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„Changing Patterns of the European Diplomacy in the 21st Century: The Interplay of the European External Action Service and the EU Member States' Diplomacies“

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List of abbreviations

EC	European Community
EEAS	European External Action Service
EU	European Union
CFSP	Common Foreign and Security Policy
HOM	Head of Mission
ICT	Information and Communication Technologies
MFA	Ministry of Foreign Affairs
TEU	Treaty on the European Union
TFEU	Treaty on Functioning of the European Union
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
US	United States of America

Abstract

Globalization has changed the diplomatic conduct in the 21st century on global, regional and national scale. European diplomacy has undergone similar transformation and, as a result, the European Union (EU) established its own diplomatic service – the European External Action Service (EEAS), with aim to increase Europe’s diplomatic influence. However, since its establishment, the new service has been facing profound challenges, including the reluctance of the Member States to accept the EEAS’ leadership role.

This thesis aims to illustrate the changing global patterns of diplomacy in the 21st century and to provide an in-depth discussion of the EEAS’ role in the context of current European diplomacy. The thesis outlines the underlying causes for the EEAS’ establishment, examines the challenges and legal constraints to its efficient functioning and focuses on investigation of the service’s cooperation with the Member States’ diplomacies.

The research was done based on a thorough examination of primary and secondary sources, namely EU legal documents as well as articles written by leading experts on diplomacy. The research confirmed the preliminary hypothesis that the current interplay of the EEAS and the Member States is challenged by multiple factors, such as the Member States’ reluctance to transfer their external representation competences to the EEAS, budgetary constraints and the lack of legal basis to justify the EEAS’ leadership. A crucial component of the research was to examine the added value of the EEAS to the national diplomatic services. As expected, the research concluded that the EEAS could have significant added political and economic value to the European diplomacy. Moreover, specific suggestions on how to utilize these benefits are examined in the thesis.

The findings clearly show that the on-going diplomatic cooperation between the EEAS and the Member States is insufficient and further measures should be taken in order to achieve the most benefits the new service can offer, in order to improve the EU’s standing in the global diplomacy of the 21st century.

Zusammenfassung

Die Globalisierung hat die Diplomatie im 21. Jahrhundert auf globaler, regionaler und nationaler Ebene verändert. Die europäische Diplomatie hat sich einer ähnlichen Transformation unterzogen, und infolgedessen hat die Europäische Union (EU) ihre eigenen diplomatischen Dienst etabliert - den Europäischen Auswärtigen Dienst (EAD). Jedoch wurde der neue Dienst seit seiner Gründung mit tiefgreifenden Herausforderungen konfrontiert, einschließlich des Umwillens der Mitgliedstaaten die Führungsrolle vom EAD zu akzeptieren.

Diese Masterarbeit zielt darauf ab, die globalen Veränderungen der Diplomatie im 21. Jahrhundert zu veranschaulichen und eine eingehende Diskussion der Rolle des EAD im Kontext der aktuellen europäischen Diplomatie zu bieten. Die Masterarbeit beschreibt die Ursachen für die Gründung des EAD, sie untersucht die Probleme und rechtliche Hindernisse für eine effiziente Funktionsweise des EAD und konzentriert sich auf die Untersuchung der Zusammenarbeit des Dienstes mit den Mitgliedstaaten.

Diese Forschung wurde durch eine Untersuchung von primären und sekundären Quellen durchgeführt, und zwar EU-Rechtsdokumente sowie Artikel von führenden Experten auf dem Gebiet der Diplomatie. Diese Forschung hat die vorläufige Hypothese bestätigt, dass das aktuelle Zusammenspiel des EAD mit den Mitgliedstaaten durch mehrere Faktoren behindert wird, wie die Zurückhaltung der Mitgliedstaaten ihre diplomatische Kompetenzen auf den EAD zu überzugeben, Haushaltszwänge und die fehlende Rechtsgrundlage um die Führung des EAD zu rechtfertigen. Ein wesentlicher Bestandteil dieser Arbeit war es, die Vorteile des EAD für die nationalen diplomatischen Dienste zu untersuchen. Wie erwartet hat sich gezeigt, dass der EAD erheblichen politischen und wirtschaftlichen Wert für europäische Diplomatie haben könnte.

Die Ergebnisse der Masterarbeit zeigen deutlich, dass die laufende diplomatische Zusammenarbeit zwischen dem EAD und den Mitgliedstaaten nicht ausreichend ist und weitere Maßnahmen getroffen werden müssen, um die meisten Vorteile des EAD zu erzielen und um die Stellung der EU in der globalen Diplomatie des 21. Jahrhunderts zu verbessern.

1. Introduction

The modern form of diplomacy and its traditional role of guiding relations between sovereign states was fully developed together with the emergence of the Westphalian system.¹ However, primeval forms of diplomacy had already been observed long before that, ever since collectives of humans started communicating among each other.² Already in the second millennium BC, diplomacy guided relations in the Near East.³ A more sophisticated form of diplomacy developed in the Greek city states in the 4th and 5th centuries BC. It was this period when the first primitive forms of diplomatic immunities and resident missions emerged. Later medieval forms of diplomacy were first developed in the Byzantium and later by Venetian governments. In particular, the Italian city states were the first to develop and implement modern forms of diplomacy, introducing “genuine resident embassy”. The Italian system later evolved into the French system of diplomacy, strongly commended by the British scholar and diplomat Harold Nicolson.⁴ He believed that by 1815, diplomacy was recognized as a profession, guided by its own rules⁵, codified in the Congress of Vienna.⁶ According to Berridge, it was “the first fully-developed system of diplomacy and the basis of the modern - essentially bilateral – system”. The French system modified but did not transform in the 20th century.⁷ While diplomats of the 19th century and earlier were expected to concurrently have other professions and sources of income, it was at the beginning of the 20th century, when Rana, contrary to Nicolson, argues that diplomacy emerged as a profession with a “clear code of conduct”, preserved in the 1961 Vienna

¹ David Held et al., ‘Global Transformations: Politics, Economics and Culture’, Cambridge: Polity Press, 1999, p.38-39

² Jozef Bátora, ‘Does the European Union Transform the Institution of Diplomacy?’, in *ARENA Working Papers WP 03/6*, Oslo: ARENA Centre for European Studies, 2003, accessed 05/02/2015, Available online: <http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/workingpapers2003/wp03_6.pdf>, p.2

³ Raymond Cohen and Raymond Westbrook (eds), ‘Amarna Diplomacy: The beginnings of international relations’, Baltimore/ London: Johns Hopkins University Press, 2000, p. 1-12, and Mario Liverani, ‘International Relations in the Ancient Near East’, Basingstoke: Palgrave, 2001, Introduction

⁴ G. R. Berridge, ‘Diplomacy: Theory and Practice’, Basingstoke: Palgrave Macmillan, 2010, p.2

⁵ Harold Nicolson, ‘Diplomacy’, Washington, DC: Institute for the Study of Diplomacy, Georgetown University, 1939 (1988), p.14

⁶ Bátora, ‘Does the European Union Transform the Institution of Diplomacy?’, note 2, p.5

⁷ Berridge, ‘Diplomacy: Theory and Practice’, note 4, p.2

Convention on Diplomatic Relations.⁸ Diplomacy of the 20th century underwent several periods of transformation. At first, politics was the priority of diplomatic work. This was later replaced by economic and commercial diplomacy in the 1970s.⁹ After a short period of strong anti-diplomacy efforts of the Communist regimes of Russia and China,¹⁰ the end of the Cold War era meant also a rebirth of political diplomacy, however now more complex and open. Rana argues that “the techniques of relationship building and conflict resolution have also become more sophisticated.” In the last decades, the rising importance of education, media, culture, science, technology and other manifestations of soft power have led to substantial attention being paid to public and consular diplomacy.¹¹ Berridge claims that diplomacy in the 21st century has been developing to “such a degree and in such an innovative manner” that he speaks of “world diplomatic system of unprecedented strength”.¹² Rana supports this view by saying “diplomacy now involves many different players; it works in ways that were not envisaged by the framers of the Vienna Convention on Diplomatic Relations, the bedrock of interstate diplomacy”.¹³ One of these new players is the European Union (EU) and its newly established European External Action Service (EEAS).

This thesis examines the patterns of change occurring in diplomacy of the 21st century. It looks at various factors brought by globalization, such as wide-spread access to media and Internet, global financial crisis or rise of unprecedented diplomatic actors, and investigates their influence on the current conduct of diplomacy. Particular focus is paid to changes of European diplomacy caused by two major factors – globalization and the emergence of the EEAS. Various aspects of the EEAS, such as its added political and economic value or its on-going challenges, are put under in-depth examination in order to assess the current state of interplay between the new service and the Member States of the EU.

⁸ Kishan S. Rana, ‘21st Century Diplomacy: A Practitioner’s Guide’, in *Key Studies in Diplomacy*, L. Lloyd (eds.), London/ New York : The Continuum International Publishing Group, 2011, p.32

⁹ *ibid*, p.13

¹⁰ Berridge, ‘Diplomacy: Theory and Practice’, note 4, p.2

¹¹ Rana, ‘21st Century Diplomacy’, note 8, p.14

¹² Berridge, ‘Diplomacy: Theory and Practice’, note 4, p.3

¹³ Rana, ‘21st Century Diplomacy’, note 8, p.13

2. Methodology

The topic of this thesis was first inspired by a working visit to the EU Delegation in Addis Ababa, Ethiopia, and a conversation with the Delegation's Head of Political Section, Mr. Sandy Wade. He was the first who familiarized me with the complicated issue of European diplomatic cooperation under the EEAS' leadership. During the working visit, he talked about the problems arising from the vague interpretation of the EEAS' competences in the Lisbon Treaty and about the lack of the Member States' willingness to transfer their diplomatic competences. Moreover, my choice of topic was also influenced by my 4-month long internship at the Slovak Embassy in Addis Ababa from 2013 to 2014, during which I acquired a strong interest in diplomacy. I was able to participate at coordination meetings of the Deputy Heads of Missions of the EU Member States and the EEAS. This internship enabled me to see the cooperation between the EEAS and the EU Member States in practice. Therefore, some of the practical cooperation activities mentioned in the thesis are based on my own experience in Addis Ababa.

After having selected the general topic of my thesis, the focus of the thesis had to be defined. I knew that I wanted to focus on the interplay between the EEAS and the EU Member States; however, I realized that this needed to be put into a wider context of transformation of diplomacy on a global scale that would correspond with the focus of my study program *Global Studies: A European Perspective*. Therefore, the final title of the thesis became *Changing Patterns of the European Diplomacy in the 21st century: the Interplay of the European External Action Service and the EU Member States' Diplomacies* which suggests putting the 21st century transformation of European diplomacy into the perspective of changes in global diplomacy.

As the topic of this thesis suggests, the prime focus of investigation is the changes in patterns of diplomacy and how it has been conducted in the 21st century. Special attention is paid to examining the changes in diplomacy of the EU Member States caused by various factors of globalization and by the emergence of the EEAS. The aim is to explain the underlying reasons

for establishing of the EEAS and their correlation with the global shift in diplomacy, and to identify the changes in diplomacy of the EU Member States brought by the EEAS. The current state of the interplay between the Member States' diplomacies and the EEAS is then presented and evaluated as discussed in more detail later in this chapter.

