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# Making European Diplomacy Work: Can the EEAS Deliver?

Paul Quinn (ed.)



DEPARTMENT OF EU INTERNATIONAL  
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and Diplomacy Studies

## **EU Diplomacy Papers**

### **8/2011**

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## Abstract

The European External Action Service (EEAS) represents a formidable challenge for the European Union (EU) and marks the arrival of a veritable European diplomacy on the world stage. This paper examines some pertinent and often overlooked questions surrounding the launching of the EEAS, notably its impact on the traditional domains of European diplomacy, the introduction of European diplomats and the need to build an EEAS 'esprit de corps'. Much has been discussed and debated regarding the EEAS on paper, nevertheless it is in the corridors of power and in EU Delegation meeting rooms where the real test lies for EU diplomats. Therefore, the actual question is: will the EEAS be able to deliver for EU diplomacy?

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## Making EU Diplomacy Work: Treaty Changes, Political Will and the 'Quiet Diplomacy' Strategy

Benjamin Barton and Paul Quinn

The world of international politics, despite its permanently evolving nature, is predominantly played by nation-states who set the diplomatic rules to the game. Within this constant state of flux, the European Union in proportion to its demographic or economic size has consistently struggled to translate this into a comparable level of influence. The causal links that explain this mismatch between the EU's potential in abundance and its below par performances on the international stage run aplenty – from its sophisticated *sui generis* nature in a world of sovereign nation-states to the patchwork of its exclusive, shared or non-existent external competences – all of which have been drawn to the attention of EU foreign policy-makers for some time.

In order to remedy to these multiple discrepancies, policy-makers have resorted to Treaty-based policy innovations, the most important for EU diplomacy in this respect being the Treaty of Lisbon, which entered into force in December 2009. On the face of it, the Lisbon Treaty can be labelled the defining moment in the making of EU diplomacy, due to the fact that it has established a new and quasi-autonomous institution – the European External Action Service – dedicated to serving the EU's diplomatic needs and more succinctly, those of a high-level political figure, the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP), Lady Ashton. This oversimplified depiction has, from a top-down perspective, boosted the EU's diplomatic credentials by formalising the developments of the EU's own pseudo-Foreign Minister and Foreign Ministry along supranational lines. This move thus serves to reduce the asymmetry of the EU's nature to that of the dominant actors in world politics: nation-states.

Yet, perhaps most importantly, the Lisbon Treaty has granted the EU the necessary resources and institutions with which to build-up its reputation as a diplomatic actor, sufficiently so in order for it to successfully play by these rules designed for and by nation-states without betraying its *sui generis* entity. As aforementioned, the EU's lack of punch on the international stage can best be justified by its difference in status. However, on a macro level, the EU's foreign policy has suffered as a result of the internal wrangling and competition amongst its institutions and Member States, by the plethora of actors representing the EU in foreign policy matters or by the generally scattered and incoherent nature of its external relations.<sup>1</sup> Therefore, via the many changes brought about by the Lisbon Treaty, the EU is now *able*, from a bottom-up perspective, to establish a more unified foreign policy due to the pooling

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<sup>1</sup> For more on the creation of the EEAS see Benjamin Barton, "The Emergence of the EEAS: A Retrospective on the Institutional Wrangling for the Soul of European Diplomacy", in Dieter Mahncke and Sieglinde Gstöhl (eds.), *European Union Diplomacy: Coherence, Unity and Effectiveness*, Brussels, P.I.E. Peter Lang, forthcoming.

of staff, resources and institutions. The best example of this is the EEAS that brings together staff, expertise and know-how from across the Member States, the Commission and the Council Secretariat so as to reinforce foreign policy coherence. And it will act as a much needed socialisation process in the creation of an EU diplomatic corps working towards the same foreign policy objectives.

In turn, this unified and coherent approach should help to provide the EU with further leveraging power internationally, thus permitting it in the long term to punch within its weight – a fact that would garner the respect of the other actors making-up the international community. Consequently, the Lisbon Treaty has provided the comprehensive framework and the instruments necessary for EU diplomacy. The issue at stake now is to make EU diplomacy work – a feat which will require above all a strong degree of political volition in order to support the EEAS and the HR/VP. The will to make EU diplomacy work inevitably concerns all the actors involved in the EU foreign policy-making process. Yet, a large proportion of the responsibility will rest upon the shoulders of the Member States, as without their backing or support Lady Ashton and the EEAS will struggle to implement the visionary strategies laid out at the inception of her term.

### *Quiet Diplomacy*

As stated on the night of her appointment, Lady Ashton, whilst speaking to the world's media, presented her vision for the external relations of the EU to be carried out by the EEAS using 'quiet diplomacy'. On 17 December 2009, in her first article since taking the post, entitled "Quiet diplomacy will get our voice heard", which was published in *The Times* and *The New York Times* and picked up by several news agencies, the EU's highest ranking diplomat states her belief in the effectiveness of this strategy.<sup>2</sup> However, in her vision of the EEAS, HR/VP Ashton remained ironically 'quiet' on the actual mechanisms and tools of such a doctrine. In her article she stated: "I believe that a lot can be achieved with quiet diplomacy", but made no reference to what it would mean in practice and what techniques EU diplomats would employ to be in accord with the central vision for their purpose.<sup>3</sup> Commentators were quick to point out the flaws in her vision;<sup>4</sup> some argued that quiet diplomacy was not the best tool<sup>5</sup> for a newly established organisation built on a treaty whose entire rationale is to provide for greater EU presence on the global stage. During her confirmation hearing at the European Parliament on 11 January 2010, when the HR/VP was questioned about her use of and belief in quiet diplomacy, she argued that "sometimes taking to people without full publicity can

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<sup>2</sup> Catherine Ashton, "Quiet diplomacy will get our voice heard", *The Times*, 17 December 2009.

<sup>3</sup> *Ibid.*

<sup>4</sup> See George Lyon, "Lady Ashton: Mistaking quiet diplomacy for silence", *The Guardian*, 19 July 2010.

<sup>5</sup> Constant Brand, "Ashton urged to speak up on human rights", *European Voice*, 22 July 2010.

be more effective",<sup>6</sup> but once again any substance to the policy was lacking. Therefore, if the HR/VP has not offered a clear explanation of her central doctrine for EU diplomacy, one must ask: what is quiet diplomacy?

There is remarkably little written on quiet diplomacy as a diplomatic technique and the concept is most notable for its lack of a clear definition. Collins and Packer argue that "the aim of quiet diplomacy is to create conditions in which parties feel comfortable to act, in particular allowing parties calmly to evaluate positions and interests, to weigh options and consider independent and impartial advice".<sup>7</sup> Or more simply, "preventive diplomacy executed through quiet means".<sup>8</sup>

A difficulty for the HR/VP is the limited scope of quiet diplomacy coupled with the extremely wide remit of EU external relations. By professing her belief in quiet diplomacy so strongly at the beginning of her mandate, the HR/VP gives the impression that it is the only tool in the EU's diplomatic bag. However, when presented with foreign policy concerns as wide ranging as humanitarian disasters in Haiti to relations with the EU's strategic partners to war in Libya, quiet diplomacy will be shown to not be a 'one size fits all' strategy, leaving the HR/VP and the EU open to criticism.

Despite these criticisms one should not forget the nascent nature of the EEAS and the role of the HR/VP. Quiet diplomacy is a pragmatic disguise which simultaneously allows for the building of the EEAS to continue unhindered while acting as a shield, deflecting any negative criticism of inaction as simply the implementation of the quiet diplomacy strategy. In other words, it allows the HR/VP to put forward a vision for an EU diplomatic approach, but satisfies the desire of the Member States that the EEAS and HR/VP remain 'quiet'.

Given the current context, this diplomatic approach serves its purpose, allowing the building of the EEAS to continue, the HR/VP to make the best with what she has and for the Member States to pay heed to her policies and ideas, without the need to make any grand concessions. However, in the long term, there is no guarantee quiet diplomacy will deliver the sort of changes envisioned in the Lisbon Treaty, especially in terms of the EU's international role. On this point, it is worth considering what exactly the HR/VP is tasked with. Article 27(2) TEU provides a clear definition of duties:

The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue with third parties on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

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<sup>6</sup> Stephen Castel, "Nominee for E.U. Foreign Affairs Chief Is Cautious at Confirmation Hearing", *The New York Times*, 11 January 2010.

<sup>7</sup> Craig Collins and John Packer, "Quiet Diplomacy Option and Technique for Quiet Diplomacy", Folke Bernadotte Academy, Edita Stockholm, 2006, p. 10.

<sup>8</sup> *Ibid.*

However, finding a position to express from the outset may be difficult for the HR/VP when there are clear differences between Member States or between the Council and the Commission on foreign policy issues. Obvious differences in the direction of foreign policy will limit the ambition of the EEAS and the room for manoeuvre of HR/VP Ashton, often resulting in statements based on the most basic position.<sup>9</sup> Therefore, one must return to the dominance of nation states in making EU diplomacy. From the Member States' perspective the arrival of the EEAS is not meant to signal the arrival of a fully-fledged 'EU Foreign Ministry', just a limited version which can enhance the role of the EU, but not replace the dominance of respective Foreign Ministries.

Quiet diplomacy is the lowest common denominator of strategy available to the HR/VP given her other commitments and reliance on the assent of the Member States. In her first article the HR/VP outlined that "we need officials who can work behind the scenes as well as in the glare of the spotlight",<sup>10</sup> a description which is equally apt to designate the relationship between the EEAS and the Member States – to work in the spotlight when there is agreement and behind the scenes when there is none.

### *Outline of the Paper*

This paper sets out to examine some of the most pertinent questions relating to the arrival of the EEAS and the making of EU diplomacy. In three sections six essays address the impact of the EEAS on EU Member States' embassies and on the European Commission, the nature of the new EU diplomats in the EEAS and the potential development of an EU 'esprit de corps'.

The first section asks what the creation of the EEAS means for two key outlets of European diplomacy. Clive Cusens examines the likely impact of the EEAS on the national embassies of the EU Member States both within the EU and for their representations in third countries. If the EEAS is presented as a single diplomatic corps, is the rationale for having 27 different national embassies still present? The EEAS reshapes the institutional set-up of the EU and how it undertakes its external relations. Florian Bergmüller thus looks at the potential loss of external relations capacity for the European Commission.

The second section investigates what the concept of an 'EU diplomat' introduced by the EEAS actually is. Raïssa Marteaux provides an analysis of how and by whom the EEAS is staffed, examining whether the targets of gender and geographical balance can be fulfilled and what working culture the EEAS is likely to adopt given its

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<sup>9</sup> For more on the HR/VP's role in ensuring consistency see Paul Quinn, "The Lisbon Treaty: Answering the Call for Greater Coherence in EU External Relations?", in Dieter Mahncke and Sieglinde Gstöhl (eds.), *Coherence, Unity and Effectiveness*, Brussels, P.I.E. Peter Lang, forthcoming.

<sup>10</sup> Catherine Ashton, *op.cit.*

fusion of national diplomats and Commission and Council functionaries. Francesca Fenton addresses the fundamental question of what it means to be an EU diplomat in practice based on interviews with recently appointed Heads of Delegation.

