be further expanded after 2013 when it opens to officials from the other EU institutions. Especially the participation of the national diplomatic services represents a precious expansion of the EEAS' expertise on issues, countries, languages and people. There is also an expansion of inevitable diplomatic skills, which were not previously required of Commission officials involved in external relations. One obvious task is therefore to create a common identity and common sense of purpose among people from 27 nationalities coming from various bureaucratic cultures. As O'Sullivan puts it, "the merger of the different EEAS's component parts is not unlike a merger between corporations: it brings with it the challenge of establishing a common identity. And as with organizational change elsewhere, this will take time to be forged, particularly given the array of resources and instruments that we are bringing together." (O'Sullivan 2011: 3)

The idea of creating a European diplomatic college providing a common diplomatic training for EU diplomats has again been suggested. Such a centralized training would certainly make a powerful contribution to the emergence of a common European diplomatic practice and culture. However, the question remains whether Member States would ever accept such a step, notwithstanding the argument that the EEAS composed of diplomats trained at various

learning institutions would benefit from a broader range of experiences. However, smaller Member States with more limited resources to spend on diplomatic training may indeed support centralized training (Vanhoonacker and Reslow 2010: 13)

What is more, the evolution of a proper *esprit de corps* will certainly lead to further “Europeanization” of national diplomatic services. As Graham Avery explains,

The fact that national diplomats will return to their service of origin after a period means that their EU experience will reinforce the European dimension of foreign policy at the national level. In future, young Europeans making career in foreign affairs will be able to work both in national diplomacy (in a foreign ministry or an embassy abroad) and in a European service (in Brussels or a Union Delegation in a non-EU country). The next generation of diplomats will enjoy a better understanding of the practical realities of European and national action, and have the chance to develop a truly European diplomatic culture. (Avery 2011: 1)

Coordination and coherence Given that the Lisbon Treaty did not put an end to the first/second pillar dichotomy and thus failed to solve the problem of having multiple decision-making centers in the EU’s foreign policy-making, another challenge for the EEAS is to find ways to bring together aspects of CFSP and CSDP located in the Treaty on European Union, on the one hand, and the Union’s other external relations policies such as trade, development, cooperation with third countries, humanitarian aid and relations with international organizations regulated by the Treaty on the Functioning of the EU, on the other. As Balfour notes,

The added value that the EEAS could bring is in connecting the dots between the EU’s vast and diverse external competences, and in developing coherent foreign policy strategies and integrated approaches. This means that it must champion the EU’s main asset: the ability to develop policies that link security with economics, internal affairs with external policies, and values and principles with interests. (Balfour et al. 2012: 2)

Since the Commission no longer has the external relations DG, the EEAS needs to be plugged into the Commission decision-making system in order to be involved in the external aspects of community policies. The overall priority is to ensure that coordination is seen as a central to the development of more integrated approaches. The creation of a Crisis Management Board and ad hoc Crisis Platforms¹¹⁰, which bring together all relevant players from the

¹¹⁰ See the EEAS Crisis Platform Graphic Representation in Annex

EEAS and the Commission, are tools allowing the EEAS to respond more coherently to political crisis as they arise. The EEAS Crisis Platform was, for instance, activated within the framework of the crisis in the Côte d'Ivoire, Libya, and in the Horn of Africa. However, one considerable shortcoming is that the crisis management structures are separated from the directorate on global and multilateral issues and do not formally link up with the divisions on conflict prevention and security policy. It is therefore the Corporate Board's task to ensure internal coherence and coordination and to make sure that the global and multilateral issues are reflected in the geographical and regional concerns and *vice versa* (Blackmans 2012: 12). Similarly the EEAS needs to be fully integrated into the policy "conveyor belt" at the Council, which starts with the geographical and thematic Working Groups and makes its way up to the Foreign Affairs Council through the PSC and COREPER.