The underlying hypothesis of this thesis is that changes occurring in diplomacy at a global scale drove the EU Member States to transfer some of their diplomatic competences to the EEAS which, in exchange, offers them a variety of added political and economic value. This hypothesis also entails the assumption that emergence of the EEAS influenced the Member States which now have to alter the way in which they conduct diplomacy in order to ensure smooth interplay with the new service. Therefore, emergence of the EU's diplomatic service, which became an unprecedented diplomatic actor, both reflects and reinforces changes in global and European diplomacy.

This thesis attempts to answer the following research questions: (1) What changes have occurred in global diplomacy in the 21st century? (2) Has globalization and its effects made diplomacy redundant? (3) Has the rise of new non-state diplomatic actors changed the functions and role of traditional bilateral diplomacy? (4) How have the EU Member States' diplomacies been affected by changes brought by globalization? (5) Which changes in global diplomatic environment drove the EU and its Member States to establish the EEAS? (5) How has the emergence of the EEAS transformed the EU's conduct of diplomacy and its role as a diplomatic actor? (6) What kind of political and economic benefits does the EEAS bring to the EU Member States? (7) How are diplomatic competences shared between the EEAS and the Member States, based on the provisions of the Treaty on the European Union (TEU) and Treaty on the Functioning of the European Union (TFEU)? (8) What practical challenges does the EEAS face? (9) To what extent have the Member States accepted the EEAS' leadership in European diplomacy and are they willing to transfer their diplomatic competences to a supranational body? (10) How well is the current interplay and cooperation between the EEAS and national

diplomacies going? (11) How do the Member States perceive the cooperation with the EEAS and its performance?

Focus of the following thesis lays on changes occurring in diplomacy of the EU Member States in the 21st century and their cooperation with the EEAS. Even though general changes in global diplomacy are examined in the fourth chapter, the core of the thesis is the investigation of the current situation within the EU. Global changes in diplomacy are investigated with the predominant purpose to apply them to cases of the EU Member States and to present them as underlying reasons for the establishment of the EEAS. This is reflected in the structure of the thesis which follows a top-down approach. It moves from providing an overview of diplomacy's transformation at the global level in the fourth chapter, then moves on to show the diplomatic changes at the European or the EU level in the fifth chapter and then continues to examine the changes in diplomacy of the EU Member States at national level in the sixth chapter. The sixth chapter pays special attention to deliberately applying the changes presented in the fourth chapter to the national cases which may mislead the reader into observing a certain level of repetition between the two chapters. It is important to emphasize that this 'repetition' is put there on purpose, aiming at clearly demonstrating the similarity of transformation taking place in diplomacy at various levels. The seventh chapter then merges previous level-based approaches into providing an overview of their mutual interplay and its challenges.

It is also crucial to mention that the focus of this thesis is on "diplomacy" as the activities of a country's representation carried out by diplomats and foreign missions to other states (as defined in the subsequent chapter), with different synonyms used, such as "diplomatic conduct", "diplomatic service", "Foreign Service" or "external representation". However, diplomacy itself is not investigated generally. Instead, this thesis focuses on bilateral diplomacy between the EU or its Member States and third countries. Multilateral diplomacy, representation of the EU or its Member States in international organizations, or bilateral diplomacy among the Member States or between them and the EU are not investigated. Moreover, even though European integration of

foreign policy and the development and current state of Common Foreign and Security Policy (CFSP) are briefly presented in order to explain the individual Member States' (un)willingness to cooperate in external matters, neither foreign policy at national levels nor CFSP are the objects of investigation of this thesis. Similarly, discussion of the EU's external economic relations is not a part of the thesis. Although it is commonly understood that the CFSP and external economic relations as well as other matters of foreign policy integration are closely interconnected with the topic of this thesis, the scope of the thesis does not allow me to include an in-depth discussion of these issues

In my research I also employed various methods in order to ensure a comprehensive analysis of my research problem. The core part of my research was a qualitative analysis of various primary and secondary sources. Primary sources, which were frequently quoted, consist of official evaluation reports of the EU, the EEAS and national Ministries of Foreign Affairs (MFAs), statements and speeches by various diplomats and politicians, websites of numerous institutions and, predominantly, crucial legal documents and treaties., such as the TEU, the TFEU, the Vienna Convention on Diplomatic Relations and numerous decisions and statements of the EU Commission and Council.. The primary sources were complemented by a variety of secondary sources. These included a wide range of academic journal articles, research papers and books written by scholars who are specialized in the given research problem, and newspaper articles. Furthermore, I used reports by various think-tanks, such as European Policy Centre, Istituto Affari Internazionali, The Finnish Institute of International Affairs, the Clingendael Netherlands Institute of International Relations and many others.

In my research I employed also quantitative analysis when collecting data on past and current budgets for European diplomacy and when assessing the added economic value of the EEAS. To collect quantifiable data and to conduct quantitative research, I accessed official websites of the EEAS and the European Court of Auditors. Moreover, quantitative analysis became a part of my research also when examining various statistical data provided by my

sources, for instance when analysing the on-going and past cooperation in co-location of foreign diplomatic missions.

Due to the length restrictions of the thesis and also due to the extensive availability of sources on my topic, my research had to be narrowed down. Although I refer to a few academic sources published in the 20th century, such as those written by Nicolson or Watson, mostly in order to present theoretical definitions of the pre-21st century diplomacy, the large majority of the used sources on changes in global diplomacy are dated since the year 2000. These include various experts on diplomacy in the 21st century, such as Bátora, Berridge, Heine, Hocking, Jönsson, Melissen, Rana or Scholte. Their publications helped me to identify the changes in global diplomatic environment. Moreover, since the EEAS was launched only in 2011, all sources dealing with the EEAS and its influence on national diplomacies of the EU Member States had to be written after the year 2011. Despite the relatively short timeframe of sources appropriate for my research, the availability of academic sources on this topic was too vast and specific scholars had to be selected. Therefore, my research was mostly based on findings of Balfour, Bosilca, Emerson, Koehler, Ojanen, Raik, Van Vooren, Wessel and other scholars. While my study draws on a wide array of sources, the framework for my analysis of the interplay between the EEAS and national diplomacies were the following three sources: (1) *Equipping the European Union for the 21st century: National Diplomacies, the European External Action Service and the Making of EU Foreign Policy* and (2) *The European External Action Service and National Diplomacies*, both published by Balfour and Raik in 2013; and (3) *Upgrading the EU's Role As a Global Actor: Institutions, Law and the Restructuring of European Diplomacy*, published by Emerson in 2011. My research was conducted until February 2015; therefore any changes in European diplomacy after that date were not included in this thesis.

My research was limited by some factors. First, due to distance and time constraints, research of primary sources could be conducted neither directly at the headquarters of the EEAS in Brussels, which would provide a deeper insight into the EEAS' daily working conduct, nor at

any of the EU Delegations in third countries, which would have provided an opportunity to study European diplomatic cooperation in practice. Similarly, it was not possible to access archives or carry out interviews at a sufficient number of the Member States' MFAs which would be of crucial influence for a more profound analysis of the on-going transformation of diplomacy and of diverse national attitudes towards the cooperation with the EEAS. Similarly, an analysis of reports, evaluations and statements of most of European MFAs was impossible to carry out due to language constraints, since most of these materials are often only available in national languages. Therefore, I relied only on primary sources written in English (and Dutch in one case) and on secondary sources which were based upon these national reports.

Finally, my thesis is divided into nine chapters.

The first section, including chapters one, two and three, presents the theoretical framework for the study of diplomacy. Following the introduction and the methodology chapter, this section introduces definitions of diplomacy and its functions according to several experts on diplomacy, such as Bátora, Berridge and Hocking. It examines traditional notions of bilateral diplomacy envisaged in the Vienna Convention. It then goes on to compare the statist approach to diplomacy with the rather new globalist and integrative approaches, encompassing a wider range of new diplomatic actors. It provides a theoretical basis for understanding the recent and on-going transformation of diplomatic environment. The final part of this section investigates how the emergence of the EU's own diplomatic service alters the basic understanding of what constitutes diplomacy.

The fourth chapter of this thesis looks at the transformation of the global diplomatic environment in the 21st century. It starts by presenting globalization itself as a challenge to diplomacy. Later on, major factors brought by globalization and their influence on the current conduct of diplomacy are analysed. The chapter argues that even though the rise of information and communication technologies (ICT) and electronic media, rise of a variety of non-state actors and multilateralism or the global financial crisis do pose a challenge to diplomacy, interstate

bilateral diplomacy still matters. It also provides many practical examples supporting this argument, such as an increase in overseas travel and the rise in transnational terrorism, both of which require high-quality provision of consular services, or the easy access to information facilitated by rapid advancement of ICT and media which has posed high expectations on public diplomacy. The chapter summarizes the most striking changes occurring in the diplomacy of the 21st century at a global scale. The aim of the chapter is to not only argue the on-going relevance of diplomacy in the 21st century but to, most of all, present the transformation of diplomacy which has been taking place in the last 15 years. This chapter forms the basis for arguments in the subsequent chapters.

The fifth chapter presents an analysis of the 21st century diplomacy at the European level. First, the EU is presented as a unique diplomatic actor, aspiring to be fully recognized by other actors of diplomacy. Its *sui generis* legal status is briefly introduced. The core part of this chapter deals with the establishment of the EEAS. Practical information on the history, reasons for establishment, working conduct, leadership and staffing of the EEAS is presented. A special part of this chapter is dedicated to the study of transformation of the former Commission Delegations into the EU Delegations. The last part examines the division of competences between the EEAS and national diplomacies, based on the Lisbon Treaty. In this section, a discussion of the legal personality granted to the EU by the TEU and its consequence for the formulation and implementation of the CFSP is provided.

The sixth chapter focuses on the changes occurring in diplomacy of the EU Member States. The first part of the chapter applies the global changes in diplomacy, presented in the fourth chapter, to national level, using the cases of individual Member States and presents the challenges these changes pose to national diplomacies. The second part of the chapter provides an in-depth analysis of the EEAS' added political and economic value which enables the Member States to fulfil the expectations posed on their diplomatic services while ensuring adherence to austerity measures.

The seventh chapter merges the previous global, European and national levels and deals with the actual interplay between the EEAS and the Member States' diplomacies. The first part of the fifth chapter provides an evaluation of the process of transformation from the Presidency system to the EEAS' leadership in the EU's external representation. The chapter then moves on to examine various challenges to the proper functioning of the new service. Several practical constraints of the EEAS are briefly presented. However, the core challenges are the Member States' lack of willingness to accept the leadership role of the EEAS and to transfer further competences to the service. Finally, the last part of the seventh chapter presents an evaluation of the current state of cooperation and communication between the EEAS and national MFAs. This part provides practical examples of areas of diplomacy in which the Member States resorted to cooperation. It also presents the priority areas of various Member States in which they would be interested in integrating their foreign policies and diplomacy. An assessment of national levels of satisfaction with the communication with the EEAS is provided.

The conclusion provides a summary of the thesis and a final assessment of the current transformation of European diplomacy as well as of the interplay between the EEAS and national diplomacies.

3. Theoretical Framework

Since the purpose of this thesis is to investigate changes occurring in global, European and national diplomacy in the 21st century, it is necessary to define “diplomacy” and to understand its functions. Even though this thesis’ prime focus is diplomacy, it is first necessary to distinguish it from “foreign policy”. Watson provides a summary of the distinction between these two terms. He defines diplomacy as “the process of dialogue and negotiation by which states in a system conduct their relations and pursue their purposes by means short of war”. Foreign policy though, in his view, is the essence of inter-state relations and the targets it aims to reach using these relations.¹⁴ Foreign policy in itself is not the object of examination of this thesis, but because of its close connection to the research problem, integration of European foreign policy will be perfunctorily investigated.