Finally, if the EEAS is to be a truly effective 'foreign service', a certain *esprit de corps* should be instilled to ensure that *European* interests are put forward. The third section provides relevant examples of a European *esprit de corps* in action and how effective European diplomacy can be garnered from this basis. Thomas Heidener explores the factors that contribute to the effectiveness of COREPER and how national (and EU) diplomats can effectively work together. Charles Thépaut examines the potential for European diplomats abroad to create a 'late' diplomatic corps, the conditions for which are relevant to all EU Delegations.

The EEAS represents a formidable challenge for the EU and marks the arrival of EU diplomacy on the world stage. Nevertheless, it is in the corridors of power and in EU Delegation meeting rooms where the real test for EU diplomats and the EU diplomacy they represent will be held.

## The EEAS vs. the National Embassies of EU Member States?

*Clive Cusens*

The intensified political integration of the European Union is now also focusing on strengthening diplomatic integration in the form of the European External Action Service (EEAS). In an era in which the EU is operating in a framework of increasing interdependence and in which the need for a common position becomes more and more of a norm (taking as an example the fact that Council decisions are increasingly agreed to by consensus, even for decisions in which qualified majority voting systems are in place)<sup>1</sup>, what is the rationale of still having 27 national embassies operating in one place both within the intra-EU realm as well as beyond the EU's borders, instead of having a single EU diplomatic corps?

This thought leads to the question to what extent diplomatic integration will lead to the demise of the national embassies of EU Member States. In order to answer this question, this essay looks at two levels of interaction: the intra-EU level, meaning the diplomatic relations between EU Member States, as well as the external level, meaning the relations between the EU Member States and third countries. By looking at the diplomatic relations on these two levels, my hypothesis is that the national embassies of EU states will not become a relic of the past as long as special political, commercial and/or other bilateral interests between two countries still exist, whether at the intra-EU level or at the external level.

Therefore, I begin by looking at the necessity of still having several national embassies operating concurrently in the internal arena or whether these should be allowed to slowly disappear into the history books, and then look at the external arena and examine the feasibility of having both EU representations as well as EU national embassies.

### *The Internal Dimension*

There are currently a plethora of institutions within the EU in which representatives of Member States can directly discuss topical issues ranging from the least technical of internal policy to the most ambitious of defence policy. The main institutions include the European Parliament, the European Council, the Council of Ministers and COREPER. The European Commission was deliberately left out of this list since Article 245 TFEU states that "Member States shall respect their [the Commissioners that are chosen from each Member State] independence and shall not seek to influence them in the performance of their tasks". Surely, with all these institutions in place, the

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<sup>1</sup> Stephen Sieberson, "Inching Toward EU Supranationalism? Qualified Majority Voting and Unanimity under the Treaty of Lisbon", *Virginia Journal of International Law*, vol. 50, no. 4, 2010, p. 938.

role of the national Foreign Ministry ought to be in decline. And yet, the embassies remain. Why?

To begin with, the national embassy's traditional role of "representation, intelligence-gathering and communication" has, according to Hocking, been challenged by "the twin forces of globalisation and regionalisation".<sup>2</sup> In addition, the traditional role of the national embassy has been diminished due to the several afore-mentioned EU fora. However, there are still other areas where the embassy can play a crucial role in another EU state. One of these areas is business, where the embassy can aid investment – whether for investment from country A into the host state (country B) or to secure deals for country A from investors in country B. The institutions at the EU level do not cater for such bilateral agreements between states and this is one argument in favour of keeping an embassy. As if to emphasise this point, the Ministry of Foreign Affairs of Malta in November 2010 issued a press release which referred to a renewed commitment to strengthening its bilateral relations with Germany, making reference to commercial investment and political and economic collaboration.<sup>3</sup>

Another important role for the national embassy in the EU arena is of course public diplomacy. Sometimes, it may be beneficial to bypass the heads of government (or other representatives at the EU level) and appeal directly to the host country's population or media in order to convince them that *their* government's actions are good, or to at least ensure fair reporting of anything related to their government's actions or words. This is why some embassies have their own Public Relations teams with resources such as printed materials, multi-language websites, information officers and so on; in order to clarify, justify or defend their government's position.<sup>4</sup> Therefore, as long as an EU state has enough funds to sustain an embassy in another EU country, it will do so for some or all of the reasons highlighted above.

But what about the external dimension? Would it not be appropriate to argue that since the EU's external relations with other states in issue areas such as trade, development aid, crisis management and others – in which Member States have increasingly less divergent views from a common EU position – the role of the national embassy should make way for the EEAS to communicate the EU's position to third countries?

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<sup>2</sup> Brian Hocking, "Introduction: Gatekeepers and Boundary-Spanners – Thinking about Foreign Ministries in the European Union", in Brian Hocking and David Spence (eds.), *Foreign Ministries in the European Union*, Houndmills, Palgrave Macmillan, 2002, p. 1.

<sup>3</sup> "Malta Consolidates its Bilateral Relations with Germany", Ministry of Foreign Affairs – Malta, 03/11/10, retrieved 14 November 2010, <http://www.foreign.gov.mt/default.aspx?MDIS=21&NWID=1256>

<sup>4</sup> G.R. Berridge, *Diplomacy Theory and Practice*, Houndmills, Palgrave Macmillan, 2010, pp. 184-188.

## The External Dimension

There are two additional main arguments that I would like to put forward in order to highlight the need for national embassies to remain operational in third countries outside the EU; namely, the fact that the EEAS does not have the competence to deal with *all* aspects of foreign policy (other than the ones mentioned above) and that special relationships exist between certain EU states and third countries, either due to historical ties and/or geographic location.

From a financial perspective, EU states with budgetary constraints have a lot to gain from pooling their resources into a unified EU representation. Aggestam *et al.* state that in 2006, the (then) ten new EU members had no representation with 90 third countries.<sup>5</sup> Thus, the benefit of cooperation is an obvious alternative to establishing national embassies. This argument is especially valid for countries who have a low interest in certain third countries but who would nonetheless wish to have legitimate representation. Some small states have, for example, downsized their foreign diplomatic presence in third countries since Article 20.2(c) TEU gives their citizens the right of "protection of the diplomatic or consular authorities of any Member State as the same nationals of that State". However, there is more than the Foreign Affairs budget to consider and the authors later argue that:

Many difficulties surrounding joint representation boil down to the fact that commercial and political strength are still closely associated with extensive diplomatic contacts and that competing interests between Member States continue to exist, even in areas of regular cooperation.<sup>6</sup>

With this in mind, it becomes evident that due to the limited scope of EEAS competences, as well as the arguments put forward by the above authors, the need for the national embassy remains vital. It is a way for EU countries to individually ensure that their national interests are being safeguarded, as long as they have the resources to sustain their foreign service.

The above argument considered solely the needs of the separate EU states. Yet, what about arguing in favour of maintaining national embassies whilst highlighting the fact that this is also in the interest of the EU? The historic and/or geographic links between EU states and third countries seem to have been overlooked by ardent supporters of the EEAS. It is expected that decades, or perhaps even centuries, of diplomatic relations between geographic or cultural neighbours, or between former colonial powers and their colonies, will carry more weight than a fledgling EEAS with no such ties. What the supporters of the EEAS should always bear in mind is that the EEAS can *make use of* – but not *assume* – the close ties that some EU states have with third countries. As an example, Malta's traditional close ties with Libya enabled it

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<sup>5</sup> Lisbeth Aggestam *et al.*, "Institutional Competences in the EU External Action: Actors and Boundaries in CFSP and ESDP", *SIEPS*, Stockholm, Swedish Institute for European Policy Studies, vol. 6-7, May 2008, pp. 64-65.

<sup>6</sup> *Ibid.*, p. 66.

to be a major player in the negotiations aiming to resolve the visa dispute between Switzerland and Libya, with the media reporting that “[t]he Maltese and Italian governments were at the forefront to help end the diplomatic dispute”.<sup>7</sup> Similarly, centuries of diplomatic relations between the UK and its various ex-colonies undoubtedly gives it an edge over its fellow EU members, especially considering its ties with the Commonwealth, which are still relevant today. It could be that it is in the EU’s interest to use particular ties, especially between peripheral EU members and countries of the European Neighbourhood Policy, rather than to attempt to redefine a relationship under the EEAS.

### *Conclusion*

By looking at both the diplomatic relations between states at an intra-EU level as well as at the external level, I have attempted to show why the national embassies of EU states are still relevant in today’s increasingly supranational EU. However, the examples illustrated throughout this paper should not be seen as a dismissal of the idea of having an EEAS. A more coherent foreign policy will undoubtedly bring great advantages to the EU in terms of prestige, international clout and bargaining.

Thus, as Bátorá and Hocking put it, that “[r]ather than a zero-sum relationship, Member States and the EU as a collective foreign policy actor may operate alongside, across and in tandem with one another”.<sup>8</sup> After all, Article 27 TEU emphasises that the EEAS will work *in cooperation with* the diplomatic services of the Member States and not replace them. In view of the hypothesis that this essay has put forth, it is perhaps ironic to point out that national interests can actually be used to complement something as supranational in nature as the EEAS.

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<sup>7</sup> “Libya – Switzerland dispute over”, Maltamediaonline.com, 13 June 2010, retrieved 17 November 2010, <http://www.maltamediaonline.com/?p=26248>

<sup>8</sup> Jozef Bátorá and Brian Hocking, “Bilateral Diplomacy in the European Union: Towards ‘post-modern’ patterns?”, *Discussion Papers in Diplomacy*, Clingendael Institute, The Hague, April 2008, p. 6.

## The EEAS: A Loss for the European Commission's External Relations Capacities?

Florian Bergmüller

With the establishment of the European External Action Service (EEAS) and the transfer of departments and staff from the European Commission, the General Secretariat of the Council and the diplomatic bodies of the Member States on 1 January 2011, the last major institutional innovation in foreign policy of the Treaty of Lisbon came into effect. The creation of the new diplomatic service was certainly an intricate undertaking, hampered by turf wars between the different institutions, with the European Parliament playing a prominent role. One point of contention concerned the status of the EEAS, which eventually followed the logic championed by the Member States, that is, the creation of a "functionally autonomous body"<sup>1</sup> separate from the Council and the Commission. This autonomy is corroborated by conferring the EEAS with the "legal capacity necessary to perform its tasks and attain its objectives",<sup>2</sup> which transforms the diplomatic service into a quasi-institution. Claims of the European Parliament to integrate the EEAS into the Commission's administrative order<sup>3</sup> were thus clearly dismissed.

This contribution analyses this transfer of resources and functions to the EEAS and assesses possible losses of the Commission in its external relations capacities. The Council Decision of 26 July 2010 establishing the organisation and functioning of the new service constitutes the primary data used for this analysis. The three areas of interest which will subsequently be examined are: transfer of staff, transfer of instruments and functions, and authority of the Heads of Delegations. The essay concludes with a summary of the arguments and places the issue into a broader picture.