Moreover, the EEAS should place itself at the centre of a spider's web of communication for every policy which has an external dimension. Ensuring that information is conveyed horizontally (between institutions, agencies and bodies) and vertically (from the Delegations to the EEAS, and from the EU institutions to the Member States) is a crucial basis for developing more coherent and efficient policies. Within the EEAS, the areas in which there need to have the most regular contacts are between the five Geographical Directorates and the Directorate for Global and Multilateral Units. This would help to ensure consistency between policies and positions adopted in relations with third countries and at multilateral level, and contribute to incorporating thematic issues into geographical policies. This is all the more important in the most cross-cutting areas, such as energy, migration and terrorism, where the need for coordination between the internal and external dimensions is most imperative. However, given that the Lisbon Treaty does not provide any enforcement mechanism to ensure Member States' compliance with CFSP, the HR and the EEAS will continue to heavily rely on the Member States' political will (Balfour et al. 2012: 4, 48).

Strategy As Avery interestingly notes, "a single voice in international forums is not enough, and sometimes it is not even necessary: the EU needs to have a single message." (Avery 2011: 2) Despite the unfavorable political and structural conditions, if the EEAS wants to be successful, it needs to identify common political priorities and act as a policy entrepreneur, proposing compelling ideas and approaches for a more integrated and holistic foreign policy around which the EU Member States, its institutions and its citizens can coalesce. As

Whitman puts it, “without a strategic approach to foreign policy and diplomacy, the EU may find itself adrift in its external relations and the EEAS will at best improvise and react to events as they arise rather than actively seek to influence and shape them in a direction that serves EU objectives.” (Whitman 2011: 2) In short, the EEAS has to develop a long-term pragmatic plan addressing the main challenges facing the EU in the next 10-20 years. It is of course true that the EEAS will not generate a new common EU policy *vis-à-vis*, say, Russia or China, but it has to facilitate its shaping and implementation. As Möller points out, “it is now time to have a real debate about the future of European foreign policy and the role of its foreign service: a debate that centers not on bureaucratic, but rather on substantive criteria.” (Möller 2010: 3) As Blockmans puts it, „the overarching strategy should, in line with the Lisbon Treaty’s rearrangements, adopt a more comprehensive approach to EU external action than the security prism through which the Union’s grand strategy was developed during the Solana years.” (Blockmans 2012: 17) Such an achievement would definitely make the EEAS more visible and would also give the service greater legitimacy and support.

6. Conclusion

Although the “founding fathers” of European integration presented the idea of European Community as a purely economic concept without any aspiration to deal with such sensitive issues as foreign policy or diplomacy, the history of the European integration has proved that it has been political on account of its aims and its methods from the outset. Over the years, the EU has become a global actor who has a substantial international influence used to protect and promote its interests. The EU has developed its own distinct foreign policy-making that covers nearly all areas and issues of international politics. The EU expresses its position on armed conflicts, human rights, deals with transnational problems like environmental threats and is engaged in many aid programs. Thus it can be argued that the EU has fulfilled its initial *raison d'être* by far.

However, as a result of its own history as an organization, the overall success of the EU in the world has long been limited by its inability to act internationally as a single authority able to “speak with one voice”. With the recent developments in the EU’s external representation brought about by the Lisbon Treaty, of which the most important are the establishment of the HR and the creation of the EEAS, the EU has taken some considerable long-expected measures to mitigate the perpetual problem of coherence in its external representation.

From the point of view of coherence, the most important innovation lies in the double-hatting of the HR as both chief of the CFSP and one of the Vice Presidents of the Commission. This places the HR at the very interface between the supranational and the intergovernmental domain of EU external action. While the creation of such a coordinating post can be seen as an achievement in itself, it remains to be seen to what extent the first appointed HR, Catherine Ashton, will really be able to bridge the pillar divide (which remains) and at the same time to maintain the balance within the Commission and the Council. Similarly challenging is the HR’s hazy relationship to the President of the Commission and the President of the European Council. Coherence in external representation will therefore largely depend on the HR’s ability to find a workable division of labor in the decision-making process and to work without friction. However, in the first few years Ashton faces an extremely difficult balancing act, which might not produce any immediate satisfying results.

Bearing in mind the main objective of this thesis - to examine the European Union as a diplomatic actor, the establishment of a joint diplomatic service for the EU can be viewed as the most significant innovation of the Lisbon Treaty. The EEAS's main task is to support the HR in all her functions, including her role as Commission Vice-president, chair of the Foreign Affairs Council and external face of the Union. The service will cooperate closely with diplomatic services of the Member States and bring together the expertise from two institutions that, for long, lived separate lives. To this will be added the diplomatic experience of the Member States' foreign services. Of key significance is the creation of common bureaucratic machinery. Up to the Lisbon Treaty legal and institutional reforms have mostly concerned the highest levels of interaction between pillars. For the first time, the EEAS suggests an organizational merger of the lower levels of day-to-day administrative work in EU external action. In so doing, the EEAS is likely to facilitate further Europeanization of Member States' foreign policies, thus reinforcing EU foreign policy itself.