With the aim of defining the essence, purpose and functions of diplomacy, several definitions can be used. Berridge, in his work *Diplomacy: Theory and Practice* which became the bedrock for study of diplomatic service, defines diplomacy as “an essentially political activity and, well-resourced and skilful, a major ingredient of power” with its major purpose being “to enable states to secure the objectives of their foreign policies without resort to force, propaganda, or law”. He sees diplomacy as “the most important institution of our society of states”, as it “reflects and reinforces” the balance of power.¹⁵ In his other words, diplomacy is “an important means by which states pursue their foreign policies”.¹⁶ Promotion of interests in foreign policy is seen as the essence of diplomacy also by the realist theory of international relations. However, Bátorá adds that the role of diplomacy is also as a tool for the organization of interstate interactions and relations¹⁷ and as an institution decreasing “complexity in interstate relations”¹⁸ to its realist understanding. He argues that “in an inter-state environment with no overarching

¹⁴ Adam Watson, ‘Diplomacy. The Dialogue Between States’, London: Eyre Methuen, 1982, p.10

¹⁵ Berridge, ‘Diplomacy: Theory and Practice’, note 4, p.1

¹⁶ *ibid*, p.3

¹⁷ Bátorá, ‘Does the European Union Transform the Institution of Diplomacy?’, note 2, p.1

¹⁸ *ibid*, p.6

authority diplomacy is a shared set of rules, norms and principles regulating relations between states. It forms the elementary structure of the inter-state system, in which states fulfil roles as a consequence of their identity as states.”¹⁹ As he points out, one can then observe tensions between diplomacy’s function to promote a state’s interests that are potentially contradicting with other states’ interests and its function to facilitate smooth interaction between states.²⁰ While Berridge sees diplomacy as a tool for reinforcing a state’s foreign interests and Bátora adds its function of ensuring smooth inter-state interactions, Wight sums it up by claiming that there are three basic functions of diplomacy: information gathering, negotiation and communication.²¹ To these three functions, Bull adds “minimisation of the effects of friction”, which can be interpreted similarly to Bátora’s view of diplomacy, and “symbolising the existence of the society of states”, or in other words ensuring external representation of a state.²² Nevertheless, the most exhaustive and worldwide accepted definition of functions of diplomacy was articulated in the Vienna Convention. It lists five functions of a diplomatic mission which are:

“(1) Representing the sending State in the receiving State; (2) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law; (3) Negotiating with the Government of the receiving State; (4) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State; (5) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations”.²³

The Vienna Convention, based on a traditional, or statist, approach to diplomacy, emphasizes the importance of states, or nation-states, in diplomacy. Whether bilateral or

¹⁹ Bátora, ‘Does the European Union Transform the Institution of Diplomacy?’, note 2, p.25

²⁰ *ibid*, p.1-2

²¹ Martin Wight, ‘Systems of States’, Leicester: Leicester University Press, 1977, p.115-117

²² Hedley Bull, ‘The Anarchical Society: A Study of Order in World Politics’, London: Macmillan, 1977, p.171-172

²³ Vienna Convention on Diplomatic Relations Article 3.1, 1961, United Nations Treaty Series, accessed 27/02/2015, Available online: <http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf>

multilateral, diplomacy from a statist perspective is always seen as an interaction of sovereign states, facilitated by traditional diplomatic actors, such as MFAs and their diplomatic networks.²⁴

However, a new globalist perspective has been developed in the last few decades. From this perspective, diplomacy is not restricted to only interstate relations and the importance of sovereign states falls. Instead, the globalist perspective highlights the rising importance of non-state actors influencing the international environment and of “non-state diplomacy”.²⁵ From a globalist perspective, the emergence of the EU’s ability to engage in diplomatic relations can be seen as a challenge to states’ roles as sole legitimate diplomatic actors.²⁶ Yet, as Kuus points out, “the study of diplomacy remains focused on inter-state and inter-governmental relations, even when these are mediated by international organizations”.²⁷

Hocking presents yet another perspective which somehow combines both statist and globalist approaches. He talks about “integrative diplomacy” which he claims:

“moves beyond these two diametrically opposed perspectives and embraces a ‘post-globalist’ image that argues for the continued significance of state-related diplomatic systems and processes whilst recognizing the dramatic changes in the environments – domestic and international – in which they have to operate”.²⁸

Hocking’s understanding of integrative diplomacy was confirmed also by Balfour and Raik’s findings. According to them,

“the barriers between internal and external policies are redundant and diplomacy needs to adapt and contribute to shaping policies which are decided cooperatively and in conjunction with actors working at local, national, European and international levels. Changing patterns of global power undermine the outreach of

²⁴ Brian Hocking, et al., ‘Futures for Diplomacy: Integrative Diplomacy in the 21st century’, The Hague : Netherlands Institute of International Relations, 2012, p.17

²⁵ *ibid*, p.18

²⁶ Bátorá, ‘Does the European Union Transform the Institution of Diplomacy?’, note 2, p.26

²⁷ Merje Kuus, ‘Symbolic Power in Diplomatic Practice: Matters of Style in Brussels’, in *Cooperation and Conflict*, Vol. 50(3), Sage, 2015, p.370

²⁸ Hocking, et al., ‘Futures for Diplomacy’, note 24, p.18

individual member states, strengthening the logic for cooperation at the EU level”.²⁹

This integrative approach is applied in this thesis. The basic assumption of this thesis is that the current state of diplomacy encompasses a wide range of various actors and their interactions, including both traditional diplomatic actors (sovereign states) and newly emerged actors, such as international and regional organizations or other non-state actors. This assumption presupposes that the emergence of new diplomatic actors simultaneously reflects and reinforces changes in the diplomatic environment.

One of these new diplomatic actors, which is the core focus of this thesis, is the EEAS. This thesis provides an in-depth examination of the emergence of the EEAS; it investigates the ways in which factors of globalizing diplomacy drove the EU Member States to transfer some of their competences to a supranational body. At the same time, the EEAS’ influence on diplomacy as a concept and the ways it transforms patterns of diplomacy of the EU Member States are analysed. The assumption that the creation of the EEAS significantly changes diplomacy of the 21st century is based on conclusions of various scholars. Hocking claims that “as the European Union demonstrates in the context of the development of the European External Action Service, the very definition of what constitutes ‘diplomacy’ is open to debate”.³⁰ Others, such as Schmitter, Keohane, Cooper, Fossum, Kagan and Bátorá claim that the EU poses a challenge to the basic principles of the Westphalian system.³¹ Since diplomacy, in its traditional sense, is considered as mutually interconnected with the Westphalian state order, the EU and its diplomatic service challenge and alter diplomacy itself. Bátorá goes even further by arguing that “due to its non-state nature and supranational character, the EU as a legitimate member of the global diplomatic field could imply the introduction of completely new standards”.³²

²⁹ Rosa Balfour and Kristi Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, in *EPC Issue Paper No.73*, Brussels: European Policy Centre, March 2013, p.2

³⁰ Hocking, et al., ‘Futures for Diplomacy’, note 24, p.12

³¹ Bátorá, ‘Does the European Union Transform the Institution of Diplomacy?’, note 2, p.1

³² *ibid*, p.26-27

Globalization's, the EU's and EEAS' influence on diplomacy of the EU Member States in the 21st century will be discussed in the following chapters.

4. Diplomacy in the 21st Century

The 21st century world is the world of globalization and the changes it has brought. Globalization, as a process, is not solely a product of the 21st century, on the contrary, it started to develop long before, and the effects of global interdependence of nations and other actors are now more visible than ever. Due to the rapid development in communication and transportation technology and to the significant increase in global mobility of people, goods, capital and information, no state is fully exempt from the challenges of the 21st century, including terrorism, global economic crises, ecological degradation or illegal migration. The changes brought by globalization have significantly affected all aspects of life, politics and governance. Diplomacy is no exception.

Diplomats of the 21st century face challenges of the globalized world on a daily basis. The wide-spread access to the Internet and other forms of communication technologies, the importance of electronic media and the rising influence of new actors on the international diplomatic stage have both facilitated and complicated the completion of tasks required from ambassadors, diplomats and other staff of MFAs all around the globe. While rising concerns with international security and illegal migration as well as the significant increase of international travel have placed extra levels of attention on consular work, the growing influence of new media, non-governmental organizations, think-tanks and other relevant actors have changed the patterns of diplomatic networks and led to the current strong focus on public diplomacy. These are just a few examples of the substantive changes of the diplomatic service in the 21st century.

This chapter aims to recognize the general transformation of international relations brought by globalization and its processes and to present its impact on the currently changing international diplomatic environment on the global scale by providing practical examples of the changing patterns of diplomatic practice in the 21st century. Moreover, it aspires to justify why bilateral diplomacy still matters even when it faces constant criticisms from academics, media and the general public and is often described as obsolete and superfluous.

4.1. Globalization as a Challenge to Diplomacy

The 21st century has not only been a century of intensified globalization and technological advancement but also a century of changing constellations of power and the increased importance of non-state actors. If we use Rana's definition of diplomacy as "the process of dialogue and accommodation among states", it is clear why this changed reality of international relations has led to the subsequent adaption of diplomatic practice.³³ Diplomacy has gained new prominent functions due to currently intensified state-to-state interactions, high levels of cross-border flows and the rise of new actors. These changes in the international environment have also changed the nature of diplomacy and have diversified the tasks required from diplomats. Heine claims that the role of diplomats of the 21st century is to support their countries and governments to "navigate the perils of globalization".³⁴ They are no longer expected to engage solely with the government they are accredited to and with other diplomats in their network. Diplomats of today are increasingly expected to actively interact with non-state actors, such as the media or the general society in which they reside.³⁵ As Rana puts it, diplomacy of the 21st century can be described as "multifaceted, pluri-directional, volatile, and intensive"³⁶ and it has to promptly adapt to the rapid changes of the international environment. Melissen supports this argument by saying: "Diplomacy today is evolving at a much faster rate than in the second half of the twentieth century".³⁷

Yet, while the substantial changes in diplomatic patterns of the 21st century cannot be denied, the question to be answered is: Do globalization and its processes pose a challenge to the institution and conduct of diplomacy?