### *Transfer of Staff*

As stipulated in Article 6.9 of the Council Decision, "permanent officials of the Union should represent at least 60% of all EEAS staff" while the remaining officials should come from the Member States' Ministries. The Commission is expected to contribute one third of the Service's overall staff, at the beginning an even higher share.<sup>4</sup> All the officials of the Directorate-General for External Relations (DG Relex) were moved to

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<sup>1</sup> Council of the European Union, "Council Decision (2010/427/EC) of 26 July 2010 establishing the organisation and functioning of the European External Action Service", *Official Journal of the European Union*, L 201/30, 3 August 2010, Art. 1.2. Hereinafter "Council Decision".

<sup>2</sup> *Ibid.*

<sup>3</sup> European Parliament, "European Parliament resolution of 22 October 2009 on the institutional aspects of setting up the European External Action Service (2009/2133(INI))", Art. 7, retrieved 12 November 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2009-0057+0+DOC+XML+V0//EN&language=EN>.

<sup>4</sup> "EEAS decision – main elements", *Europa Press Releases*, MEMO/10/311, 8 July 2010, retrieved 11 November 2010, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/311>.

the EEAS. The same accounts for the Commission's external service, with some exceptions.<sup>5</sup> Moreover, a substantial part of the Directorate-General for Development (DG Dev) was transferred, that is, all the country desks of the African, Caribbean and Pacific (ACP) Group of States as well as staff responsible for programming and Pan-African relations.<sup>6</sup>

The staff outflow does not only mean the termination of DG Relex, and consequently a loss of expertise and personnel resources in the field of the Union's external relations, but also a reshuffle in the Commission's development cooperation policy structures. The remainder of DG Dev has been merged with the EuropeAid Cooperation Office which until now has been responsible for the implementation of the programmes developed in the former. This brings about a streamlining of the remaining structures in a new Directorate-General (DG DevCo).<sup>7</sup>

Hence, the Commission loses its personnel resources in external relations and suffers a weakening of its development cooperation section. However, the fact that those transferred officials are eligible to assume all kind of positions in the EEAS<sup>8</sup> could reverberate positively into the Commission. Indeed, the staff originating in the Commission could take over positions in the field of the Union's Common Foreign and Security Policy (CFSP), for example the chairmanship of preparatory working groups in the Council or the participation in bodies of the Common Security and Defence Policy (CSDP). Although the EEAS is a quasi-institution separate from the Commission and the transferred staff become EEAS staff, it is probable that the linkage to their former employer will not be cut completely and the working culture, perspective and experience gained in the Commission will accompany them in their new EEAS posts. Furthermore, they are able to go back to the Commission as they "shall have the right to apply for posts in their institution of origin on the same terms as internal applicants".<sup>9</sup> Thus, from the EEAS to the Commission mobility is equal to internal Commission mobility.<sup>10</sup> Coupled with the possibility to be seconded into the CFSP field, one can argue that those officials transferred from the Commission and susceptible to return in the future indirectly decrease the latter's distance to CFSP.

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<sup>5</sup> In both cases, staff responsible for the management and implementation of financial instruments remains with the Commission. Concerning the Commission's external service, sections of Commission policies such as trade will in the new Union Delegations still be dealt with by Commission officials, Council of the European Union, *op.cit.*, Annex 2 and Art. 5.2(3).

<sup>6</sup> Council of the European Union, *op.cit.*, Annex 2.

<sup>7</sup> Simon Taylor and Toby Vogel, "EEAS appointments trigger mini-reshuffle", *European Voice*, 2010, retrieved 5 November 2010, <http://www.europeanvoice.com/CWS/Index.aspx?PageID=213&articleID=69253>.

<sup>8</sup> Council of the European Union, *op.cit.*, Art. 6.7.

<sup>9</sup> *Ibid.*, Art. 6.11(2).

<sup>10</sup> Adriaan Schout and Sarah Wolff, "Ever Closer Union? Supranationalism and Intergovernmentalism as Concept", Netherlands Institute of International Relations 'Clingendael', Conference Paper for the Fifth Pan-European Conference on EU Politics, 23-26 June 2010, Porto, retrieved 10 November 2010, <http://www.jhubc.it/ecpr-porto/virtualpaperroom/086.pdf>, p. 16.

### *Transfer of Instruments and Functions*

It is within the main tasks of the EEAS to “assist the [...] Commission in the exercise of [...]its] respective functions in the area of external relations”.<sup>11</sup> Besides the obligation to cooperate and to consult each other in order to ensure coherence, it is stipulated that the EEAS “shall take part in the preparatory work and procedures relating to acts to be prepared by the Commission in this area”.<sup>12</sup>

There are several external assistance instruments whose handling is partially transferred to the EEAS. These are the Development Cooperation Instrument (DCI), the European Development Fund (EDF), the European Instrument for Democracy and Human Rights (EIDHR), the European Neighbourhood and Partnership Instrument (ENPI), the Instrument for Cooperation with Industrialised Countries, the Instrument for Nuclear Safety Cooperation (NSCI), and the Instrument for Stability (IfS). Although the respective decisions concerning these instruments still will be taken by the College of Commissioners, “the EEAS shall contribute to [their...] programming and management cycle”.<sup>13</sup> This means that the EEAS has the competence to prepare proposals for decisions within the scope of these instruments, “following the Commission’s procedures”.<sup>14</sup> The responsibility for preparing decisions within the instruments is especially clear concerning country allocations, country and regional strategy papers, and national and regional indicative programmes.<sup>15</sup> All decisions with regard to the DCI, the EDF and the ENPI shall be prepared jointly by the Commission and the EEAS.<sup>16</sup>

In practice, this could mean that the EEAS, having the capacity to make proposals, shares the right of initiative with the Commission in the mentioned areas. The latter consequently loses its autonomy in the phase of planning and programming acts related to these instruments. Practice and service-level agreements will decide how this necessarily close cooperation eventually works out.<sup>17</sup>

### *Overall Authority of Heads of Delegations*

The staff of the Delegations of the Commission, together with the staff from the Council Liaison Offices, have been transferred to the EEAS to form the Union Delegations. Nonetheless, the EU Delegations also comprise officials who continue to belong to the Commission, viz. those responsible “for the implementation of the Union budget and Union policies other than those under the remit of the EEAS”.<sup>18</sup> Trade

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<sup>11</sup> Council of the European Union, *op.cit.*, Art. 2.2.

<sup>12</sup> *Ibid.*, Art. 3.2.

<sup>13</sup> *Ibid.*, Art. 9.3.

<sup>14</sup> *Ibid.*, Art. 9.3(5).

<sup>15</sup> *Ibid.*, Art. 9.3(i), (ii) and (iii).

<sup>16</sup> *Ibid.*, Art. 9.4 and 9.5.

<sup>17</sup> *Ibid.*, Art. 3.3.

<sup>18</sup> *Ibid.*, Art. 5.2(3).

policy and the parts of the development cooperation policy which are not transferred to the EEAS are the main sections which fall into that category. However, although Commission staff will not form an integral part of the EEAS, the Heads of Delegations “shall have authority over all staff in the delegation, whatever their status, and for all its activities”.<sup>19</sup> This provision without any doubt also includes the Commission staff and provides the Heads of Delegations with a ‘double hatting’ similar to that of the High Representative for Foreign Affairs and Security Policy/Vice-President (HR/VP) of the Commission with responsibilities not only in CFSP but also in external policies of the Commission. Given that several Heads of Delegations are seconded officials from the national diplomatic services, diplomats with a purely national/intergovernmental background will have, on the ground, authority over Commission policies.

It has to be noted that all decisions which have to be approved by the College of Commissioners still follow the same procedure, and the Commission at any time may issue instructions to the Delegations in that section, which makes an erosion of Commission competences unlikely. However, the EEAS as a quasi-institution separate from the Commission is to a certain extent able to intrude on the areas of Commission policies on the ground. Furthermore, as the Heads of Delegations do not only receive instructions from the HR/VP but from the EEAS as a whole – and there is no exclusion formulated for Commission policies – these also will influence the Commission’s field of competence in respect to third countries.<sup>20</sup> Hence, from the Commission’s perspective, these changes in the Delegations brought about by the EEAS do mean a loss in autonomy.

### *Conclusion*

When Lady Ashton at the end of October 2010 decided in favour of the Triangle building on the Rond Point Schuman – and against the Commission’s Charlemagne and the European Council’s Lex building – as the new EEAS’ headquarters, not only practical and financial reasons might have played a role. The acquisition of a new building from an unrelated third source, with equal distance to the Commission’s central administration Berlaymont and the Council’s Justus Lipsius, can also be seen as a symbolic underpinning of the Union’s purpose to create a functionally autonomous body separate from other institutions, though fed by them.

This essay has shown that at the staffing level, the Commission has lost personnel resources and expertise. However, the eligibility for the transferred officials for purely CFSP-related tasks coupled with the still existing virtual linkage to their former employer by internal Commission mobility could bring the Commission closer to the intergovernmental field of foreign policy. At the level of instruments and functions,

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<sup>19</sup> *Ibid.*, Art. 5.2(2).

<sup>20</sup> *Ibid.*, Art. 5.3.

the Commission in some areas lost autonomy and has to share its right of proposal. A similar conclusion has been drawn for the effects of the reshuffle of external Delegations which provides the new Heads of Delegations with a 'double hatting' and reduces the Commission's dominance on the ground in fields of exclusive external competence.

The loss of certain resources and autonomy in some external policy fields to the EEAS is therefore palpable. However, the calculus of the Council could show similar cessions and the achievement of the overall aim of the Treaty of Lisbon of consistency in the Union's external action is only possible if the hitherto separated parts of EU foreign policy get closer and more integrated. How far reaching the consequences of the endowment of the EEAS will finally be will not least be decided by the establishment of working practices.

## Staffing the EEAS: More Diversity

Raïssa Marteaux

“A diplomatic service that is well resourced and above all well staffed can give a state a significant increment of power and influence.”<sup>1</sup> The European Union is no exception, which is why, with the formal launch of the European External Action Service (EEAS) on the 1 January 2011, the EU has finally established its own foreign diplomatic service. In order to make EU diplomacy work, a unified diplomatic culture must be created within the EEAS. Normally, Foreign Ministries create their own distinctive diplomatic culture, in part from their patterns of recruitment.<sup>2</sup> Consequently, careful selection is a key element to the success of the EEAS.

While a selection procedure for EEAS staff has been developed, the first appointments to high-level positions have raised critique within the Member States. In this essay I analyse the EEAS high-level staff recruitment in order to provide an indication of the diplomatic culture that is being created. In the first section, I examine background factors such as staff gender and nationality, factors that are highly influential in the creation of the EEAS diplomatic culture. In the second section, I assess background factors in the staff’s organizational culture, such as institutional and inter-institutional elements.

### *Gender Equality and Geographic Balance*

Article 6(7) of the Council Decision 2010/427/EU states that recruitment should ensure “adequate geographical balance, a need for a meaningful presence of nationals from all EU Member States on the EEAS and aiming towards gender balance”.<sup>3</sup> Since statistics on gender and geographical allocation are not yet published for the whole of the EEAS staff, I focus on the high-level appointments that have been made by the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton.