Moreover, with the creation of a "European ministry for Foreign Affairs" with a global network of more than 140 EU Delegations promoting EU interests and values around the world, the EU has successfully enclosed one important period of European diplomacy that began almost 60 years ago. This achievement is truly remarkable. No other supranational entity in the world history, perhaps with the exception of the Catholic Church in medieval Europe, has developed a system of representation similar to the EU, with permanent delegations all across the World. Given that the EU copies prevailing structures established in national diplomatic services, it significantly reduces the existing uncertainty as to what kind of an actor the EU actually is. What is more, the fact that the EU is becoming an internationally accepted diplomatic persona, albeit unique, testifies to the perennial constitutive character of diplomacy as such.

The origins of European diplomats were, however, diametrically opposed to those of their nation state counterparts. Whereas the purpose of national diplomatic missions was to represent authority, convey messages, negotiate, gather information about their country of residence and disseminate information about their own country, these were not the original terms of reference of the Commission's delegations created as an external consequence of the Community's Common Commercial Policy to control the implementation of development projects run by the Commission in third countries. As the European integration proceeded and

the Commission was given more competences in external affairs, the EC/EU found itself compelled to define its international actorness and gradually granted Commission's delegations tasks comparable to Member States embassies. However, it was not until the Lisbon Treaty's entry into force that Commission's delegations were transformed into fully-fledged diplomatic missions legally representing the EU.

The evolution of the EU Delegations can therefore rightfully be seen as one of the great examples of the spillover process between "high" and "low politics" in the history of the EU. Of key significance is the way in which the EU, more precisely the Commission, managed to substitute the traditional diplomatic relations with economic strategies and partnerships established with third countries and in so doing gradually developed a unique European brand of diplomacy. Today's EU Delegations carry out a wide range of old-style diplomatic tasks, such as presenting, explaining and implementing EU policy; analyzing and reporting on the policies and developments of the countries to which they are accredited; and conducting negotiations in accordance with a given mandate. Given that EU Delegations remain loyal to their "low politics" heritage and continue to be responsible for common trade policy, including development, agriculture, fisheries, environmental, transport and health, they anchor new tasks along traditional diplomatic lines. Considering the miscellaneous political and economic expertise developed over years and expanding staff of experts and officials with different cultural and working backgrounds, EU Delegations can play a central role in managing relations with government and non-governmental actors on a much broader range of issues than any other nation state's diplomatic mission. Thus, in time, they could take over some functions which are currently managed by the twenty-seven individual national embassies, contributing to reducing duplication and costs.

The Lisbon reforms, however, have not turned the EU foreign policy-making system upside down. The Commission remains responsible for several services dealing with external affairs and manages the bulk of resources for external relations. In political practice the major divide in EU foreign policy runs still through the lines of CFSP itself as the Member States continue to retain their sovereign rights in key areas of external action. The key challenge for the EEAS is therefore to show that it has added value. In order to be successful it needs to prove its utility and legitimacy to all stakeholders in EU foreign policy: the EU's institutional framework, its citizens, and its private and non-governmental actors. Failure to produce

significant added value or, worse still, an increase in personal and bureaucratic infighting would cast a gloomy shadow over the EU's international image and action, and it would also have negative impact on the broader EU internal political climate. Member States have to develop a certain feeling of ownership of the EEAS, and a feeling that it adds value to their own diplomatic structures. At the same time, the HR has to make use of her agenda-setting and decision-shaping capacity in order to pursue a steadier and more proactive European foreign policy agenda. However, the HR can do so successfully only if she gains the confidence of Member States. It can therefore be argued that despite some important innovations brought about by the Lisbon Treaty, coherence will remain a challenge as long as the EU is not a unitary actor.