³³ Rana, '21st Century Diplomacy', note 8, p.16

³⁴ Jorge Heine, 'On the Manner of Practising the New Diplomacy', in *Global Governance and Diplomacy: Worlds Apart?*, A. Cooper, B. Hocking and W. Maley (eds.), New York : Palgrave Macmillan, 2008, p.276-283

³⁵ *ibid*, p.284

³⁶ Rana, '21st Century Diplomacy', note 8, p.14

³⁷ Jan Melissen, 'Beyond the New Public Diplomacy', in *Clingendael Papers No.3*, The Hague : Netherlands Institute of International Relations, 2011, p.2

As Jönsson points out, diplomacy is occasionally described as “a candidate for endangered species”.³⁸ Also Hocking argues that current diplomacy is “experiencing an existential crisis”.³⁹ However, when looking at globalization’s threat to diplomacy, we must take into account its different interpretations. If we use Neumann’s definition of diplomacy as

“the written exchange of documents between states, where ‘state’ is understood to be the kind of centralised, hierarchical and bounded polity that has emerged in Europe and then spread across the globe over the last five centuries or so”,

and if we see ‘state’ as a territorially-based entity, then globalization and its effect of de-territorialisation does pose a threat to the state and thereby to the institution of diplomacy itself.⁴⁰ Moreover, along with de-territorialisation, globalization brings unprecedented acceleration and intensification of density of flows of people, material goods and information which may significantly complicate successful completion of a diplomat’s work. Indeed, as Jönsson concludes, “to the extent that diplomacy is understood as an instrument or tool of the territorial state, as in realist approaches, global governance does indeed represent a threat to diplomacy”.⁴¹

However, if we look at diplomacy from a wider perspective and define it as “the mediated exchange between polities”⁴², we can see that globalization and its intensification of exchange of people, goods or information between political units enhances the importance of diplomacy as a tool to serve the foreign interests of the country’s citizens, not just the state itself. Moreover, the international environment of the 21st century is characterized by increased numbers of relevant political actors and entities which need to establish relations among themselves and engage in interactions and exchanges of various kinds. Globalization intensifies the interdependence of these actors and, as Jönsson argues, “whenever and wherever there are political units with distinct

³⁸ Christer Jönsson, ‘Global Governance: Challenges to Diplomatic Communication, Representation and Recognition’, in *Global Governance and Diplomacy: Worlds Apart?*, A. Cooper, B. Hocking and W. Maley (eds.), New York : Palgrave Macmillan, 2008, p.29

³⁹ Hocking, et al., ‘Futures for Diplomacy’, note 24, p.9

⁴⁰ Iver B. Neumann, ‘Globalisation and Diplomacy’ in *Global Governance and Diplomacy: Worlds Apart?*, A. Cooper, B. Hocking and W. Maley (eds.), New York : Palgrave Macmillan, 2008, p.16

⁴¹ Jönsson, ‘Global Governance’, note 38, p.30

⁴² Neumann, ‘Globalisation and Diplomacy’, note 40, p.15

identities, which see the need to establish exchange relations of some kind and realise their interdependence, diplomatic rules and roles are likely to emerge”.⁴³ Therefore, it is clear that when we employ this definition of diplomacy, globalization acts as a boost to its function and, at the same time, modifies its nature.

De-territorialising effects of globalization decrease the limits originally posed by geography. The lines between foreign and domestic affairs are blurring, domestic publics are more concerned with foreign affairs than ever before, while foreign publics are increasingly targeted by other countries’ public diplomacy. Rana thus argues that “diplomacy has lost its insulation from domestic politics”.⁴⁴ Furthermore, in the light of newly emerged communication technologies which compress time and space and given the rising numbers of relevant actors, diplomacy has become an art of managing networks.⁴⁵

Simultaneously, the hierarchical structure of diplomatic service has changed under the conditions of globalization. Nowadays, emphasis is put on indirect control and immediate competence and responsibility of individuals.⁴⁶ Neumann sees Denmark as an example for this. The Danish MFA has empowered its diplomats to answer a wide range of questions and take initiatives which led to dramatically decreased application of hierarchical structures and increased the action capacity of the Danish diplomatic service. Neumann sums up the advantages of the new “network diplomacy” model by saying:

“the network organisation is simply a much more efficient model for fulfilling the key diplomatic function of information collection and information dissemination under the conditions created by globalisation than is the old megaphone model”.⁴⁷

As Hocking claims, diplomacy is characterized by continuing adaption.⁴⁸ Both functions of diplomacy and the tasks required from diplomats constantly respond to changing demands of

⁴³ Jönsson, ‘Global Governance’, note 38, p.30-32

⁴⁴ Rana, ‘21st Century Diplomacy’, note 8, p.149

⁴⁵ Hocking, et al., ‘Futures for Diplomacy’, note 24, p.9

⁴⁶ Neumann, ‘Globalisation and Diplomacy’, note 40, p.27

⁴⁷ *ibid*, p.26

the rapidly transforming international environment. The international stage of the 21st century is characterized by both structural and systemic transformation,⁴⁹ such as the rise of ICT and media, emergence of new actors, shift to multilateralism, increasing concerns with the international security agenda, global economic crises, intensification of global mobility and rising numbers of migration. While the scope of this paper does not allow an in-depth analysis of the transformation of the international environment in the 21st century and its impact on changes in diplomacy, the following pages aim to briefly introduce the changing patterns of diplomatic practice in the 21st century and their correlation to the wider changes brought by globalization.

4.2. The ICT and the Rise of Media

While the literature on transformation of post-modern diplomacy lists various significant changes occurring in this realm and their root causes, perhaps most attention is paid to the development and spread of ICT. The rapid advancement of ICT, such as the high speed Internet and Web 2.0, Facebook, Twitter and other social media, television, mobile and satellite communications or fibre optics, brings both opportunities and challenges to the work of diplomats in the 21st century.⁵⁰ A country's success in taking advantage of the new technologies and efficiently integrating them into its diplomatic services determines, to a high extent, its success on the international diplomatic and foreign policy stage. While most of the developed Western countries have gradually been implementing changes in their diplomatic communication systems, many of the less developed countries are still lagging behind.

A significant change brought by ICT is the effect of bridging the physical remoteness between diplomats working at embassies or consulates abroad and diplomats working at the MFA. Moreover, ICT has directly caused the acceleration of communication between the MFA and embassy and ensured higher efficiency of cooperation between these two units of national

⁴⁸ Hocking, et al., 'Futures for Diplomacy', note 24, p.15

⁴⁹ *ibid*, p.16

⁵⁰ *ibid*, p.13

diplomatic systems. The pace of diplomacy has thus become quicker,⁵¹ the ties between the MFA and embassy have become much closer, and reaction times have become shorter.⁵² Intranet has become an efficient tool for fast and secure communication within the diplomatic service and contributed to higher quality of integration of MFAs with their diplomatic missions.⁵³ It has also enabled MFAs to avoid lengthy, time- and resource-consuming processing of information coming from foreign missions by various departments. Furthermore, widespread access to Internet allows diplomats not only to engage in intensified communication with their colleagues at the MFA but also empowers national diplomatic services to reach to the general domestic and foreign public. Foreign ministries now actively engage in public diplomacy and their outreach has been improved by opportunities provided by social networks, Web 2.0 and the media.⁵⁴ Many diplomats nowadays write their own blogs or tweet on a daily basis, and thereby engage in domestic and foreign outreach. Social networks' added value for diplomatic service is their capacity to be used as sources of instant information, for example through the method of "crowd-sourcing" which was effectively used in the case of Haiti earthquake.⁵⁵ This adds social networks to other effective sources of prompt data on events and crises taking place all around the globe, such as the media or networks of international NGOs.⁵⁶ Moreover, ICT have simplified the consular services of many diplomatic systems and increased the transparency of visa processing, as many countries now accept online visa applications and enable their subsequent tracking.⁵⁷

The above described examples of the evolution of diplomatic practice in the 21st century brought by the advancing ICT are often known as parts of the transformation of diplomacy into "cyber-diplomacy", which Hocking describes as "linking the impact of innovations in

⁵¹ Jan Aart Scholte, 'From Government to Governance: Transition to a New Diplomacy' in *Global Governance and Diplomacy: Worlds Apart?*, A. Cooper, B. Hocking and W. Maley (eds.), New York : Palgrave Macmillan, 2008, p.57

⁵² Rana, '21st Century Diplomacy', note 8, p.21

⁵³ *ibid*, p.197

⁵⁴ *ibid*, p.80

⁵⁵ *ibid*, p.202

⁵⁶ *ibid*, p.200

⁵⁷ *ibid*, p.223

communications and information technology to foreign policy and diplomacy”.⁵⁸ The opportunities brought by the ICT are undoubted. Nevertheless, while simultaneously facilitating diplomatic services, technological advancements can be seen as a challenge to the traditional conduct of diplomacy. For example, classified information put online is now exposed to possible leaks to a much higher extent, as was clearly proven in the case of Wikileaks.

However, probably the biggest threat to the role of diplomacy is posed by the increasingly influential electronic media providing 24/7 reporting on events taking place on the global, regional as well as local scales. While originally the primary source of information about the host country, diplomats of today face competition from the fast-operating electronic media which often leads to the perception of diplomatic reporting as an obsolete practice. As Jönsson argues, “the most obvious effect of the information technology revolution is that diplomacy has lost its position as the main facilitator of contacts and communication across state boundaries”.⁵⁹ The fast pace of developments happening on the international stage often forces decision-makers to react quickly and to partially or completely bypass diplomatic channels.⁶⁰ Moreover, the electronic media no longer only provide information, they have become “prime agenda-setters”⁶¹ of foreign policy, capable of influencing public opinion and acting as driving forces for MFAs to react to events in a transparent way. This new function of media is often named the “CNN effect”, which Hocking regards as “impacting on the policy-maker–public link by generating pressure on the former to respond to crisis events, and to do so in an often unplanned and incoherent fashion”.⁶² Some authors even speak of the current “post-CNN effect”, which they define as “an unprecedented degree of global transparency in public affairs, enabling individuals

⁵⁸ Brian Hocking, ‘Rethinking the ‘New’ Public Diplomacy’ in *The New Public Diplomacy: Soft Power in International Relations*, J. Melissen (eds.), New York : Palgrave Macmillan, 2005, p.30

⁵⁹ Jönsson, ‘Global Governance’, note 38, p.31-32

⁶⁰ *ibid*, p.32

⁶¹ Neumann, ‘Globalisation and Diplomacy’, note 40, p.20

⁶² Hocking, ‘Rethinking the ‘New’ Public Diplomacy’, note 58, p.30

and groups to acquire information directly, makes the quest for diplomatic confidentiality during negotiations ever harder to maintain”.⁶³

This, of course, does not mean that diplomats do not maintain certain levels of secrecy, typical for diplomatic practice, and are thus even more circumspect in their interactions with other diplomatic actors.⁶⁴ Certain confidentiality in diplomacy still remains which turns diplomats into valuable sources of information of foreign affairs, especially given their ability to gather information from other diplomats.⁶⁵ Moreover, while the media do provide instantaneous coverage of news, they rarely provide thorough political or economic analysis of an emerged situation which has always been the role of diplomats. Therefore, diplomats’ role as policy advisors and analysts remains highly relevant even when their reporting is no longer crucial for the foreign ministry.⁶⁶

It is clear that diplomacy of the 21st century has been highly influenced by the ICT and will continue to transform with its gradual advancement.