The Council Decision states that the EEAS should *aim* towards gender balance, yet intermittent targets are unknown. This makes it more difficult to judge whether the objective has actually been achieved. According to the European Parliament Committee on Women's Rights and Gender Equality, gender balance should be ensured with a 50/50 distribution between women and men, even at the highest

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<sup>1</sup> G.R. Berridge, Maurice Keens-Soper and Thomas G. Otte, *Diplomatic Theory from Machiavelli to Kissinger*, Basingstoke, Palgrave Macmillan, 2001, p. 198.

<sup>2</sup> *Ibid.*, p. 10.

<sup>3</sup> Council Decision establishing the organisation and functioning of the European External Action Service, Brussels, 20 July 2010 (OR.en), 11665/1/10 REV 1, POLGEN 104, INST 243.

level.<sup>4</sup> However, none of the Member State Ministry of Foreign Affairs (MFAs) possess a 50% female Ambassador ratio. At 33.71%, Finland has the highest percentage of female Ambassadors. In light of these statistics it would be unreasonable to conclude that the EEAS has come far short of achieving its gender balance objective.<sup>5</sup> I will therefore examine the percentage of newly appointed female Heads of Delegation and assess whether this percentage has improved the overall gender ratio.

From the new appointments, the following is evident. Of the 470 candidates who applied for vacant positions, 64 were short-listed for an interview with Catherine Ashton, of which 14 were women (21%).<sup>6</sup> When Ashton appointed the first Heads of Delegation and Deputy Heads of Delegation, seven out of 29 (24%) were women. Three posts were re-advertised because no suitable candidate could be found, of which two positions were given to women. This brings the total percentage of female Ambassadors made in the first appointments to 28%. Unfortunately, the same cannot be said of the EEAS Senior Management in Headquarters. Here, only three women form a part of the first selected 20-head strong team, a fact that has led to heavy criticism.<sup>7</sup>

When these appointments of Heads of Delegation are compared with previous years, it becomes apparent that Lady Ashton did indeed aim towards achieving gender balance, since the female staff ratio has considerably improved. Including the 12 women that were posted before the new appointments, the number of women has increased to 21 in total. This results in a 50% increase of female Heads of Delegation, compared with pre-Lisbon Treaty levels.<sup>8</sup>

Regarding 'geographical balance', the definition of the term itself remains unclear. That is to say, whether this refers to geographical allocations according to population, size or diplomatic weight is uncertain. Moreover, although it has been decided that national quotas would not be included in the Council Decision, HR/VP Ashton must nevertheless "respect the size of the countries", a requirement that is even more obscure.<sup>9</sup> The struggle to achieve geographical balance is reflected in the first appointments. Under the previous allocation, the 117 Heads of Delegation were selected from a mere 14 Member States, whereas the 120 Heads of Delegation

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<sup>4</sup> European Parliament, Committee on Women's Rights and Gender Equality, Franziska Katharina Brantner, *Opinion on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service*, 08029/2010-C7-0090/2010-2010/0816(NLE), Brussels, 24 July 2010, amendments 6, 7 and 8.

<sup>5</sup> Ryszarda Formuszewicz and Jakub Kumoch, "The Practice of Appointing the Heads of EU Delegations in the Wake of the Council Decision on European External Action Service", *PISM Report*, Warsaw, The Polish Institute of International Affairs, August 2010, p. 26.

<sup>6</sup> Europa, "2010 Rotation-Head of Delegation/Deputy Head of Delegation appointments", MEMO/10/415, Brussels, 15 September 2010.

<sup>7</sup> Toby Vogel, "The battle for influence in the EU's diplomatic service", *European Voice*, 20 January 2011.

<sup>8</sup> Europa, *op.cit.*

<sup>9</sup> "Top officials start building EU diplomatic 'house'", *Euractiv*, 26 October 2010.

have now been selected from 20 Member States. The ratios have also changed slightly. Whereas France previously had the largest number of appointees (16), it now remains with 11 appointed Ambassadors. Spain, on the other hand, has increased its number of Ambassadors by three, while the UK has lost two. Belgium occupies first place, having 16 selected Ambassadors. Finland has decreased representation from three Ambassadors to one.

In the new appointments, diplomats from 15 Member States were selected, although 32 positions were available. This leaves Cyprus, Estonia, Malta and Slovenia without Ambassadors. The most prominent positions (Heads of Delegation to China, Japan and South Africa) were awarded to Germany, Austria and the Netherlands, which received two, one and two positions, respectively.<sup>10</sup> The big 'winners' were Spain, with five positions, and France, Ireland and Portugal with three positions each. Italy and Poland seem to be the losers, each having received only two positions.<sup>11</sup> Moreover, whereas previously only one Head of Delegation was selected from the newly acceded Member States, the new appointments added four Heads of Delegation from the Member States that have joined since 2004 (a total of 12,5%).

On the basis of these figures, it can be concluded that the geographical allocation is now more diverse. Nevertheless, the allocation of Member States remains very unequal. Although selection should be based purely on merit, HR/VP Ashton will need to be very careful with her future appointments if geographical balance is to be adequately achieved. The Director of the European Policy Department in the Polish Ministry of Foreign Affairs already claimed that its diplomats were under-represented in the EU diplomatic system.<sup>12</sup> Poland voiced particular complaints over the appointment of a supposedly less qualified Lithuanian diplomat for the position in Afghanistan.<sup>13</sup> In addition, Slovenia expressed dissatisfaction with the appointments since no Slovenian Ambassador was selected.

The geographical balance among the EEAS Senior Management staff is not much better. The first 20 positions were divided across 11 Member States. Of these 20 positions, only three have been given to Member States that joined the EU since 2004. Again, three positions have gone to France and three to Sweden, as opposed to the 16 Member States which had no high-level positions at Headquarters.<sup>14</sup> High Representative Ashton has attempted to calm the discontent by stating that this was only the "first round" of appointments, while one would "see Europe unfold" in the following rounds.<sup>15</sup> It is nonetheless apparent that, although there has been some improvement in more diverse geographical representation, it remains insufficient.

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<sup>11</sup> *Ibid.*

<sup>12</sup> "Poland loses Georgia in EU diplomatic race", *Euractiv*, 27 August 2011.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> Honor Mahony, "Ashton announces first tranche of appointees to new service", *EU Observer*, 15 September 2010.

With 27 out of 31 senior positions filled, the UK holds a strong majority. Six posts have been filled by the UK, France remains with three posts while Germany and Poland are seen as the big 'losers'.<sup>16</sup> Sweden, Italy and the Netherlands, on the other hand, received two positions each, while new Member States, such as Romania and Slovakia, did not receive any delegation posts but a senior position at Headquarters.

The EEAS is thus in a difficult situation concerning future appointments. One way to correct these imbalances would be to nominate particular types of diplomats. For example, to balance gender representation, more female diplomats with experience in the foreign services could be nominated.<sup>17</sup> Yet two problems arise: first, adequate candidates must first apply for the position. As has already been mentioned, only 14 women were short-listed. Of these, nine were selected. This is not at all a bad rate. However, if not enough women apply for the positions, it remains impossible to select them. A second challenge is that applicants must comply with the stringent criteria set by the EEAS. As has been made apparent by interviews with EEAS officials, women often score better on their personal competencies because, during personal interviews, they are generally rated as more pleasant and charming than men. For women, the main problem remains relevant work experience.<sup>18</sup>

With respect to geographical allocation, it is doubtful whether this criterion can ever be adequately met. Many have, for example, criticised the fact that Belgium has so many posts. However, Belgian diplomats are generally better prepared than the average European diplomat because the Belgium training system is so 'Europeanised'.<sup>19</sup> In fact, Member States often want as many of their own representatives in the positions as possible in order to be able to communicate to their domestic constituencies that they have managed to get their Ambassadors selected.<sup>20</sup> Following the appointments, they often care little about their Ambassadors until the next round of vacancies.<sup>21</sup> In order to alleviate critique, however, certain objective criteria could be constructed and applied only when the candidates have already passed the first round of interviews. It must be deemed positive that the High Representative is assisted by a "professionally-qualified consultative body" when selecting the diplomats.<sup>22</sup> If Member States find that their candidates are not being selected, they may be motivated to determine the inherent reasons and improve training, with the

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<sup>16</sup> Toby Vogel, *op.cit.*

<sup>17</sup> European Commission, *Taking Europe to the World: 50 Years of the European Commission's External Service*, Luxembourg, Office for Official Publications of the European Communities, 2004, p. 50.

<sup>18</sup> Interview with Jochen Pöttgen, Deputy Head of Division EEAS/ C2 Staff in Delegations, Brussels, 14 April 2011.

<sup>19</sup> Interview with an official, Security Policy Unit European External Action Service, Bruges, 31 March 2011.

<sup>20</sup> Interview with a former Head of Delegation, European Commission, Bruges, 23 April 2011.

<sup>21</sup> *Ibid.*

<sup>22</sup> David Hannay, "Benchmarking the EU's new diplomatic service", *Europe's World*, autumn 2010.

objective of ensuring that their staff be better qualified and more likely to be selected for EEAS positions.

### *Balancing Institutional and Administrative Cultures*

What organisational culture prevails will be particularly relevant for the ability to create a coherent diplomatic culture. EEAS staff originates from three key sources: the General Secretariat of the Council, the Commission and the Member States. Until now, institutional officials have been in competition with one another, rather than acting as a coordinated body.<sup>23</sup> It remains to be seen whether placing the diplomats in one institution will create a better coordinated and thus more coherent external action or whether this will simply institutionalise the existing inter-institutional conflicts. Depending on the staff ratios and their ability to cooperate with one another, momentum could be created either for the establishment of a unified diplomatic culture or for one that remains divided.

In fulfilling appointments, the High Representative is to treat staff equally, including the "eligibility to assume all positions under equivalent conditions".<sup>24</sup> When the EEAS has reached its full capacity, Member States should provide about one third of the EEAS staff, including diplomatic staff for Delegations, while remaining staff should be transferred from other EU institutions.<sup>25</sup> In considering appointments at Head of Delegation level, it is evident that this ratio of one third is slightly unbalanced, yet in favour of the Member States. Of the 29 positions that were filled during the first appointment round, 10 went to diplomats from Member States whereas 16 posts were filled by diplomats from the Commission and three by diplomats from the Council.<sup>26</sup> This implies that about one third of the staff is being provided by Member States, as should be the case. But what is most striking is that three of the most important appointments (China, Japan and South Africa) were given to Member State diplomats rather than Commission officials.<sup>27</sup>

In addition to the staff ratio between the institutions, inter-institutional divisions will also have an important influence on assuring coherence. Of the 1,643 staff members at Administrator (AD) level that have been transferred in January 2011, the majority are from the Commission. They will bring with them the Commission's administrative culture; a culture in which they have worked and to which they have become

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<sup>23</sup> Maxime Lefebvre and Christophe Hillion, "The European External Action Service: Towards a common diplomacy?", *SIEPS*, Stockholm, Swedish Institute for European Policy Studies, June 2010, pp. 2-3.

<sup>24</sup> Council of the European Union, *Presidency report to the European Council on the European External Action Service*, doc. 14930/09, Brussels, 23 October 2009, p. 6.

<sup>25</sup> Council of the European Union, "Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU)", *Official Journal of the European Union*, L 201, 26 July 2010, Article 6(7).