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Annex

List of abbreviations

ACP – African, Caribbean, and Pacific Group of States

Art. – Article

BBC – British Broadcasting Corporation

CCP – Common Commercial Policy

CET – Common External Tariff

CFSP – Common Foreign and Security Policy

CNN – Cable News Network

COREPER – Committee of Member States' Permanent Representatives to the EU

DAD – Directorate for the Administration of the Delegations

DG – Directorate General

DG RELEX – Directorate General External Relations

EAC – European Agency for Cooperation

EC – European Community

ECHO – European Commission's Humanitarian Office

ECJ – European Court of Justice

ECSC – European Coal and Steel Community

ECU – European Units of Account

EDA – European Defense Agency

EDC - European Defense Community

EDF – European Development Fund

EEAS – European External Action Service

EEC – European Economic Community

EPC – European Political Cooperation

ESDP – European Security and Defense Policy

EMU – Economic and Monetary Union

EP – European Parliament

EU – European Union

EURATOM – European Atomic Energy Community

FAC – Foreign Affairs Council

FEDOM – European Overseas Development Fund

GATT – General Agreement on Tariffs and Trade

GAERC – General Affairs and External Relations Council

HR – High Representative of the EU for Foreign Affairs and Security Policy

IGC – Intergovernmental Conference

IMF – International Monetary Fund

IR – International Relations

MNC – Multinational Corporation

NATO – North Atlantic Treaty Organization

NGO – Non-governmental Organization

NIEO – New International Economic Order

OCTs – Overseas Countries and Territories

ODA – Official Development Assistance

OECD – Organization for Economic Cooperation and Development

OSCE – Organization for Security and Cooperation in Europe

PSC – Political and Security Committee

QMV – Qualified Majority Voting

SEA – Single European Act

TEU – Treaty on European Union

UK – United Kingdom of Great Britain and Northern Ireland

UN – United Nations Organization

VCDR – Vienna Convention on Diplomatic Relations

WEU – Western European Union

WTO – World Trade Organization

List of ACP Countries

As published on the official web page of the European Commission (Accessed April 25, 2012)

<<http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/africa-caribbean-pacific/>>

	West Africa CEDEAO+ Mauritania	Central Africa CEMAC+STP	East South Africa ESA	Southern Africa "SADC group"	Caribbean	Pacific
1	Benin	Cameroon	Burundi	Angola	Antigua, Barb	Cook Is.
2	Burkina Faso	Centr. Africa	Comoros	Botswana	Bahamas	Fed. Micron.
3	Cape Verde	Chad	Djibouti	Lesotho	Barbados	Fiji
4	Gambia	Congo (Brazzaville)	Eritrea	Mozambique	Belize	Kiribati
5	Ghana	Congo (Dem. Rep.- Kinshasa)	Ethiopia	Namibia	Dominica	Marshall Is.
6	Guinea	Equat. Guinea	Kenya	Swaziland	Dominican Rep.	Nauru
7	Guinea Biss.	Gabon	Malawi	Tanzania	Grenada	Niue
8	Ivory Coast	S. Tome, Princ	Mauritius	South Africa	Guyana	Palau
9	Liberia		Madagascar		Haiti	Papua N. G.
10	Mali		Rwanda		Jamaica	Samoa
11	Mauritania		Seychelles		St Lucia	Solomon Is.
12	Niger		Sudan		St Vincent	Tonga
13	Nigeria		Uganda		St. Ch. & Nevis	Tuvalu
14	Senegal		Zambia		Surinam	Vanuatu
15	Sierra Leone		Zimbabwe		Trinidad & Tobago	
16	Togo					