4.3. Public Diplomacy

The wide-spread access to information for the general public, facilitated by available ICT and constant media reporting, has transformed the role of domestic and foreign publics in the 21st century and turned them into consumers of diplomatic services. Diplomats, originally predominantly concerned with interaction and negotiation solely with foreign and domestic elites, have had to shift their attention to the general society of the country they reside in. Public opinion matters to the 21st century diplomacy. This shift of attention has gradually led to the great emphasis which is nowadays put on public diplomacy, aimed at influencing public opinion

⁶³ Hocking, ‘Rethinking the ‘New’ Public Diplomacy’, note 58, p.31

⁶⁴ Scholte, ‘From Government to Governance’, note 51, p.57

⁶⁵ Jönsson, ‘Global Governance’, note 38, p.32

⁶⁶ Rana, ‘21st Century Diplomacy’, note 8, p.199

in other states.⁶⁷ As a result, many MFAs have integrated various tools of public diplomacy into their diplomatic service, such as information agencies, cultural centres (Goethe Institute and British Council being the most known examples) and world broadcasting services.⁶⁸ Rana defines public diplomacy as “activities through which governments, working with non-state agencies, reach out to publics and nonofficial actors abroad, covering inter alia information, culture, education, and the country image”.⁶⁹

However, governments have more reasons to engage in public diplomacy than just influencing foreign publics. The goal is to perform well in the global competition and to increase revenues for their countries. A country’s good reputation determines the inflow of tourists and foreign direct investments as well as the country’s foreign trade and outflow of exports, all crucial for any country’s position on the international stage, where the notions of “trading state” or “competition state” have gained primacy over the traditional military power.⁷⁰ As Rana points out, globalization and economic interdependence leave countries no other choice than to employ all possible tools of public diplomacy in order to improve and manage their image⁷¹. Public diplomacy, originally a rather neglected part of diplomatic services, has thus become the object of MFAs’ primary attention. According to Melissen, most MFAs have recently increased their public diplomacy budgets in order to achieve long-term goals in relationship-building.⁷²

Besides the economic goals of implementing public diplomacy, another of its direct perks is its effect on strengthening the ‘soft power’ of a state. Given this goal, Bátorá provides a rather different definition of public diplomacy, which he sees as “the development and maintenance of a country’s soft power of persuasion and attraction”.⁷³ According to Melissen, public diplomacy, a key instrument of soft power, is of crucial importance in the global information age and the

⁶⁷ Jönsson, ‘Global Governance’, note 38, p.33

⁶⁸ Scholte, ‘From Government to Governance’, note 51, p.57

⁶⁹ Rana, ‘21st Century Diplomacy’, note 8, p.77

⁷⁰ Hocking, ‘Rethinking the ‘New’ Public Diplomacy’, note 58, p.31

⁷¹ Rana, ‘21st Century Diplomacy’, note 8, p.91

⁷² Melissen, ‘Beyond the New Public Diplomacy’, note 37, p.10, 13

⁷³ Jozef Bátorá, ‘Public Diplomacy Between Home and Abroad: Norway and Canada’ in *The Hague Journal of Diplomacy*, Vol I, No. 1, p. 54.

current international environment wherein the loss of soft power can lead to the loss of hard power.⁷⁴

Furthermore, while public diplomacy itself is not a novelty of the 21st century, the wide range of available means to manage a country's reputation is rather unprecedented. In addition to the already mentioned instruments for public outreach provided by the revolution in communication technology, an increasing attention has been put on engaging the diaspora, as a way of strengthening the relations with other countries and their societies. Indeed, as Rana argues, "the diaspora is often a key multiplier, in terms of spreading messages about the country of origin and helping in image projection". As a result, many MFAs have now established an explicit diaspora outreach policy which has become an integrated part of their public diplomacy.⁷⁵

To conclude, we must recognize public diplomacy as perhaps the fastest growth-area of diplomacy in the 21st century. Despite the diplomatic traditionalists' aversion towards public diplomacy and their tendencies to see it only as a new name for white propaganda with intrusive impact on sovereignty of states,⁷⁶ integration of public diplomacy into the national diplomatic service has slowly become a trademark of many modern MFAs which understand the opportunities the ICT have brought and the necessity of engaging with non-diplomatic actors.

4.4. Consular Diplomacy

Public diplomacy is not the only branch of diplomacy which has experienced a sudden move from the periphery of diplomats' attention to the core of diplomatic service. Just as with foreign publics, or perhaps even more, contemporary diplomats are increasingly expected to engage with domestic publics and with the provision of consular services. According to Melissen, "the ordinary individual is increasingly visible in the practice of diplomacy, particularly

⁷⁴ Jan Melissen, 'The New Public Diplomacy: Between Theory and Practice' in *The New Public Diplomacy: Soft Power in International Relations*, J. Melissen (eds.), New York : Palgrave Macmillan, 2005, p.4

⁷⁵ Rana, '21st Century Diplomacy', note 8, p.87

⁷⁶ Melissen, 'Beyond the New Public Diplomacy', note 37, p.6-7

in the areas of public diplomacy and consular relations”.⁷⁷ Domestic publics have become the target for public diplomacy of other countries and, at the same time, consumers of domestic public diplomacy.

The increased significance of consular diplomacy has its roots in various influencing factors, such as the rise of the global mobility and mass tourism or international terrorism and other threats to human security.⁷⁸ In the era of globalization, the mobility of people and goods has intensified, costs for transportation have decreased, and economic relations have become tighter. As a result, people all around the globe travel overseas to unprecedented extents. This brings them into much more intensified contact with diplomats and embassies abroad and thus increases the importance of consular diplomacy. This branch of diplomatic service, which used to be perceived as a rather less desirable career path when compared to political and economic diplomacy, has now gained greater salience.⁷⁹ Diplomats, including ambassadors, are nowadays in regular contact with their compatriots abroad. Aiming to provide better consular service, and often for security reasons, citizens of one country temporarily or permanently residing in another one are commonly urged to register with the nearest embassy or consular office.⁸⁰ According to Rana, some countries now even engage in a new trend of deploying mobile consular diplomats who travel through their countries of jurisdiction in order to provide consular support. This, again, is facilitated by the recent ICT revolution⁸¹ through its advanced tools, such as widespread Internet access.

Willingness of governments to invest vast resources into the improvement of consular diplomacy can be justified by the impact it has on public opinion both home and abroad. Efficient consular services to a country’s own citizens increase the domestic support for its diplomacy and the MFA, while transparent, fast processing of visa applications leads to a positive

⁷⁷ Melissen, ‘The New Public Diplomacy’, note 74, p.23

⁷⁸ Hocking, ‘Rethinking the ‘New’ Public Diplomacy’, note 58, p.32

⁷⁹ Rana, ‘21st Century Diplomacy’, note 8, p.215

⁸⁰ *ibid*, p.217

⁸¹ *ibid*, p.223

impression of the country abroad. Foreign nationals are then more eager to travel to that country for either business or pleasure, tourism increases, and foreign companies are more likely to invest in a country with a positive reputation of its visa procedures. Efficient consular diplomacy, therefore, improves a country's standing on the global economic stage.

Alongside managing the country's reputation abroad, governments have another rationale for continuous improvement of their consular diplomacy. In light of increasing global concerns with international security and rising terrorism, the concept of human security has also gained further importance in diplomacy. The traditional state-centric concept of international security has been replaced by the rising importance of protecting individuals against any threats to their physical safety, and the threat of terrorism has been added to the international security agenda, in particular after 9/11.⁸² The new international security agenda has significantly affected consular diplomacy. Diplomats at MFAs as well as in embassies abroad are increasingly concerned with protection of their citizens. Monitoring the security and safety situation abroad and subsequent posting of this information on websites of MFAs' and embassies as well as direct contact with their citizens residing in the conflict-prone countries have become everyday tasks performed by contemporary diplomats. Moreover, many MFAs have established emergency plans and teams ready to act in case of their citizens being caught up in terrorist attacks, kidnappings or natural disasters abroad. As Hocking claims, as a result of the changed security situation in the 21st century, "the demands placed by them [the country's citizens] on foreign ministries and their diplomatic networks grows"⁸³, and the significance of the consular diplomacy is even further strengthened.

⁸² Shaun Riordan, 'The New International Security Agenda and the Practice of Diplomacy' in *Global Governance and Diplomacy: Worlds Apart?*, A. Cooper, B. Hocking and W. Maley (eds.), New York : Palgrave Macmillan, 2008, p.135

⁸³ Hocking, 'Rethinking the 'New' Public Diplomacy', note 58, p.33

4.5. To Multilateralism and Back: The Rise of New Actors

Domestic and foreign publics form just a fraction of the newly emerged actors relevant to diplomats and their work. The international diplomatic environment of the 21st century is characterized by the emergence of a multitude of actors, such as international governmental and non-governmental organizations, civil society organizations, electronic media, think tanks, locally and internationally operating companies, transnational corporations, etc. According to Hocking, this phenomenon “reflects the growth of civil society and their claims for participation in the processes of world politics”.⁸⁴ All these non-state actors have recently established their relevance to the diplomatic world and also gained increasing influence on the international agenda-setting, to higher or lesser degrees.

Nevertheless, of particular significance are international NGOs. Their roles in the globalized international system of governance as well as their converging interests with states were proven in several instances, for example in case of the establishment of the International Criminal Court or in the 1997 Ottawa Convention.⁸⁵ Furthermore, international and local civil society organizations and other types of NGOs have an advantage over professional diplomats when it comes to their credibility and expertise. In light of the current international security agenda, being too close with foreign diplomats can also prove dangerous in certain countries, both to one’s physical safety and career. And while diplomats retain their expertise in negotiating with foreign government representatives, engagement with foreign civil societies can be more effectively done by NGOs.⁸⁶

The rise of many new diplomatic non-state actors can be connected with the currently proclaimed shift from bilateral diplomacy to multilateral diplomacy. The rising interdependence of states, brought by globalization, has led to closer collaboration among nations on various issues, such as international security, environmental protection, sustainable development, food

⁸⁴ Hocking, et al., ‘Futures for Diplomacy’, note 24, p.11

⁸⁵ Melissen, ‘The New Public Diplomacy’, note 74, p.12

⁸⁶ Riodan, ‘The New International Security Agenda’, note 82, p.139

distribution and others. Collective action undertaken in these fields further underpins the need for multilateral diplomacy. Some even claim that multilateral diplomacy, which strengthened the role of summit diplomacy, has replaced its bilateral form and makes the bilateral embassy redundant. While it is true that multilateralism's importance has skyrocketed in the last few decades and MFAs appoint their best diplomats for multilateral missions, the rising importance of regionalism and its effect of intensification of bilateral relations among these countries makes bilateral diplomacy a crucial tool for strengthening partnerships and for provision of real-time and detailed analysis of bilateral relationships with sovereign states as well as with the multitude of newly emerged actors operating in these states.⁸⁷ Therefore, the core function of diplomacy – creating and strengthening of partnerships, or Otto von Bismarck's description of diplomacy as “the art of gaining friends abroad”⁸⁸ – has not lost its importance.

However, diplomacy has undergone a transformation in terms of the number of stakeholders it needs to incorporate. The hierarchical state-centric model of diplomatic relations or the “club diplomacy”⁸⁹ has become outdated and has been gradually replaced by a new approach of the “network diplomacy”.⁹⁰ Instead of interacting only with other diplomats and the political and economic elites of the country they are appointed to and predominantly focusing on negotiation of agreements between sovereign states,⁹¹ diplomats operating in the network diplomacy need to engage in everyday dialogues with a variety of actors. As Hocking claims, the network diplomacy reflects “the growing interaction between the agents of the state and international organizations and non-state actors, whether located in civil society or the business community”.⁹² In other words, as Heine puts it, “they must build up extensive networks at home

⁸⁷ Rana, ‘21st Century Diplomacy’, note 8, p.132

⁸⁸ Otto von Bismarck in Heine, ‘On the Manner of Practising the New Diplomacy’, note 34, p.279

⁸⁹ Heine, ‘On the Manner of Practising the New Diplomacy’, note 34, p.273

⁹⁰ Melissen, ‘The New Public Diplomacy’, note 74, p.12

⁹¹ Heine, ‘On the Manner of Practising the New Diplomacy’, note 34, p.273

⁹² Hocking, et al., ‘Futures for Diplomacy’, note 24, p.11

and abroad to ‘deliver the goods’⁹³ and set them up around “critical ‘issue areas’ of special relevance to the mission”.⁹⁴

In addition to network diplomacy, the current literature on diplomacy increasingly uses the term “polylateralism” to describe the new model of diplomatic dialogue which encompasses both state and non-state diplomatic actors.⁹⁵ Polyilateralism can be seen as an alternative or a third dimension to the bilateralism vs. multilateralism debate.⁹⁶ The most cited definition of polyilateralism is the one provided by Wiseman who sees it as:

“conduct of relations between official entities (such as a state, several states acting together, or a state-based international organisation) and at least one unofficial, non-state entity in which there is reasonable expectation of systematic relationships, involving some form of reporting, communication, negotiation and representation, but not involving mutual recognition as sovereign, equivalent entities”.⁹⁷

According to Rana, inclusion of new actors in diplomacy may be quite challenging particularly for the older generation of diplomats who are used to privileged dealing solely with foreign and domestic elites. Suddenly, they are expected to interact with a whole range of new actors that pose threat to assumptions of traditional diplomacy and tend to ask uncomfortable questions.⁹⁸ Moreover, the exponential rise of numbers of non-state actors relevant for diplomacy has widened the range of common types of relations professional diplomats engage in and mediate.⁹⁹ Melissen supports Rana’s argument by saying:

⁹³ Heine, ‘On the Manner of Practising the New Diplomacy’, note 34, p.277

⁹⁴ *ibid*, p.283

⁹⁵ Jönsson, ‘Global Governance’, note 38, p.35

⁹⁶ Melissen, ‘Beyond the New Public Diplomacy’, note 37, p.3

⁹⁷ Geoffrey Wiseman, “Polyilateralism” and New Modes of Global Dialogue’ in *Discussion Paper, No. 59*, Leicester : Leicester Diplomatic Studies Programme, 1999, p.10-11

⁹⁸ Rana, ‘21st Century Diplomacy’, note 8, p.34

⁹⁹ Neumann, ‘Globalisation and Diplomacy’, note 40, p.25

“the explosive growth of non-state actors in the past decade, the growing influence of transnational protest movements and the meteoric rise of the new media have restricted official diplomacy’s freedom of manoeuvre”.¹⁰⁰

At the same time, embassies themselves are currently facing an inflow of representatives of other government bodies of the same state, for instance the Ministry of Finance, who are appointed to serve terms at the country’s missions abroad. A management problem may arise in these situations, as the Head of Mission (HOM) has rarely any effective control over the embassy’s non-diplomatic staff, despite their colliding competences in specialized issues, such as the trade negotiations.¹⁰¹

To sum up, it is evident that the newly emerged actors have changed the patterns of diplomacy in the 21st century. MFAs, embassies and professional diplomats (in addition to political leaders who have always been actively engaged in diplomacy) are no longer the only stakeholders with real influence on the international diplomatic agenda. Quite the contrary, traditional diplomatic actors now need to accommodate a variety of co-actors, relevant and influential in global governance of the 21st century.

4.6. Global Financial Crisis: Downsizing of Diplomacy

Global interdependence of states and their financial markets in the 21st century was the root cause for the massive spread of the financial crisis from 2009. Every open market economy has been affected and even the traditionally closed economies can feel its consequences. The global financial crisis has led to downsizing and cost-cutting in every sector of the economy, including the public sector. Diplomacy and foreign relations have been no exception to this. Moreover, due to the economic recession and intensified global competition, a great emphasis is currently put on commercial diplomacy. Instead of negotiating political agreements, it has

¹⁰⁰ Melissen, ‘The New Public Diplomacy’, note 74, p.24

¹⁰¹ Heine, ‘On the Manner of Practising the New Diplomacy’, note 34, p.275

become diplomats' priority to facilitate their domestic companies' access to foreign markets and to secure inflows of foreign direct investments.¹⁰² According to Rana, diplomats in countries offering significant export and import opportunities spend over 60% of their time on economic promotion.¹⁰³

Demands for cost-effectiveness and tightening of public funding are the driving factors for many MFAs to look for alternative funding and cost-saving solutions. MFAs nowadays experiment with a wide range of cost-effective methods, such as the concurrent accreditation of ambassadors to several countries or a rather novel method of deploying a non-resident ambassador operating from the home capital. Successful forerunners of this method are Singapore and Malta.¹⁰⁴ Another alternative solution which has become popular among groups of closely-related countries aims for cost-sharing by establishing resident missions on common premises or by outsourcing consular services and visa processing in third countries to a partner country. The cost-sharing activities have been mostly used by the countries of the EU and will be closely examined in the following chapters.

Moreover, resident missions are experiencing an exponential rise in employment of the locally engaged staff. Local employees cost often only about 25% of the home staff and possess closer familiarity with local customs and society and a better command of local languages¹⁰⁵ which may prove an asset in dealing with local visa applicants as well as in communication with local civil society and media. Hence, although they were traditionally only employed for administrative and consular functions or media reporting, Berridge claims that local employees are continually being employed for more sensitive tasks.¹⁰⁶ Therefore, nowadays, locally engaged staff commonly comprises more than half of the staff employed in resident missions.¹⁰⁷

¹⁰² Rana, '21st Century Diplomacy', note 8, p.123

¹⁰³ *ibid*, p.140

¹⁰⁴ *ibid*, p.72

¹⁰⁵ *ibid*, p.222

¹⁰⁶ G.R. Berridge, 'The Counter-Revolution in Diplomacy and Other Essays', Basingstoke: Palgrave Macmillan, 2011, p.7

¹⁰⁷ *ibid*, p.6

The global financial crisis has indeed significantly influenced the diplomatic practice in recent years. Diplomats have now less resources and smaller budgets to operate on, which is then reflected in the services they are capable of delivering. A common feature of today's diplomatic service has become resident missions with only one diplomat, usually the ambassador, and few locally employed staff. These embassies then have much smaller chances to deliver services commonly expected from them. However, in spite of the obvious drawbacks, the current trend of general downsizing in diplomacy due to global crisis is likely to continue in the foreseeable future. As Rana predicts, "possibly in the future the size of diplomatic networks will shrink, for large and small countries, with the tighter public funding and demands for cost-effectiveness".¹⁰⁸

4.7. Conclusion

The above mentioned examples, particularly the rise of ICT and the role of non-state actors in diplomacy, clearly show the effects of globalization on not only the international relations in the 21st century but also on the current conduct of diplomacy. The most visible changes have probably concerned the everyday tasks required from diplomats. Rana provides a summary of four traditional diplomats' primary tasks: "explain home policy to the host country, report on the local scene, tender policy advice to home authorities, and execute the instructions received".¹⁰⁹ In his words, this has not changed but the prime focus of diplomats has moved from high diplomacy to low diplomacy. Instead of concentrating solely on peace and security issues and on closing of international political agreements, diplomats of today pay much more attention to public diplomacy and image building, trade agreements, building networks with both state and non-state actors, consular diplomacy, science and technology or education.¹¹⁰

However, although ICT, electronic media, new actors, increased global mobility or shift to multilateralism do provide unquestionable opportunities for diplomatic service, they may also

¹⁰⁸ Rana, '21st Century Diplomacy', note 8, p.64

¹⁰⁹ *ibid*, p.117

¹¹⁰ *ibid*, p.17

be seen as posing a threat to diplomacy. Indeed, a considerable proportion of the general public, media, politicians, scholars and other actors question the utility of diplomacy in the 21st century, especially in regard to bilateral diplomacy. In the world of rising transparency and increasing importance of multilateral summits, the principles of “old diplomacy”, based on secret negotiations between diplomatic elites of sovereign states,¹¹¹ may seem rather out-dated and undesirable. Calls for more effective cost-saving of public funding even further support the doubts about the benefits of diplomatic services.

Yet, diplomacy has not lost its importance in international relations. Quite the opposite, we can claim that it has become even more vital for securing cooperation among states in the 21st century. Perhaps due to the emergence of such high amounts of new actors, who nowadays interfere in diplomatic negotiations, Berridge claims that currently we are witnessing a counter-revolution of diplomacy. In other words, the 21st century is a century of rediscovery of principles and procedures of the old diplomacy.¹¹² Coupled with the idea that diplomacy has become crucial for the ordinary individual as well and taking into account the exponential rise in the global mobility of people and the frequency of their travels, a country’s citizens are more exposed to the outside world than ever before. As a consequence, they often succumb to situations wherein consular services are needed. Therefore, globalization has increased the significance of diplomacy both for governments and the general public. This trend is reflected in Berridge’s statement that

“all states – even the poorest – continue to establish resident embassies in countries and at the headquarters of international organizations important to them, and where major and medium powers are concerned, the networks that these create remain extensive”.¹¹³

¹¹¹ Berridge, ‘The Counter-Revolution in Diplomacy’, note 105, p.1

¹¹² *ibid*, p.1

¹¹³ *ibid*, p.4

5. The European Union as a Diplomatic Actor in the 21st century: Emergence of the European External Action Service

The significant changes occurring in diplomacy of the 21st century at a global scale affect both the traditional diplomatic actors and the newly emerged diplomatic actors, such as international organizations, NGOs or regional intergovernmental organizations. While previously understood as a process of communication and representation solely among sovereign states, diplomacy of today encompasses a wide range of fully-fledged actors. Certain aspects of globalization, such as de-territorialisation and its effect of blurring the lines between national and international as well as the rising economic and political interdependence of states, have led to emergence of a multitude of regional organizations all over the world. Governments of almost every country have become aware of the benefits of cooperation with their neighbours, be it increase in trade and economic growth brought by opening-up their markets, political influence-enhancing effect of speaking with a common voice or better chances in maintaining regional security, peace and stability. This can be explained by Hocking's theory of post-modernity in global politics and diplomacy which, he argues, is "driven by the logic of mutual interference in each other's domestic affairs, pursuing security through transparency and transparency through interdependence".¹¹⁴ As a result, as claimed by Rana, "virtually every country around the world is a member of multiple Regional and other clusters of nations, practicing varied cooperative activities within these groups".¹¹⁵ And while the degrees of cooperation within these organizations vary, regional organizations are gaining further diplomatic importance with the rising importance of multilateralism and regionalism. Given their ability to unify their member states and to act on their behalf, which often increases their diplomatic and political influence, utilizing regional organizations' external diplomatic representation has become a preferred modus operandi in diplomatic practice.

¹¹⁴ Hocking, et al., 'Futures for Diplomacy', note 24, p.19

¹¹⁵ Rana, '21st Century Diplomacy', note 8, p.38

The EU is often stated as the most successful and advanced model of a regional organization. While simultaneously deepening internal integration of its Member States, the EU has become a unique actor in external affairs. It now unifies and externally represents its 28 Member States which, at the same time, act as individual actors on the diplomatic stage. The EU's special role in diplomatic affairs brings valuable potential for advancement of the Member States' diplomatic influence as well as provides opportunities for enhancing cost-effectiveness of their national diplomatic services. However, the EU's diplomatic potential is simultaneously complicated by rather ambiguous sharing of competences between the EU and its Member States in terms of external relations and the CFSP, which thereto show different levels of willingness to transfer the authority to their external representation to the EU. Nevertheless, this situation has been slowly changing in the course of the 21st century, especially after the establishment of the EEAS and after the conclusion of the Lisbon Treaty. The EEAS and its network of EU Delegations abroad have significantly altered the conduct of European diplomacy. However, many questions remain, especially the ones dealing with the division of labour between the EEAS and national diplomacies and the inevitable reform of European diplomacy in order to maintain, or perhaps regain, its position of a relevant diplomatic actor.