<sup>26</sup> "Ashton names EU ambassadors", *European Voice*, 15 September 2010.

<sup>27</sup> *Ibid.*

accustomed to.<sup>28</sup> The majority of Commission staff transferred originates from DG Relex (Directorate-General External Relations), with 585 individuals at AD level. 93 individuals have been transferred from DG Development (now DevCo) and 436 from the Delegations of DG Relex.<sup>29</sup> Conversely, only 411 staff are sourced from the Council.<sup>30</sup> Although the Member States are the most likely candidates, this has yet to be confirmed. Because these staff members come from very different administrative backgrounds, there is cause to worry about their diverse working cultures. Due predominantly to its Francophone origins, DG Development has been described as being far more political than the other DGs.<sup>31</sup> Conversely, DG Relex is described as more hierarchical and bureaucratic due to its Anglophone origins.<sup>32</sup>

Since most staff comes from the Commission, it is most likely that the Commission culture will prevail, at least until the Member States will have filled their requisite one third of the positions. Nevertheless, the possibility that the influx of diplomatic cultures from 'outside' could modify the Commission culture cannot be discarded.<sup>33</sup> The shaping of a diplomatic culture will not, however, be confined to Commission versus Council or the Member States. The equation becomes far more complex since, even within the Commission staff, different administrative cultures – the so-called 'sub-cultures' – are present. Since power often lies in numbers, it may be assumed that the administrative 'sub-culture' of DG Relex is likely to prevail. This implies four potential outcomes. Either all staff will need to adapt to the one prevailing culture (in this case, Commission bureaucracy and DG Relex's "highly structured, hierarchical and technical" method of working),<sup>34</sup> or clashes could result between diverse administrative cultures as staff emerging from different institutions maintain their own way of working. Internalising various cultures into one service may reasonably be expected to lead to incoherence, at least in the short term. A third alternative would be to place staff in positions in which they specialise, mandating that they work alongside each other, but not necessarily together. This is the so called 'three-way split', where Commission officials would take care of technical aspects while staff originating from the Council could formulate policy and diplomats from the Member States could set the agenda.<sup>35</sup>

In the case of the EEAS, none of the above mentioned scenarios provide a realistic way forward. Although the majority of EEAS staff is sourced from DG Relex, this may change by 2013, when one third should originate from the Member States. Again,

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<sup>28</sup> David O'Sullivan, "The European External Action Service", *Speech at the Dublin Institute of International and European Affairs*, podcast, 14 January 2011.

<sup>29</sup> Europa Rapid Press Release, *A new step in the setting-up of the EEAS: Transfer of staff on 1 January 2011*, IP/10/1769, Brussels, 21 December 2010.

<sup>30</sup> *Ibid.*, p. 29.

<sup>31</sup> *Ibid.*, p. 16.

<sup>32</sup> *Ibid.*

<sup>33</sup> Interview with an official, Council General Secretariat, via phone, 1 May 2011.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

Member State diplomats would each bring with them their own organisational culture. Pragmatically, this could mean, for example, that the presence of many Spanish or German diplomats would lead to a different culture than if all the Member States were equally represented. The EEAS must therefore reduce, and preferably eliminate, conflict between the different institutions, so as to prevent the creation of 'silos' that lead to conflicting objectives.<sup>36</sup> In order to form a unique EEAS diplomatic culture, the only realistic option for the EEAS would be to ensure that diverse diplomatic cultures really mingle, rather than form opposing sub-cultures. The way to success requires a good working atmosphere with the establishment of cooperation and trust among staff members that would, in turn, enable effective communication.

### *Conclusion*

Although many positive changes have been implemented, these will most likely not be sufficient to make EU diplomacy work. The new appointments of female Heads of Delegation have improved the overall gender ratio, yet the current number of female Heads of Delegation is far from the desired 50/50 gender distribution. Unfortunately, the situation in the Senior Management in Headquarters is even less positive, consequently much remains to be done.

With respect to geographical allocation, it is doubtful whether this criterion can ever be adequately met. It may be concluded that geographical ratios are more diverse following the initial appointments. Nevertheless, the allocation of Member States remains very unequal. Rather than equalising the ratios among Member States, the new appointments have resulted in the opposite scenario. Some Member States now have up to 16 Ambassadors while others have only one or none. In order to decrease tensions and ensure that no national diplomatic culture will prevail, a more equal distribution will be imperative. The situation of staff allocation at Headquarters is even worse. Although it is clear that there has been some improvement in geographical representation, it remains insufficient.

Finally, depending on the staff ratios and their ability to cooperate with one another, momentum could be created for the establishment of a unified diplomatic culture. The key will thus be to avoid the institutionalisation of existing inter-institutional conflicts. Since power often lies in numbers, it may be assumed that the institutional culture of the Commission and the administrative 'sub-culture' of DG Relex are likely to prevail. Yet it is up to High Representative Ashton to reduce, and preferably to eliminate, conflict between the different institutions, so as to prevent the creation of 'silo' that lead to conflicting objectives. This would be a big step towards making EU diplomacy work.

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<sup>36</sup> Interview with Stella Zervoudaki, Advisor Training, External Action Service Training Division, 27 April 2011.

## EU Ambassadors: A New Creed?

Francesca Fenton

*"Please note that there is no 'EU Ambassador' yet! I will be 'Head of the Delegation of the European Union, Ambassador', but not Ambassador of the European Union."*<sup>1</sup>

Newly appointed EU Head of Delegation

The external service of the European Commission has flourished since the 1990s and with approximately 130 EU Delegations, is currently a worldwide diplomatic network.<sup>2</sup> Moreover, with the establishment of the European External Action Service (EEAS) set to create "an integrated European platform [...] respected across the world",<sup>3</sup> the advent of an "embryonic new European diplomacy" is surely upon us.<sup>4</sup> However, conceptualising this embryo is extremely complex, especially if one shares the traditional view of diplomacy as being strictly state business.<sup>5</sup> Indeed, if diplomacy is concerned primarily with states, surely the idea of a European diplomat representing a *sui generis* geopolitical object is somehow fallacious. It is the aim of this essay to deny such fallacy by answering the following simple but under-theorised question: do truly European diplomats really exist and if so, what are they?

In answer to this bipartite question, the essay takes as case studies the 27 Heads of Delegation that High Representative Catherine Ashton appointed on 15 September 2010. Drawing on David Spence's thesis that there exists an epistemic community of EU diplomats, it will first elucidate that these Ambassadors belong to such a community and are thus European Ambassadors. The following section will focus on the second part of the question by painting a portrait of the newly appointed Heads of Delegation. This will be done through an examination of the criteria Lady Ashton used to select them, as well as by analysing responses to questions that the current author put to them.

### *The Existence of European Ambassadors*

In 2004 Paul Sharp penned a strong lamentation of the condition of today's diplomats. Arguing that they have momentarily lost sight of their true purpose, Sharp proffered that "diplomats should remind themselves and others that they are first and foremost the representatives of sovereign states, that this is their *raison d'être*, and a

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<sup>1</sup> Interview with a newly appointed Head of Delegation, 15 November 2010.

<sup>2</sup> Michael Bruter, "Diplomacy without a State: The External Delegations of the European Commission", in Richard Langhorne and Christer Jönsson (eds.), *Diplomacy*, London, Sage, 2004, vol. 3, p. 289.

<sup>3</sup> Stella Zervoudaki, Political Advisor at the European Commission, "EEAS, The Road to a More Coherent Foreign Policy", lecture, College of Europe, Bruges, 4 November 2010.

<sup>4</sup> David Spence, "Taking Stock: 50 Years of European Diplomacy", *The Hague Journal of Diplomacy*, vol. 4, 2009, p. 236.

<sup>5</sup> Alan Henrikson, "Diplomacy", in *The Oxford Encyclopedia of the Modern World*, New York, Oxford University Press, 2008, vol. 2, p. 526.

precondition for anything else they might aspire to be or to do".<sup>6</sup> Such a thesis is surprisingly not incompatible with the European Union. Indeed, although Rebecca Adler-Nissen posits that the EU's Member States currently practice a kind of "late sovereign diplomacy", where socialisation into the Brussels system merges the promotion of national and EU interests,<sup>7</sup> her analysis focuses on national diplomats performing "intra-EU diplomacy" who are arguably still first and foremost representatives of the EU's sovereign states.<sup>8</sup> Although useful for analysing the behaviour of national diplomats, these authors fail to take into account a breed of supranational European diplomats that has existed for some time. Admittedly Adler-Nissen does mention the EU's "full-blown external representation", but she does not adequately explain it in her model.<sup>9</sup>

Perhaps a more comprehensive explanation of the EU's diplomatic corps is therefore David Spence's thesis that there exist two epistemic communities of diplomats in the European Union. The first are national representatives, or "national careers" and the second, as "Euro-careers", include "officials of an EU member state MFA or of the 'famille RELEX' in the Commission [... including] the Commission delegations".<sup>10</sup> Spence's view that officials of EU Member State Ministries of Foreign Affairs, who specialise in EU affairs, are "Euro-careers" or national officials "gone native", is not strictly in keeping with Adler-Nissen's late sovereign diplomats.<sup>11</sup> Although this is interesting, in this essay we are to focus on Euro diplomats that are fully emancipated from state-centrism, by analysing the Heads of Delegation of the European Union.

With their own '*Weltanschauung*' the Heads of Delegation "function in a psychological environment of almost total change from the precepts of 'traditional' national diplomats" and hence "have become authoritative figures [...] whose expertise and readiness to take decisions collectively make them more than just any random group of experts".<sup>12</sup> More specifically, the new model accreditation letters that are sent out to their countries of residence to be, asks the Heads of these countries to recognise the EU Heads with "the rank and courtesy title of Ambassador".<sup>13</sup> Moreover, Article 3 of the EU's new model establishment agreements accords these Heads of Delegation with the "rights, privileges and immunities [...] laid down in the (1961) Vienna Convention on Diplomatic Relations".<sup>14</sup> Provided their host country recognises them as such, they become EU Ambassadors.

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<sup>6</sup> Paul Sharp, "Who Needs Diplomats? The Problem of Diplomatic Representation", in Richard Langhorne and Christer Jönsson (eds.), *Diplomacy*, London, Sage, 2004, vol. 3, p. 76.

<sup>7</sup> Rebecca Adler-Nissen, "Late Sovereign Diplomacy", *The Hague Journal of Diplomacy*, vol. 4, 2009, p. 121.

<sup>8</sup> *Ibid.*, p. 136.

<sup>9</sup> *Ibid.*, p. 127.

<sup>10</sup> David Spence, *op.cit.*, p. 247.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, p. 250.

<sup>13</sup> Model EU Establishment Agreement.

<sup>14</sup> Model EU Accreditation Letter.

Considering the above and as these Ambassadors will have the “power to represent the Union in the country to which the delegation is accredited”, the distinction made by the Head of Delegation in the introductory quote is arguably more politically correct than notionally accurate.<sup>15</sup> This essay, defying Paul Sharp’s state-centric view, instead proposes that the Heads of Delegation can be conceptualised as being truly European Ambassadors who belong to an epistemic community of European diplomats. It is now interesting to discover what exactly it is that these Ambassadors represent.