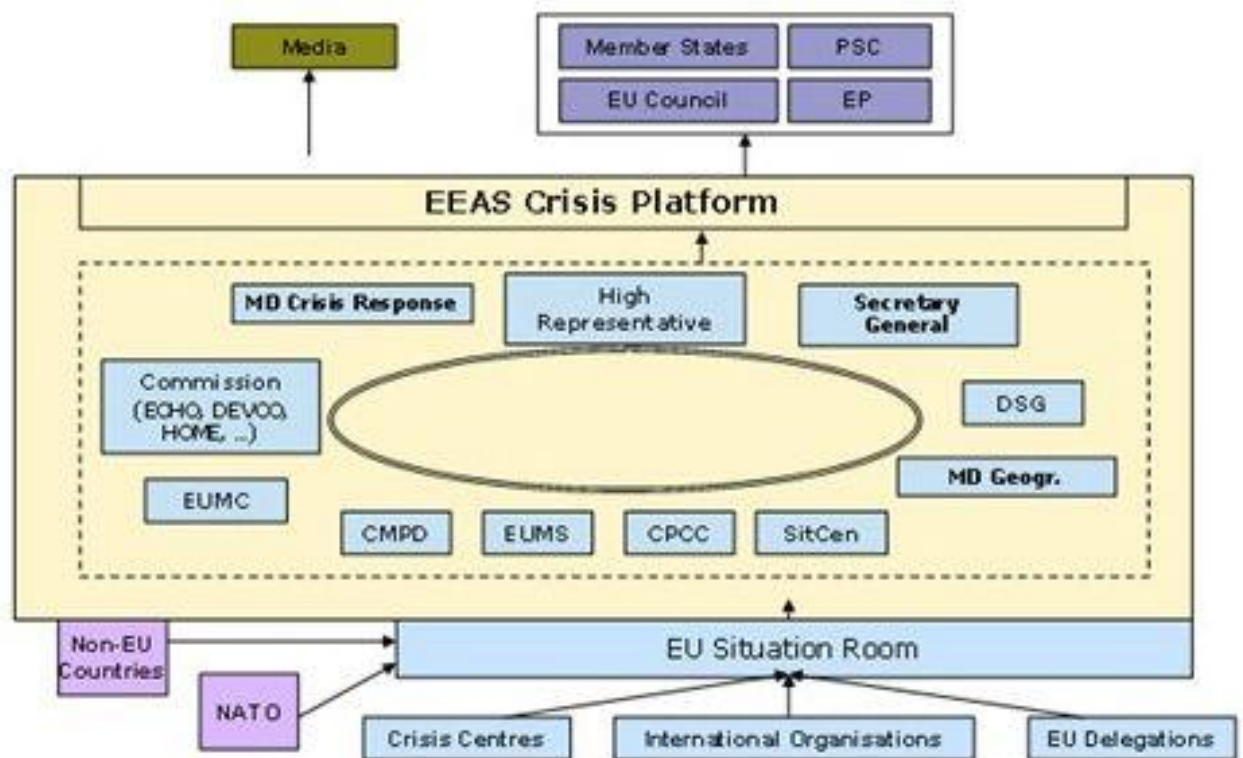
As published on February, 16, 2012 on the official web page of the EEAS (Accessed April 25, 2012)
<http://eeas.europa.eu/background/organisation/index_en.htm>



The European External Action Service Crisis Platform Graphic Representation

As published on the official web page of the EEAS (Accessed April 25, 2012)

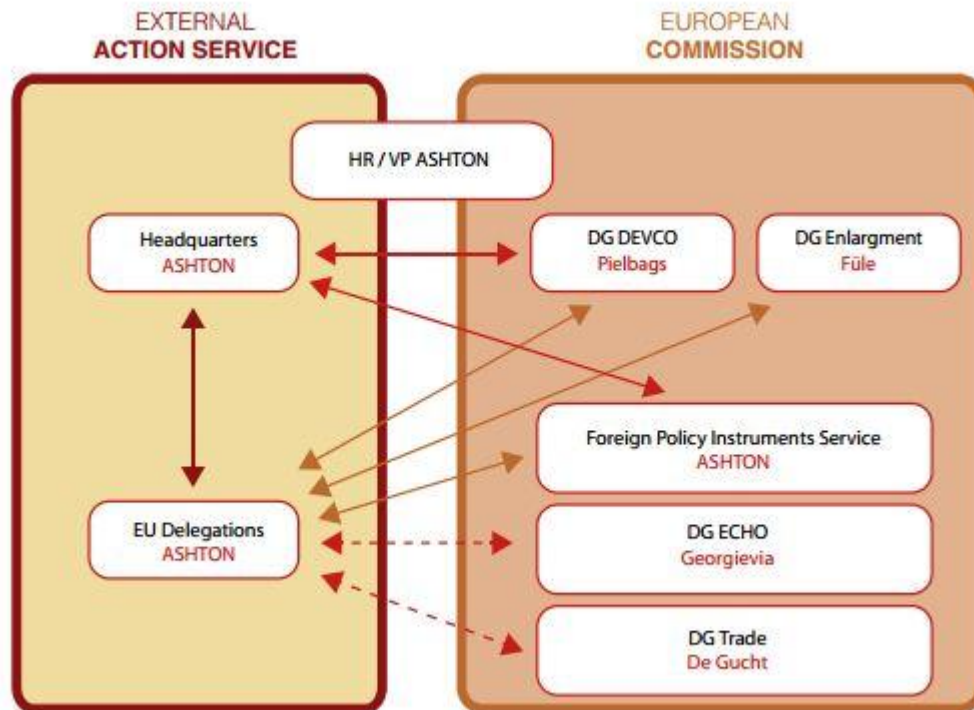
< <http://www.consilium.europa.eu/eeas/foreign-policy/crisis-response/eeas-crisis-platform> >