This chapter aims to introduce the EU as a special diplomatic actor with a unique status in diplomatic relations which lends it the potential to provide extensive perks to its Member States in realm of their external representation. Subsequently, the core of the chapter follows with discussion of the EEAS. The new service is introduced, with focus on the reasons for its emergence and the process of the service's establishment, its structure and working methods as well as the EEAS' purpose. After that, special emphasis is paid to the network of EU Delegations, their role as the "embassies" of the EU and their core competences and duties. The following part of the chapter investigates binding documents, such as the Lisbon Treaty, which gave the EU its legal personality and became the legal basis for the establishment of the EEAS and the division of the EU recognized diplomatic competences. One of the sub-sections of this

chapter provides also a brief discussion of the CFSP and its development. Special attention is given to the consequences of the EU's newly gained legal personality on the implementation of the CFSP and the EU's authority to act on behalf of the Member States in external relations.

5.1. The Uniqueness of the EU's Diplomatic Role in the 21st Century

Despite being an active participant of diplomatic relations, traditionally established among states, the EU is not a state.¹¹⁶ Its character has led to intense discussions among scholars. While some say the EU is more than an international organization, others, such as Wallace claim that it is “less than a federation, more than a regime”¹¹⁷, or that it is an “unidentified political object”¹¹⁸. The Lisbon Treaty granted the EU a legal personality which simplified the pre-Lisbon structure to a certain extent. However, most authors speak of its *sui generis* character. While an in-depth discussion of the EU's legal character is beyond the scope of this thesis, Cameron's definition of the EU as “a *sui generis* political actor, a unique institution that has developed a shared sovereignty in an increasing number of areas”¹¹⁹ will be used as a basis for the purpose of discussing the EU's character as a diplomatic actor in this chapter. Moreover, if the EU is a new type of actor, the EEAS then exemplifies a new model of diplomacy.¹²⁰ Its remarkable character lends the EU a special role on the diplomatic stage and can also be perceived by distinct features of its conduct of diplomacy.

¹¹⁶ Ramses A. Wessel and Bart Van Vooren, ‘The EEAS’ Diplomatic Dreams and the Reality of European and International Law’, presented at the UACES Conference *Exchanging Ideas on Europe 2012, Old Borders – New Frontiers*, 3-5 September 2012, Passau, accessed 27/06/2014, Available online: <http://doc.utwente.nl/82239/1/Wessel_EEAS.pdf>, p.1

¹¹⁷ William Wallace, ‘Less than a Federation, More than a Regime: The Community as a Political System’. In Hellen Wallace et al. (eds) *Policy-Making in the European Community*, Chichester: John Wiley, 1983

¹¹⁸ Philippe C. Schmitter, ‘Examining the Present Euro-Polity with the Help of Past Theories’. In Gary Marks et al. (eds) *Governance in the European Union*, London: Sage, 1996, p.1

¹¹⁹ Fraser Cameron, ‘An Introduction to European Foreign Policy’, London: Routledge, 2012, p.xiv

¹²⁰ Rosa Balfour and Hanna Ojanen, ‘Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?’, in *LAI Working Papers 1117*, Rome: Istituto Affari Internazionali, June 2011, p.6

Being an active participant of diplomacy, the EU and its vast network of delegations are subject to the Vienna Convention on Diplomatic Relations.¹²¹ However, the Vienna Convention deals only with states as diplomatic actors. This causes complications in the EU's standing in diplomatic relations and further highlights its *sui generis* status. Its special status reflected in various examples of diplomatic customs, for instance in the position of the EEAS' diplomatic staff in the *corps diplomatique*. The EEAS uses its own ranking system of diplomatic staff which does not correspond with the national systems. Many national ambassadors argue against using the title "ambassador" for the Heads of EU Delegations.¹²² Another problem arises also with their actual diplomatic ranking in third countries. Therefore, the EEAS had to establish special arrangements with the third countries regarding this matter. Boșilcă argues that the special position of the EEAS' diplomatic staff "implies that EU delegations are exceptions from the 'seniority rules' of the Vienna Convention".¹²³

Another reflection of the EU's uniqueness in diplomatic relations is its predisposition to engage in network diplomacy. According to Emerson, the EU is a leading practitioner of the horizontal network diplomacy,¹²⁴ which was described in the previous chapter. At the time being, the EU engages in a highly complex conduct of network diplomacy mostly in its internal affairs. However, if the EU implements its network diplomacy also in the global affairs and enters into diplomatic negotiations with a wide range of state and non-state actors, it is likely to significantly enhance its global outreach and reach its foreign policy objectives. Emerson argues that the EEAS and the Commission are capable of successfully engaging in global network diplomacy, provided the controversial issues of competences in external representation are sorted out. At the same time, he points out that none of the EU Member States is fully equipped to individually

¹²¹ Ruxandra Laura Boșilcă, 'The European Union – a 'Sui Generis' International Diplomatic Actor: Challenges Posed to the International Diplomatic Law', in *Romanian Journal of European Affairs*, Vol. 14, No.1, March 2014, accessed 27/06/2014, Available online:< http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2406850>, p.22

¹²² *ibid*, p.29

¹²³ *ibid*, p.30

¹²⁴ Michael Emerson et al., 'Upgrading the EU's Role As a Global Actor: Institutions, Law and the Restructuring of European Diplomacy', Brussels: Centre for European Policy Studies, 2011, p.11

engage in such network diplomacy, at least not at scale available to the EEAS.¹²⁵ Therefore, the EU's unique ability to efficiently engage with a multitude of rising diplomatic actors only further supports the logic for unified European external representation.

The EU Member States have a variety of reasons to support further integration of their diplomatic services. According to Boşilcă, the conferral of the Member States' powers to the EU "was reflected in EU becoming an increasingly prominent international actor during a lengthy process and the subsequent endeavours of adjusting its intricate diplomatic machinery to new international challenges".¹²⁶ Not only was its external representation baffling to outsiders, many other reasons drove the Member States to fortify the EU's diplomatic role. Balfour and Raik argue that:

"national foreign services are under the dual pressure of the economic crisis and an overall decline in the importance of traditional diplomacy, while the implementation of the Lisbon Treaty and the creation of the EEAS are supposed to stimulate an internal logic towards more EU integration and burden-sharing in foreign policy".¹²⁷

In addition, Spence speaks of "the emergence of a European response reflex"¹²⁸ also in foreign affairs. In the globalized world of the 21st century, the EU Member States opt for stronger Europe in external affairs. The economic reasons for letting the EU speak on the Member States' behalf and to cooperate in provision of various diplomatic services have been gaining prominence especially in light of the current financial crisis. At the time of austerity, the EU Member States are looking for opportunities to implement cost-saving measures. Various burden- and cost-sharing projects, such as co-location of embassies' premises or common

¹²⁵ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.59-60

¹²⁶ Boşilcă, 'The European Union – a 'Sui Generis' International Diplomatic Actor', note 121, p.23

¹²⁷ Rosa Balfour and Kristi Raik, 'Equipping the European Union for the 21st century: National Diplomacies, the European External Actions Service and the Making of EU Foreign Policy', in *FILA Occasional Report*, no. 1, Helsinki : The Finish Institute of International Affairs, 2013, p.12

¹²⁸ 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*, Basingstoke: Palgrave Macmillan, 2002, p.34

reporting, attract the Member States' support for strengthening of the EEAS. Besides the economic incentives for common external representation, the EU Member States are fully aware of the EEAS' potential to enhance their global outreach, thanks to its vast network of EU Delegations. Moreover, one unified voice is more likely to be listened to than 28 individual voices and therefore the EEAS provides a good opportunity to promote and reach goals in foreign policy. Both the cost-saving potential of the EEAS as well as its enhancing effect on the Member States' external influence are further explored in the sixth chapter.

5.2. European External Action Service

The above mentioned reasons drove the EU Member States to opt for a unified external representation and establishment of a common diplomatic service of the EU. The creation of the EEAS was first proposed in the Convention on the Future of Europe in 2003. However, complications with the adoption of the Lisbon Treaty and the subsequent lengthy negotiations regarding the establishment of the EEAS prolonged the process.¹²⁹ Finally on 26 July 2010, a formal decision of the European Council established the EEAS, based on a proposal on functioning of the new service, submitted by a steering committee composed of 14 members coming from EU institutions and several Member States.¹³⁰ The EEAS was formally launched on January 1, 2011.¹³¹

The establishment of the new diplomatic service of the EU was legally based on the Lisbon Treaty which was signed in 2007 and entered into force in 2009.¹³² The TEU stipulates that,

¹²⁹ Graham Avery, 'The EU's External Action Service: new actor on the scene', Brussels: European Policy Centre, January 2011, p.1

¹³⁰ Christian Lequesne, 'EU Foreign policy through the lens of practice theory: A different approach to the European External Action Service', in *Cooperation and Conflict*, Vol. 15(3), Sage, 2015, p.353

¹³¹ European External Action Service Website, 'The origins of the EEAS', accessed 02/09/2014, Available online: <http://www.eeas.europa.eu/background/origins-of-the-european-external-action-service/index_en.htm>.

¹³² *ibid*

“The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission”.¹³³

After having fulfilled all necessary legal processes, the EEAS was established as “functionally autonomous body”. The EEAS is thus not another EU institution.¹³⁴ Henökl describes it as “lying somewhere between an EU institution proper (or a departmental structure thereof) and an executive agency, with delegated competences”.¹³⁵ He also claims that the EEAS’s separation from other EU institutions can be symbolically seen in its choice of headquarters at the Schumann circle in Brussels. Located at equidistance between the Commission and the Council, it is perceived to represent the link between these institutions formed by the EEAS.¹³⁶

However, despite being separate from the Commission and the Council, its personnel have been transferred mostly from these EU institutions. According to the TEU, the new service “shall comprise officials from relevant departments of General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States”.¹³⁷ All three categories of staff, from the Council, the Commission and seconded by the Member States, “shall have the same rights and obligations and be treated equally”.¹³⁸ The seconded national staff is to account for one third of the EEAS’ personnel, ensuring adequate gender and geographical balance.¹³⁹ This target was “substantially achieved” in summer 2013.¹⁴⁰

¹³³ Consolidated Version of the Treaty on European Union Article 27(3), 2008 O.J. C 115/32 [hereinafter TEU]

¹³⁴ Avery, ‘The EU’s External Action Service’, note 129, p.1

¹³⁵ Thomas Henökl, ‘Conceptualizing the European Diplomatic Space: A Framework for Analysis of the European External Action Service’, in *Journal of European Integration*, Vol 36:5, Routledge Taylor & Francis Group, 2014, p.455

¹³⁶ *ibid*, p.460-1

¹³⁷ Article 27(3) of the TEU

¹³⁸ Council Decision (2010/427/EU) of 26 July 2010 establishing the organisation and functioning of the European External Action Service Article 6(7), O.J. L201/30 (2010)

¹³⁹ Graham Avery, ‘Europe’s foreign service: from design to delivery’, Brussels: European Policy Centre, November 2009, p.4

At the beginning, the EEAS' staff was rather small, estimated at 3,720, which was only comparable to the diplomatic services of some middle-sized Member States, such as the Netherlands or Belgium, and significantly less than the diplomatic personnel of the largest Member States which dispose of approximately 13,000 diplomatic staff.¹⁴¹ The huge disproportion in the size of services can be visible also in the numbers of total staff per population, which in the EEAS' case accounted for 1 employee per 134,677 citizens, while in case of the Member States, 1 employee per 5,335 heads of population.¹⁴² Disproportions in the EEAS staff to the staff of national MFAs are further discussed in the seventh chapter.

By merging national diplomats with civil servants from the Commission and the Council Secretariat into one service, the EEAS aims to bring together national and European levels of diplomacy and to thereby create a common European diplomatic culture, without simultaneously replacing national diplomacy with European diplomacy.¹⁴³ However, it is unclear how the EEAS plans to achieve this goal and reach a necessary level of *esprit de corps*. We are yet to see the answer to the question, which was pointed out by Smyth, on how would the EEAS "blend these different elements into a cohesive force with a united philosophy, outlook and *esprit de corps* whilst maintaining budget neutrality".¹⁴⁴ The issue of developing *esprit de corps* is examined in detail in the seventh chapter.