### *The Nature of the European Ambassador*

In an article published in December 2009, HR/VP Catherine Ashton argued that the EU is in the midst of establishing “a foreign service for the 21<sup>st</sup> century”, which will achieve its goals through “quiet diplomacy” practiced by EU officials who can “listen as well as talk and who can work behind the scenes as well as in the glare of the spotlight”.<sup>16</sup> The eligibility criteria outlined in the job description for the Head of Delegation to Afghanistan suggests that these EU Ambassadors should possess the following characteristics: they are to have “an excellent ability to maintain diplomatic relations at a senior level and to ensure representation, communication and management in a complex, multicultural environment”; they are supposed to “play a lead role in negotiations [...] with national authorities [...] international organisation(s) [...] and Member States”; should “have excellent knowledge of external relations, internal policies and functioning of the Union”, and ought to “have proven experience in leading and motivating multi-disciplinary and multi-cultural teams”.<sup>17</sup> If one were to crudely summarise both the main gist of these requirements and Ashton’s words, it is arguable that EU Ambassadors, representing the EU, ought to be good mediators in the convoluted international system. Furthermore, there is every suggestion in the above descriptions that state boundaries are to be transcended, and that EU Ambassadors should strive to peacefully and unassumingly resolve problems arising in the international community.

It is interesting to compare this description with what the newly appointed EU Heads of Delegation themselves think of their new roles. I posed four questions to each of them, in order to garner their views. The questions asked for: a description of the fundamental attributes of a European Union Ambassador; the differences between an EU Ambassador and a national one; what the evolution of the EU Ambassador’s role might be and whether or not there will be a socialisation of EU Ambassadors. Inevitably some of the Heads did not reply and others said they preferred not to

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<sup>15</sup> Council Decision establishing the organisation and functioning of the European External Action Service, Brussels, 20 July 2010 (OR.en), 11665/1/10 REV 1, POLGEN 104, INST 243.

<sup>16</sup> Catherine Ashton, “Quiet diplomacy will get our voice heard”, *The Times*, 17 December 2009.

<sup>17</sup> Stella Zervoudaki, Political Advisor at the European Commission, lecture, Bruges, College of Europe, 4 November 2010.

comment, as they did not want to speculate before taking up the position. Nonetheless, two responses were most illustrative and are the subject of the remaining analysis.

In answer to the question regarding the characteristics of EU Ambassadors, one respondent advanced the idea that “calm, good temper, patience and modesty” were “most important for a Head of EU Delegation”. This is because “ensuring conflicts [...] are dealt with in a calm way and avoiding any escalation seems [...] to be essential, both in consensus seeking within the EU [...] and in discussions with third countries”.<sup>18</sup> Reflecting this, another stated that “skills in consensus building” as well as “flexibility and the capacity of adapting” are fundamental attributes of EU Heads of Delegation. Moreover, this respondent then went on to put forward the idea of an “EU team *sur place*”, made up of Delegation officials as well as national diplomats of the EU’s Member States.<sup>19</sup> These responses are fascinating as there is clearly an emphasis placed by both on the need for Heads of Delegation to mediate differences, not only in the international sphere but between EU Member States, too. This very much reflects the aforementioned requirements outlined by the Head of Delegation job description and Lady Ashton.

Another interesting remark made by the second respondent was that there “is a mandate unique and clear in the Lisbon Treaty for the EU Head of Delegation to represent, sell and present Europe”. This can apparently be done through introducing the notion of “EU guerrilla diplomacy”, which requires EU Ambassadors to “stimulate consensus creatively and assertively”.<sup>20</sup> Quite remarkably, on looking further into the theoretical underpinnings of the idea of ‘guerrilla diplomacy’, I found it to be “both a diplomatic method and doctrine of statecraft”.<sup>21</sup> Furthermore, “it is their capacity for total but subtle penetration that allows guerrilla diplomats to earn confidence and trust, mobilize support, and gain insights unavailable to others”.<sup>22</sup> These theoretical descriptions, which one assumes are known by respondent two, are very interesting. The implication is that the EU can use Lady Ashton’s quiet diplomacy in a new and innovative way to discover information to which others are not privy. Moreover, as a means of statecraft, such diplomacy will certainly enable the Heads of Delegation to sell the EU in the international arena, which, in turn, may legitimise the idea that the EU is ‘a state’ in its own right.

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<sup>18</sup> Interview with a newly appointed Head of Delegation, 11 November 2010.

<sup>19</sup> Interview with a newly appointed Head of Delegation, 9 November 2010.

<sup>20</sup> *Ibid.*

<sup>21</sup> Daryl Copeland, *Guerrilla Diplomacy: Re-Thinking International Relations*, Boulder, Lynne Rienner, 2009, p. 205.

<sup>22</sup> *Ibid.*, p. 208.

## Conclusions

This essay has attempted to prove that despite the introductory quote's claim to the contrary, EU Ambassadors do exist, at least notionally. Through analysing a job description for the EU Head of Delegation, Afghanistan, as well as Lady Ashton's rhetoric, it subsequently suggested that these Ambassadors are supposed to be EU representatives that transcend nation-state boundaries, to mediate relations and promote the EU in international affairs. This notion was backed up by responses provided by two soon-to-be Heads of EU Delegations and we saw also that consensus building, flexibility and adaptability are core attributes to any EU Ambassadorial role. The idea of guerrilla diplomacy, posited by the second respondent, was then briefly discussed, and it is the final suggestion of this essay that this notion is in real need of further exploration. Is there a general consensus that the EU is quietly pursuing this "diplomatic method and doctrine of statecraft" to gain more power internationally?<sup>23</sup> And if so, how will the world change with EU guerrilla diplomats mediating relations? As the EEAS is in its infancy, these questions are at present unanswerable. It will nonetheless be fascinating to track the progress of the EU's diplomats, and in so doing to analyse the evolution of an entirely new creed.

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<sup>23</sup>Daryl Copeland, *op.cit.*

## COREPER: A New Type of Effective Diplomacy

Thomas Heidener

The Council of Ministers has traditionally been considered the most important multilateral diplomatic forum of the European Union.<sup>1</sup> It has, moreover, been noted that “being the most ‘unashamedly national of the EU institutions’, the Council is organised in a fashion ensuring specifically national, as opposed to supranational, inputs into the EU system of governance”.<sup>2</sup> However, limiting the Council to the forum of ‘hard’ bargaining is not necessarily apt since the Council is also a collective decision-making system with its own rules, norms and organisational culture.<sup>3</sup>

Important in this respect are the negotiations within the Committee of Permanent Representatives (COREPER). COREPER, consisting of Member State diplomats, is argued to play an essential role in enabling coordination of Member States’ policies at the Union level.<sup>4</sup> By some estimates only 10-15 per cent of decisions are discussed at Ministerial level, indicating that COREPER is a relatively successful policy-making tool.<sup>5</sup>

This essay analyses why COREPER is so effective at reaching agreement, despite the multitude of national interests it is faced with. I argue that multilateral negotiations in COREPER are undertaken in a novel diplomatic fashion which may explain why a relatively high number of intergovernmental decisions are concluded here.

### COREPER

Before legislation is enacted, it is discussed in the relevant formation of the Council.<sup>6</sup> However, a large part of the Council’s work takes place below Ministerial level among diplomats from the EU’s Member States. Since almost all items on the Council agenda pass before COREPER,<sup>7</sup> this part of the Council hierarchy merits special attention. According to Article 19 of the Council Rules of Procedure, “COREPER shall be responsible for preparing the work of the Council and for carrying out the tasks

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<sup>1</sup> Mika Widgrén, “The Impact of Council Voting Rules on EU Decision-Making”, *CEDifo Economic Studies*, vol. 55, no. 1, 2009, p. 30.

<sup>2</sup> Fiona Hayes-Renshaw and Helen Wallace, *The Council of Ministers*, London, Macmillan Press, 1997, p. 211.

<sup>3</sup> Jeffrey Lewis, “The methods of community in EU decision-making and administrative rivalry in the Council’s infrastructure”, *Journal of European Public Policy*, vol. 7, no. 2, 2000, p. 261.

<sup>4</sup> Fiona Hayes-Renshaw and Helen Wallace, *op.cit.*, p. 141.

<sup>5</sup> *Ibid.*, p. 40.

<sup>6</sup> Frank Häge, “Who Decides in the Council of the European Union?”, *Journal of Common Market Studies*, vol. 46, no. 3, 2008, p. 535.

<sup>7</sup> To create a functional division of labour the Member States’ ambassadors meet in COREPER II dealing with more politically sensitive issues while their deputies meet in COREPER I dealing with more technical issues. See *ibid.*

assigned to it by the Council".<sup>8</sup> This short definition covers a wide array of tasks, however, including undertaking preparatory discussions, giving detailed evaluations of the dossiers and suggesting options to the Ministers.<sup>9</sup> Although the diplomats in COREPER never formally vote, they do, nonetheless, take decisions all the time. As the scope of the EU has widened and deepened, so too have the tasks of COREPER, which has gradually assumed *de facto* legislative competencies.<sup>10</sup>

There seems to be a consensus in the literature that a relatively large number of decisions are taken before reaching Ministerial level. Hayes-Renshaw estimates that only 10-15 per cent of decisions reach the highest level.<sup>11</sup> Although other authors have found that a higher number of cases are discussed among Ministers – and that this number varies between policy areas – it is generally estimated that between 50 and 90 percent of issues are resolved below Ministerial level.<sup>12</sup> This suggests a relatively effective COREPER. This high effectiveness is puzzling since nothing suggests that COREPER is not merely another intergovernmental forum, constituted of diplomats instead of Ministers. It therefore seems relevant to examine what distinguishes COREPER as a diplomatic negotiating forum.

### *Diplomatic Appropriateness*

It is argued that a central precondition for the functioning of diplomacy, as a system of norms and rules regulating interstate relations, is the existence of a common institutional basis shared by all states.<sup>13</sup> Diplomacy, according to this view, is seen as the expression of a transnational "logic of appropriateness", where actors are guided by collective understandings of what constitutes socially acceptable behaviour.<sup>14</sup> This enables diplomats from different countries to interpret events in the same way, thereby enhancing communications and enabling interstate negotiation.<sup>15</sup> According to the traditional logic of appropriateness, diplomats may share certain professional characteristics – such as a corporate culture, professional language and behavioural codes – but are ultimately representatives of diverse and often competing national interests.<sup>16</sup>

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<sup>8</sup> Council of the European Union, "Council Decision of 22 March 2004 adopting the Council's Rules of Procedure", *Official Journal of the European Union*, L 106, 15 April 2004, p. 11.

<sup>9</sup> *Ibid.*

<sup>10</sup> Jeffrey Lewis, "The methods of community in EU decision-making", *op.cit.*, p. 264.

<sup>11</sup> Fiona Hayes-Renshaw and Hellen Wallace, *op.cit.*

<sup>12</sup> Frank Häge, *op.cit.*, pp. 538-543.

<sup>13</sup> Jozef Bátora, "Does the European Union Transform the Institutions of Diplomacy?", *ARENA Working Paper*, vol. 3, no. 6, 2003, p. 3.