The EEAS Crisis Platform brings together various EEAS crisis response/management structures: Crisis Management and Planning Directorate (CMPD), Crisis Response Department, EU Military Staff (EUMS), Civilian Planning and Conduct Capability (CPCC), Situation Centre (SitCen), EU Military Committee (EUMC), EU Situation Room, relevant geographical and horizontal EEAS Departments as well as the relevant European Commission services.

The relationship between the European External Action Service and the European Commission

As published on the official web page of CONCORD (Accessed April 25, 2012)
<http://www.concordeurope.org/Files/media/0_internetdocumentsENG/4_Publications/EEAS-year-A4-lowdef.pdf>



Deutsche Zusammenfassung

Das Europäische Integrationsprojekt wurde von Anfang an aus Furcht vor Misserfolg auf Grund der Sorge um nationale Souveränität gezielt als ein rein wirtschaftliches Konzept dargestellt und später auch in die Wege geleitet. Die in den Gründungsverträgen verankerte strenge Trennung zwischen intergouvernemental geregelter „*high politics*“ (Diplomatie, Außenpolitik, Sicherheitspolitik) und transnational bestimmter „*low politics*“ (Wirtschafts-, Währungs-, Kulturpolitik) hatte zum Ziel die nötige Unterstützung von den damals sechs Mitgliedstaaten für das gemeinsame Friedensprojekt in Europa zu gewährleisten. Die Entscheidung die Integration der gemeinsamen Außenpolitik mit der von gemeinsamem Handel nicht parallel ins Leben zu rufen entspricht den nach 1945 dominierenden Konzepten der realistischen Schule mit ihrer Betonung der Nationalstaaten als einziger Akteure in dem internationalen System. Die strenge wenn auch künstliche Trennung zwischen „*high politics*“ and „*low politics*“ und die daraus resultierende stumpfe Kompetenzteilung zwischen transnationalen und intergouvernementalen Organen der Europäischen Gemeinschaft legten den Grundstein für zwei Phänomene, die ein für allemal den Charakter der Europäischen Außenpolitik und Diplomatie bestimmten; die Substitution von der Außenpolitik durch die Außenwirtschaftsagenden der Europäischen Gemeinschaft und das Problem der Kohärenz im außenpolitischen Auftreten.

Mit der sich schrittweise vertiefenden Europäischen Integration wuchs auch die Bedeutung der Europäischen Gemeinschaft als internationaler Handelsakteur. Um auf die rasch steigenden am Anfang grundsätzlich wirtschaftlichen Ansprüche der internationalen Gemeinschaft an Europa eine klare und verständliche Antwort zu geben, baute die Europäische Kommission, die damals als einziges Organ über die dazu notwendigen rechtlichen Kompetenzen verfügte, ein einzigartiges in der Geschichte der Diplomatie präzedenzloses Netzwerk von ausländischen Vertretungen schrittweise auf. Von besonderer Bedeutung ist daher der kontinuierliche Transformationsprozess von den sich meistens aus technischen Beratern zusammensetzenden Auftragsteams der Europäischen Kommission, die sich auf Grund der fehlenden „*high politics*“ Dimension am Anfang grundsätzlich mit außenwirtschaftlichen Aspekten der gemeinsamen Handelspolitik beschäftigten, zu den voll entwickelten diplomatischen Delegationen der Europäischen Union, die heutzutage in vollem Umfang die traditionellen diplomatischen Aufgaben wahrnehmen können und somit eine Herausforderung für die nationalen Vertretungen darstellen. Dieser Wandel wird berechtigterweise als eins der wichtigsten Beispiele der Nebenwirkung (spillover effect) in der Geschichte der Europäischen Integration betrachtet.

Trotz all ihrer Wirtschaftskraft und der hochentwickelten Außenvertretung wurde die Europäische Union seit langer Zeit für ihre Unfähigkeit mit einer einheitlichen Stimme zu reden kritisiert. Ein Meilenstein war dabei das Inkrafttreten des Vertrags von Lissabon am 1. Dezember 2009. Die wichtigsten Neuerungen bestehen in der Ernennung der Hohen Vertreterin der Europäischen Union für die Gemeinsame Außen- und Sicherheitspolitik, die gleichzeitig als Vizepräsidentin der Europäischen Kommission dient, und in der Schaffung des der Hohen Vertreterin zur Seite gestellten Europäischen Auswärtigen Dienstes (EAD). Diese beiden neu geschaffenen Organe sollten der Europäischen Union ein möglichst geschlossenes, kohärentes und wirkungsvolles Auftreten nach außen ermöglichen.

Nach zweieinhalb Jahren scheint klar zu sein, dass der Vertrag von Lissabon das Problem der Kohärenz zwar abschwächte aber nicht abschaffte. Die zentralen Akteure europäischer Außenpolitik bleiben jedoch weiterhin die nationalen Regierungen. Von ihrem Willen und politischem Geschick wird es abhängen, ob die Europäische Union die Lissabons Chancen ergreift und an internationaler Akteursqualität gewinnt. Als ein weiterer Stolperstein für das Ziel einer einheitlicheren Europäischen Außenpolitik könnte sich erweisen, dass im Vertrag von Lissabon nicht nur der Hohen Vertreterin, sondern auch dem ständigen Präsidenten des Europäischen Rates die Aufgabe zur Außenvertretung zugeschrieben wird und dass sich der Kommissionspräsident ebenfalls gern auf internationalem Parkett bewegt. Entscheidend für die Erreichung eines kohärenteren Auftretens wird daher die Fähigkeit der Hohen Vertreterin sein, die aufzutauchenden Kompetenzkonflikte möglichst schnell zu identifizieren und dem zu folge einen Plan für eine langfristige Symbiose des Brüsseler Führungstrios vorzuschlagen. Eine der wichtigsten Herausforderungen für den EAD ist, die Mitgliedstaaten sowie andere Europäische Organe von ihrer Nützlichkeit zu überzeugen. Um das zu erzielen, muss dem EAD gelingen eine Europäische strategische Kultur zu entwickeln. Er muss eine öffentliche und ehrliche Debatte imitieren, wofür die Europäische Union und ihre Mitgliedstaaten international stehen und wie sie ihre Ziele erreichen wollen.

Mit der Schaffung eines „Europäischen Außenministers“ und eines „Europäischen Außenministeriums“ mit einer staatsähnlichen diplomatischen Maschinerie beginnt ein qualitativ neues Kapitel für die seit langem begonnene wissenschaftliche Auseinandersetzung mit der Frage was für ein Akteur die Europäische Union eigentlich ist. Aus der Sicht der in der Arbeit benützten Forschungskonzepten bestätigt zudem die heutige von der Europäischen Union ausgeübte diplomatische Rolle die Richtigkeit der Auffassung von der Diplomatie als beständige, konstitutive und entwicklungsfähige Institution der internationalen Beziehungen.

Abstract

This thesis examines the role of the European Union as a distinct diplomatic actor. It focuses on the growing capacity of the EU to conduct external diplomatic relations with virtually every state and international organization. It explores the gradual institutional developments in the external competence of the EU and its ability to conduct consistent and coherent foreign policy and diplomacy. It argues that the initial strict separation between “high” and “low politics” foreign affairs resulted into substitution of political/diplomatic relations with economic relations and has significantly determined the contemporary character of European diplomacy. It also poses relevant questions arising from the major institutional novelties introduced by the Lisbon Treaty in the area of external representation, namely the High Representative of the European Union for Foreign Affairs and Security Policy and the External Action Service based broadly on the Commission’s External Service and argues that despite some considerable institutional improvements in the area of external representation and the extensive Europeanization of national foreign policies, Member States remain the main international actors and thus prolong the quest for coherence in the external representation of the EU.

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