<sup>14</sup> Tanja A. Börzel and Thomas Risse, "Conceptualizing the Domestic Impact of Europe", in Kevin Featherstone and Claudio M. Radaelli (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003, p. 65.

<sup>15</sup> Jozef Bátora, *op.cit.*, p. 6.

<sup>16</sup> *Ibid.*, p. 1.

In the following, specific mechanisms of COREPER will be examined which are argued to challenge this traditional logic of diplomatic appropriateness, as diplomats may come to share and defend common interests.

### *Socialisation*

Ambassadors in COREPER II meet weekly, while their deputies in COREPER I meet on a twice-weekly basis. Due to the heavy workload of the meetings, they often last the entire day.<sup>17</sup> In addition, the ambassadors and their deputies are Brussels-based, rather than travelling between their national capitals and Brussels.<sup>18</sup> Therefore, they have their families in Brussels and may interact with each other during their spare time, too.<sup>19</sup> As Egeberg has argued, the diplomats become embedded in EU level structures, since they are "separated in time and space from the primary institutional affiliations back home".<sup>20</sup> Moreover, many members of COREPER have been based in Brussels for numerous years, and thus know their counterparts extremely well. During their capacity as representatives they may spend well over a hundred days of the year together, especially towards the end of a Council Presidency period when the workload peaks.<sup>21</sup>

In these dense and frequent interactions, mutual trust, a deliberative atmosphere and a feeling of togetherness is likely to arise. It is in this context that a socialisation effect may set in which modifies the behaviour and identities of actors, potentially creating 'like-minded' individuals who see themselves as having a stake in the EU.<sup>22</sup> According to Warntjen, this implies that diplomats do not simply feel bound to a national identity and loyalty to represent their Member States but may also feel bound to a European identity and loyalty to common European interests.<sup>23</sup> This possibility of representatives being socialised to consider the common goals of agreement, is of particular importance for the effectiveness of decision-making. It helps avoid deadlock in the negotiations, as representatives have a feeling of responsibility for the EU and recognise that the national interest cannot always win. This may allow for common solutions to be found on even relatively delicate issues.

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<sup>17</sup> Jeffrey Lewis, "Is the 'Hard Bargaining' Image of the Council Misleading? The Committee of Permanent Representatives and the Local Elections Directive", *Journal of Common Market Studies*, vol. 36, no. 4, 1998, p. 482.

<sup>18</sup> Jeffrey Lewis, "How institutional environments facilitate co-operative negotiation styles in EU decision-making", *Journal of European Public Policy*, vol. 17, no. 5, 2010, p. 655.

<sup>19</sup> Jakob Lempp and Janko Altenschmidt, "Supranationalization through Socialization in the Council of the European Union", Paper presented at the Biennial Conference, *European Union Studies Association*, Montreal, 17-19 May, 2007, p. 10.

<sup>20</sup> Morten Egeberg, "Transcending intergovernmentalism? Identity and role perceptions of national officials in EU decision-making", *Journal of European Public Policy*, vol. 6, no. 3, 1999, p. 470.

<sup>21</sup> Jeffrey Lewis, "The methods of community in EU decision-making", *op.cit.*

<sup>22</sup> David Bostock, "Coreper Revisited", *Journal of Common Market Studies*, vol. 40, no. 2, 2002, p. 217.

<sup>23</sup> Andreas Warntjen, "Between bargaining and deliberation: decision-making in the Council of the European Union", *Journal of European Public Policy*, vol. 17, no. 5, 2010, p. 670.

## Reciprocity

Dense socialisation may also have an indirect effect on the decision-making capacity by indirectly contributing to reciprocity.<sup>24</sup> Reciprocity can be either specific or unspecific. Specific reciprocity implies negotiations of package deals where a delegation accepts concessions on one issue in return for receiving its wishes on another issue.<sup>25</sup> As Berridge argues, package deals help avoid deadlock, as negotiation on a broad front “is more likely to break an impasse by increasing the scope for imaginative solutions”.<sup>26</sup> Specific reciprocity is argued to be common for international institutions that allow for package deals to be made and is not necessarily specific for Council decision-making.<sup>27</sup>

In contrast, it is especially the prevalence of diffuse reciprocity that distinguishes COREPER from other types of multilateral negotiations.<sup>28</sup> According to Lewis, this type of reciprocity is a form of social capital which extends the ‘shadow of the future’ and may “reconcile self-interest and solidarity”.<sup>29</sup> Diffuse reciprocity is not driven by the creation of package deals but by an informal rule based on high levels of mutual trust and understanding. Owing to the relatively enduring character of negotiations in COREPER and the long-term relation of diplomats, as described above, an institutional memory may arise where delegations can expect, that if they negotiate in a compromising way, other delegations will do likewise.<sup>30</sup> Furthermore, diffuse reciprocity may be promoted by the horizontal nature of COREPER agendas which deal with a diverse range of issue areas. When a multitude of issues are discussed, participants cannot expect to demand that their wishes be fulfilled every time without showing some restraint, from time to time, in return.<sup>31</sup>

In addition to socialisation, reciprocity – especially diffuse reciprocity – should, therefore, have important positive consequences for decision-making effectiveness as well. Since members of COREPER can feel assured that their self-restraining behaviour will be repaid at a later stage, they should be more inclined to engage in cooperative negotiations, thus enhancing possibilities for agreement.

The processes of socialisation and diffuse reciprocity at work in COREPER by no means exclude representatives’ pursuit of national interests coherent with the traditional diplomatic appropriateness outlined above. However, it does seem that the processes examined mean that diplomats learn to ‘play the game’ by different

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<sup>24</sup> Jakob Lempp and Janko Altenschmidt, *op.cit.*, p. 15.

<sup>25</sup> *Ibid.*, p. 11.

<sup>26</sup> G.R. Berridge, *Diplomacy: Theory and Practice*, Houndmills, Palgrave Macmillan, 2010, 3<sup>rd</sup> edn., p. 49.

<sup>27</sup> Jakob Lempp and Janko Altenschmidt, *op.cit.*, p. 12.

<sup>28</sup> *Ibid.*, p. 12.

<sup>29</sup> Jeffery Lewis, “Is the ‘Hard Bargaining’ Image of the Council Misleading?”, *op.cit.*, p. 487.

<sup>30</sup> Jeffery Lewis, “The methods of community in EU decision-making”, *op.cit.*, p. 268.

<sup>31</sup> *Ibid.*

rules, thereby challenging the traditional logic of diplomatic appropriateness which rests on norms and understandings of diplomats as the guardians and promoters of the national interest. According to the logic of appropriateness in COREPER, national diplomats are not solely defenders of the national interest but are also socialised and expected to defend the common interest.

Before concluding on the essay's findings, it is worth considering which kind of logic of diplomatic appropriateness may arise in the European External Action Service (EEAS). The service is composed of diplomats from the European Commission, the Council and the Member States and will have the mandate to ensure coordination and consistency of EU external action.<sup>32</sup> As a consequence, a major task of the EEAS will be to create loyalty among EEAS staff to the EU in order for the Union to present a united face in international negotiations. With the above considerations in mind about the effects of socialisation and diffuse reciprocity, it would not seem to be an impossible task to ask diplomats to shift their loyalty from a national to a supra-national institution. Whether the EEAS diplomats will then be fully loyal to the EU or split their loyalty between their Member State and the EU is hard to establish now. This will likely depend on career structures within the EEAS where permanent agents are more likely to be loyal to the EU first and foremost than seconded staff from the Member States.<sup>33</sup> This raises the interesting possibility that the logic of diplomatic appropriateness will vary according to the staff in the EEAS with permanent staff developing a more traditional logic of appropriateness being guided primarily by the EU interest, while seconded staff split their loyalty between the EU and their Member State, thereby being guided to a higher degree by the novel type of diplomatic appropriateness uncovered in COREPER.

### *Conclusion*

COREPER offers an insight into a unique diplomatic negotiating environment. Owing to its familiarity and togetherness, COREPER has the potential to socialise diplomats into becoming like-minded actors who negotiate with each other in a deliberative atmosphere characterised by mutual trust and willingness to compromise. In such an environment diplomats understand the positions of their counterparts and know that concessions made will be repaid later. Therefore, this essay has argued that a novel type of logic of appropriateness characterises COREPER which emphasises a common interest next to the national one. This makes deadlock and hard bargaining less common, explaining why COREPER is relatively effective at reaching agreement despite the multitude of national interests it is faced with.

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<sup>32</sup> Sarah Wolff and Adriaan Schout, "EU Agencies and their External Relations – Which Way Forward From a Legitimacy Perspective?", Paper prepared for the workshop *EU Agencies and their External Relations, Which Way Forward*, The Hague, 10 June 2011, p. 4.

<sup>33</sup> Edoardo Ongaro, "Building the European External Action Service after the Lisbon Treaty: Reflections on Some Key Organizational Issues", SDA Bocconi School of Management, 2010, p. 13.

A new type of diplomatic appropriateness in COREPER does not necessarily imply that the traditional logic of appropriateness will cease to exist since most interstate negotiations today are not conducted in surroundings comparable to those of COREPER. The above observations could merely imply that the way diplomacy is carried out varies according to how dense interstate cooperation is.

## Representing 'Europe' Abroad? Cohesion and Socialisation Processes of the European Diplomatic Community

Charles Thépaut

In various regions of the world diplomats represent EU Member States and defend their interests. Beyond obvious cultural proximity, European integration has created obligations for them to cooperate with each other<sup>1</sup> in a way that seems to go beyond traditional collaboration within a diplomatic corps. In this regard, considering the vast literature about the specific features of Member State diplomacy in Brussels,<sup>2</sup> the question arises whether cooperation between Member State diplomats posted in third countries has changed the nature of diplomatic practices and if these changes could eventually enable the EU to speak in the world with a more unified voice. Hence, this essay asks to what extent European integration in the field of external action is changing the nature and the practices of the European diplomatic community abroad.

On the basis of summaries of the coordination meetings organised in Syria by the French rotating presidency of the EU in the second semester of 2008, this essay will take as a case study Member State diplomats posted in Damascus. It will use Sharp's definition of a diplomatic corps<sup>3</sup> to argue that Member State diplomats have acted as a bloc self-conscience of its specificity. Because of the intergovernmental nature of the Common Foreign and Security Policy (CFSP), Member State sovereignty does not seem to be harmed in the process, but using Adler-Nissen's concept of 'late sovereign diplomacy'<sup>4</sup> will nevertheless be a useful analytical tool to identify the nature of Member State diplomats' practices and to discuss whether they have started forming a 'late sovereign diplomatic corps'. The essay will first describe the nature of cooperation of Member State diplomats in Damascus in order to discuss to what extent the European diplomatic corps is a replication of Brussels' 'late sovereign' diplomatic order and how the Lisbon Treaty will influence this process.

### *A Group of Friends or Diplomatic Bloc?*

In Damascus, the European diplomatic community has in 2008 been composed of diplomats from 21 Member States and the Commission. As rotating presidency, the

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<sup>1</sup> See, for instance, General Secretariat of the Council of the European Union, Note, *Lignes directrices en matière de protection consulaires des ressortissants de l'UE dans les pays tiers*, Bruxelles, 16 June 2006.

<sup>2</sup> See, for instance, David Spence "The Evolving Role of Foreign Ministries in the Conduct of European Union Affairs", in Brian Hocking and David Spence (eds.), *Foreign Ministries in the European Union: Integrating Diplomats*, New York, Palgrave, 2005, pp. 18-36.

<sup>3</sup> Paul Sharp and Geoffrey Wiseman, "The Diplomatic Corps in Constituting International Society", in Paul Sharp and G. Wiseman (eds.), *The Diplomatic Corps as an Institution of International Society*, Basingstoke, Palgrave Macmillan, 2007, pp. 265-277.

<sup>4</sup> Rebecca Adler-Nissen, "Late Sovereign Diplomacy", *The Hague Journal of Diplomacy*, vol. 4, no. 2, 2009, pp. 121-141.

French Embassy organised coordination meetings, study trips and official events with Syrian officials for this group of diplomats.<sup>5</sup> Designed on a hierarchical basis and a thematic one,<sup>6</sup> with the presence of Commission representatives, the coordination meetings could be seen as a local replication of Brussels' order in foreign policy in the sense that CFSP is mainly coordinated on an intergovernmental basis by the Council of Ministers.

During these meetings, Member State diplomats in Syria have dealt together with political and technical issues in a way that goes beyond the traditional exchange of views diplomats usually have.<sup>7</sup> For instance, during consular meetings, elements such as the harmonisation of social insurance for local staff or information about local visa falsification have been discussed and shared.<sup>8</sup> During human rights meetings, the attendance of European diplomats at political opponents' trials has been organised in order to assure a permanent, highly symbolic European presence at these trials. These meetings of Member State and Commission diplomats on a regular basis, in addition to their bilateral and multilateral meetings, in a way formalises their existence as a specific bloc much stronger than any other alliance of countries.

Some of this cooperation is part of the obligations implied by European regulations,<sup>9</sup> but part of it is field cooperation between professionals facing the same difficulties. For instance, it has been agreed during a consular meeting that the French Embassy would use its good relations with Syria<sup>10</sup> to address its authorities on the behalf of all EU Member States about their need of improved information when an EU national was arrested. The French Embassy also organised official lunches with all Member State Heads of Missions and Syrian officials in order to express European concerns as well as study trips outside Damascus for all Deputy Heads of Missions in order to develop a common or shared understanding of the Syrian context.<sup>11</sup> In both cases, the French Embassy used the weight of the European diplomatic bloc to direct dialogue more often with Syrian officials and local dignitaries.

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<sup>5</sup> Charles Thépaut, "Représentation de la PFUE en Syrie - Rapport de Stage", IEP de Lille, November 2009, p. 10.

<sup>6</sup> Ambassadors, Deputy Heads of Missions, Human Rights, Administrative and Consular Affairs, Culture, Military Attachés, Economic Attachés.

<sup>7</sup> Adam Watson, *Diplomacy: The Dialog between States*, London, Routledge, 2004, p. 128.

<sup>8</sup> French Embassy to Syria, Working Document, *Compte-rendu de la réunion consulaire du 11/09/2008*, Damascus, September 2008.

<sup>9</sup> General Secretariat of the Council of the European Union, *op.cit.*

<sup>10</sup> Following President Nicolas Sarkozy's election, renewed high-level contacts took place between France and Syria, especially during the French Presidency of the EU. This put an end to the period of isolation of Syria that had followed the assassination of Rafic Hariri. French diplomats were consequently in a better position to negotiate technical issues with Syrian authorities than other diplomats whose countries were still cautious about Syria.

<sup>11</sup> Charles Thépaut, *op.cit.*

Sharp argues that a diplomatic corps is the most "salient" when countries "value their relations with each other more than with their host country".<sup>12</sup> Member State diplomats' in Damascus gave a clear expression of this by 'Europeanising'<sup>13</sup> themselves and their diplomatic practices, and therefore acting as a European diplomatic corps. This situation was largely influenced by the French Embassy's activism due to its national agenda in Syria. However, the most important point here is that this interest led to create a specific diplomatic pattern which gave a distinctive nature to the European diplomatic corps. Moreover, one can argue that the European diplomatic corps' cohesion also resulted from the difficulties that all Member States encountered bilaterally with Syrian authorities, where a lack of cooperation was making diplomatic work complicated<sup>14</sup> and gave additional incentive for European solidarity.

### *Between Traditional and 'Late Sovereign' Diplomacy: The Lisbon Treaty*

Although significant in the way it created extensive cooperation, the European diplomatic corps cannot be seen as changing the relations of the corps with their country to the same extent as the one described by Adler-Nissen.<sup>15</sup> Compared to the rather 'disintegrated' national representations in Brussels,<sup>16</sup> the institutional environment of Member State embassies is much clearer and more traditional. Member State diplomats do not navigate between emerging European diplomacy and nationally generated international policy<sup>17</sup> because they are not involved in a permanent negotiation process like in Brussels, and their instructions almost only come from Foreign Ministries' headquarters.<sup>18</sup> The former prevents any 'delocalisation of national interests'<sup>19</sup> and the latter highly limits possibilities of 'territorial'<sup>20</sup> disputes. Following national instructions, Member State diplomats do not have to find agreement among themselves. Agreements have been made for them, and they are asked to engage third countries' authorities, not European counterparts. European cooperation in third countries is thus not policy building but only coordination of policy implementation. This puts a large distance between Member State diplomats and the European state of mind. They can neither be concerned by the ambivalent intellectual position of people in Brussels,<sup>21</sup> nor share their 'theological' stance.<sup>22</sup> Member State diplomats remain "gatekeepers"<sup>23</sup> because even when the

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<sup>12</sup> Paul Sharp and Geoffrey Wiseman, *op.cit.*, p. 267.

<sup>13</sup> Brian Hocking and David Spence, "Towards a European diplomatic system?", in Brian Hocking and David Spence (eds.), *Foreign Ministries in the European Union: Integrating Diplomats*, London, Palgrave Macmillan, 2005, p. 287.

<sup>14</sup> Charles Thépaut, *op.cit.*

<sup>15</sup> Rebecca Adler-Nissen, *op.cit.*

<sup>16</sup> David Spence, *op.cit.*, p. 33.

<sup>17</sup> Brian Hocking and David Spence, *op.cit.*

<sup>18</sup> Charles Thépaut, *op.cit.*, p. 14.

<sup>19</sup> Rebecca Adler-Nissen, *op.cit.*, p. 132.

<sup>20</sup> *Ibid.*, p. 126.

<sup>21</sup> *Ibid.*, p. 131.

<sup>22</sup> *Ibid.*, p. 129.

agenda is shared among Europeans, each diplomat is working on national goals in the receiving country. Dealing with European partners is just a way to do so.

As such, there is thus no 'late diplomatic corps' but the European diplomatic corps abroad might be on its way to build a distinctive sovereign order in between a traditional and a late sovereign one. With the Lisbon Treaty, the centre of gravity is likely to shift from the traditionally dominant national one, the respective Embassy of the rotating presidency, towards the supranational level, encapsulated by the EU Delegation. In this regard, the EEAS has the potential to act locally as the supranational layer that fostered the process in Brussels.<sup>24</sup>

Supranational coordination is crucial in a late sovereign order because it forces sovereign states to adapt their agenda and preferences to the new structure.<sup>25</sup> Prior to the Lisbon Treaty, the Delegation's diplomatic role was strictly limited to the European Commission's areas of competence and its influence on the European diplomatic corps was thus relatively low.<sup>26</sup> Now the Delegation can act as the representation of the EU and will therefore coordinate the European diplomatic corps' activities and balance its national dimension. This structural change will lead to a further 'Europeanisation'<sup>27</sup> of external representation and diplomatic practices by upgrading the existing cooperation between Member State embassies. Moreover, if some Member States reduce the size of their diplomatic network because of budget constraints, the EU Delegations are likely to gain an even stronger position within the European diplomatic corps and challenge the traditional role of Member State embassies.<sup>28</sup>

Although Member States will keep their sovereign margins in third countries as long as they keep an intergovernmental CFSP, diplomats sent from EU institutions and Member States diplomatic services are likely to build within the EEAS distinctive socialisation patterns that should influence the entire European diplomatic corps in each third country and help build a common diplomatic culture. National features might stay strong as long as national embassies will exist but given the growing size and financial resources of EU Delegations, traditional patterns might be significantly challenged by the *doxa*<sup>29</sup> likely to be developed by EEAS diplomats. Like in Brussels, Member States are supposed to keep their sovereignty but the dynamics of the

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<sup>23</sup> Brian Hocking, "Gatekeepers and Boundary-Spanners – Thinking about Foreign Ministries in the European Union", in Brian Hocking and David Spence (eds.), *Foreign Ministries in the European Union: Integrating Diplomats*, London, Palgrave Macmillan, 2005, pp. 1-15.

<sup>24</sup> Rebecca Adler-Nissen, *op.cit.*, p. 129.

<sup>25</sup> *Ibid.*, p. 132.

<sup>26</sup> Charles Thépaut, *op.cit.*, p. 27.

<sup>27</sup> Brian Hocking and David Spence, *op.cit.*

<sup>28</sup> Melanie Morisse-Schillbach, "France", in Brian Hocking and David Spence (eds.), *Foreign Ministries in the European Union: Integrating Diplomats*, London, Palgrave Macmillan, 2005, p. 123.

<sup>29</sup> Rebecca Adler-Nissen, *op.cit.*, p. 122.

cooperation/coordination process will *de facto* harm it, although not to the same extent as in Brussels because it cannot be as deep as in the Council's headquarters.

### *Conclusion*

The European diplomatic corps in Damascus and elsewhere is far from practicing 'late sovereign diplomacy' and Adler-Nissen's concept does not really apply to the institutional environment encountered by Member State diplomats outside the EU. However, European integration has shaped the way Member State diplomats act and although still heavily national, their diplomacy has been significantly Europeanised. In some areas, the European diplomatic corps' cohesion has gone beyond the strict 'coordination imperative'<sup>30</sup> imposed by capitals and this has created a distinctive identity which will be significantly strengthened by the structural changes implied by the Lisbon Treaty. The 'variable geometry' of diplomatic networks<sup>31</sup> and the interests of Member States in each third country will make the European diplomatic corps' features very different from one country to another but it seems that each of them will more and more reflect a certain image of the European 'society' to the same extent that an international diplomatic corps constitutes a certain image of the international society.<sup>32</sup>

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<sup>30</sup> Brian Hocking and David Spence, *op.cit.*, p. 298.

<sup>31</sup> *Ibid.*, p. 299.

<sup>32</sup> Paul Sharp and Geoffrey Wiseman, *op.cit.*

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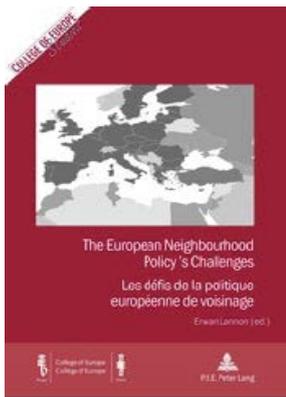
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