As the Lisbon Treaty provided only very limited guidance on how to set up the structure of EEAS,¹⁴⁵ the current organizational structure of the service is a result of lengthy negotiations between stakeholders coming from the Member States, Commission, Council and the Parliament,

¹⁴⁰ European External Action Service, '2013 Annual Activity Report', Brussels, April 2014, accessed 27/06/2014, Available online: < http://eeas.europa.eu/background/docs/annual_activity_report_2013_en.pdf>., p.6

¹⁴¹ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.52

¹⁴² *ibid*, p.53 – The data is based on the study carried out by Emerson wherein the data for Member States are for 2009 and data for the EEAS are estimations for 2010/2011.

¹⁴³ Avery, 'Europe's foreign service: from design to delivery', note 139, p.2

¹⁴⁴ Ivan Smyth, 'EU External Action After the Entry into Force of the Lisbon Treaty: Coherence at Last?', in Panos Koutrakos (ed), *The European Union's External Relations. A Year after Lisbon*, The Hague: TMC Asser Instituut, 2011, p. 64.

¹⁴⁵ Henökl, 'Conceptualizing the European Diplomatic Space', note 135, p.459

all of whom influenced the final set-up of the EEAS.¹⁴⁶ The EEAS consists of the headquarters in Brussels and a network of almost 140 EU Delegations to 163 non-member countries and international organizations.¹⁴⁷ The EEAS headquarters is organized into five major directorates-general (DG) which cover different areas of the world. These are then divided into smaller departments which deal with regions and countries within these areas. Other DGs cover multilateral and other thematic affairs, administrative and financial matters and responses to crisis.¹⁴⁸ The DGs are managed by seven Managing Directors.¹⁴⁹ The Military Staff and the Situation Centre, which were originally located in the EU Council's Secretariat, now come under the EEAS's authority as well.¹⁵⁰

The EEAS works on the principle of budget neutrality, as was decided by the Foreign Affairs Council in its Declaration on October 15, 2010, which stipulates, "the Council recalls the great importance that the establishment of the EEAS should be guided by the principle of cost-efficiency aiming towards budget neutrality".¹⁵¹ The EEAS was also given disposal of its own administrative budget which belongs to the EU's general financial framework. This gave the service a certain level of independence from the Member States. However, this hardly means budget independence from other EU institutions. Not only is the EEAS's administrative budget discharged by the Parliament, its operational budget for external action falls under the Commission's competences in Development and Cooperation and Neighbourhood and Instrument for Stability Fund. The Commission is also responsible to the overall management of the EU's budget and funding of its programmes,¹⁵² including programmes in third countries.¹⁵³ This was further reinforced by the 2012 Inter-Service Agreement between the EEAS and the

¹⁴⁶ Zuzana Murdoch, 'Negotiating the European External Action Service (EEAS): analysing the external effects of internal (dis)agreement', in *Journal of Common Market Studies*, Vol 50, November 2012, p.7

¹⁴⁷ European External Action Service, '2013 Annual Activity Report', note 140, p.4

¹⁴⁸ European External Action Service Website, 'Structure of the EEAS', accessed 02/09/2014, Available online: <http://www.eeas.europa.eu/background/organisation/index_en.htm>.

¹⁴⁹ Henökl, 'Conceptualizing the European Diplomatic Space', note 135, p.462

¹⁵⁰ Avery, 'The EU's External Action Service', note 128, p.1

¹⁵¹ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.56

¹⁵² Henökl, 'Conceptualizing the European Diplomatic Space', note 135, p.460 - 463

¹⁵³ Lequesne, 'EU Foreign policy through the lens of practice theory', note 130, p.354

Commission which stated that “the EEAS shall refrain from taking measures [...] on issues which fall under Commission competence”.¹⁵⁴

The Commission’s control of the EEAS’ budget is only one area of its remaining authority over the EU’s external affairs. Big parts of the EU’s external representation have remained under the Commission’s control. While the EEAS does coordinate some external policies of the EU, for instance migration, energy security and others,¹⁵⁵ majority of the EU’s external policies, according to Van Vooren and Wessel, remained under the Commission’s maintenance.¹⁵⁶ This division of responsibilities was decided in 2010 by the former President of the Commission, Jose Manuel Barroso, who prevented the first EU’s High Representative of the Union for Foreign Affairs and Security Policy/ Vice-President of the European Commission (HR/VP) from gaining control over all areas of EU’s external policies. For example, he gave the enlargement and neighbourhood policie portfolio to a Czech Commissioner. Similarly, Barroso made sure that control over development and humanitarian aid, international cooperation, response to crises and trade policy was maintained by Commissioners, instead of being transferred to the EEAS. According to Lequesne, “the political decision to divide these portfolios aimed to ensure that the HR/VP, and consequently the member states, would not have direct responsibility over all aspects of EU foreign policy”.¹⁵⁷ The Commission represents the Union also in areas of exclusive competence, such as the customs union, monetary policy of the Eurozone countries, competition or the conservation of marine biological resources.¹⁵⁸ In addition, even though the new EU Delegations replaced the old Commission Delegations and came under control of the HR/VP, Barroso ensured that they were mostly staffed with former Commissioners.¹⁵⁹ In fact, the Commission remains responsible for the Union’s external

¹⁵⁴ Andrew Rettman, ‘Commission still pulls the strings on EU foreign policy’, in EU Observer, Brussels, 6 February 2012, Accessed 28/11/2015, Available online: <<https://euobserver.com/institutional/115145>>.

¹⁵⁵ European External Action Service, ‘2013 Annual Activity Report’, note 140, p.4

¹⁵⁶ Bart Van Vooren and Ramses A. Wessel, ‘EU External Relations Law’, Cambridge: Cambridge University Press, 2014, p. 27

¹⁵⁷ Lequesne, ‘EU Foreign policy through the lens of practice theory’, note 130, p.353-354

¹⁵⁸ Van Vooren and Wessel, ‘EU External Relations Law’, note 156, p. 27

¹⁵⁹ Lequesne, ‘EU Foreign policy through the lens of practice theory’, note 130, p.354

representation in all instances “with the exception of the common foreign and security policy and, and other cases provided for in the Treaties”.¹⁶⁰ Even in regard to the CFSP, the Commission is now able to submit proposals for issues related to the CFSP to be addressed by the Council. This is to be done with support of the HR/VP.¹⁶¹

The main purpose of the EEAS is to support the HR/VP (currently held by Federica Mogherini¹⁶²) in fulfilling his or her mandate to deliver the CFSP and to ensure the consistency in the EU’s external representation.¹⁶³ The TEU, which also provided the legal basis for creating the position of the High Representative, states that “in fulfilling his mandate, the High Representative shall be assisted by a European External Action Service”.¹⁶⁴ Moreover, the EEAS assists the Presidents of the European Council and the Commission as well as other Commissioners in their work on external affairs and their international representation. It carries out various tasks, such as preparation of briefing files and policy papers or preparation of summits and other high-level political and diplomatic meetings.¹⁶⁵

In addition to supporting the High Representative in formulation and implementation of the CFSP, the EEAS officials now chair the Political and Security Committee and the Council’s working groups in the area of CFSP and external relations. While these positions were previously held by rotating Presidencies, now they are fully integrated into the EEAS organisational chart. Yet, they are mostly held by EEAS officials coming from national MFAs, as the Member States tend to perceive it as “a guarantee that all the work developed by the rotating presidencies will be transferred to the EEAS”.¹⁶⁶

¹⁶⁰ Article 17(1) of the TEU

¹⁶¹ Van Vooren and Wessel, ‘EU External Relations Law’, note 156, p.373

¹⁶² Elected in August 2014

¹⁶³ European External Action Service, ‘2013 Annual Activity Report’, note 140, p.4

¹⁶⁴ Article 27(3) of the TEU

¹⁶⁵ European External Action Service, ‘2013 Annual Activity Report’, note 140, p.4

¹⁶⁶ Lequesne, ‘EU Foreign policy through the lens of practice theory’, note 130, p.360

However, above all, the EEAS is the diplomatic service of the EU, or as stated by Balfour and Ojanen, it is “the EU’s diplomatic arm”.¹⁶⁷ When looking at diplomacy as a process of a country’s representation, furthering its foreign interests, protecting its own citizens as well as of collecting and analysing of information about others, the EEAS can be defined as:

“a service for the EU’s common external policy and a channel for the representation of common views and interests, for the protection of EU citizens, and for reporting on the world for EU foreign policy-makers”.¹⁶⁸

Therefore, in this sense, the EEAS engages in the same conduct of diplomacy as nation-states. However, it still lacks the real recognition of its status of a full diplomatic service, especially from the EU Member States.¹⁶⁹

5.2.1. EU Delegations

The EEAS does not only consist of the service’s headquarters in Brussels but also of a vast network of EU Delegation to third countries and international organizations. An EU Delegation may be opened, or closed, based on a decision adopted by the High Representative and in agreement with the Council and the Commission. The HR/VP should then ensure that the staff and properties of the EU Delegations are granted all diplomatic privileges and immunities which are equivalent to those listed in the Vienna Convention on Diplomatic Relations.¹⁷⁰

As of 2014, the EEAS has a network of 139 EU Delegations at its disposal,¹⁷¹ which are responsible for acting in a broad range of areas.¹⁷² Many authors claim that this extensive global network of EU Delegations, their outreach and work, bring the key added value of the EEAS to

¹⁶⁷ Balfour and Ojanen, ‘Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?’, note 120, p.5

¹⁶⁸ *ibid*, p.5

¹⁶⁹ *ibid*, p.6

¹⁷⁰ Article 5 of Council Decision (2010/427/EU) of 26 July 2010

¹⁷¹ European External Action Service Website, ‘EU Delegations’, accessed 02/09/2014, Available online: <http://eeas.europa.eu/delegations/index_en.htm>.

¹⁷² Rohit Ambast & Vinay Tyagi, ‘Ambassadors of Europe: An Insight into the Evolution of the European Union and International Diplomatic Law’, in *Studia Diplomatica*, vol. LXI, 2008, accessed 02/09/2014, Available online: <http://www.ies.be/files/repo/conference2008/EUinIA_VIII_1_AmbastTyagi.pdf>, p.16

both the EU and national diplomacies.¹⁷³ The aim to use their full potential was also expressed by the former HR/VP Catherine Ashton who, when taking up her position in 2009, claimed that the EU Delegations “should be a network that is the pride of Europe and the envy of the rest of the world”.¹⁷⁴ Indeed, only five out of all 28 EU Member States (the United Kingdom of Great Britain and Northern Ireland [UK], Germany, Italy, Spain and France) dispose of more missions abroad than the EU.¹⁷⁵ Moreover, according to the EEAS’ report from 2013, “in more than 70 places where the EU has a Delegation there are fewer than 10 Member States represented and in 50 countries where there are fewer than 5 Member States”.¹⁷⁶ Therefore, it is obvious that the EU Delegations bring valuable advantages to national diplomacies which can rely on the EU Delegations’ external representation in countries where they are not represented. Moreover, having facilitated establishment of closer permanent relations with third countries, the EU Delegations provide the EU with “a greater voice and more influence in international affairs”.¹⁷⁷ Their added value is especially valid in light of the current economic crisis and its austerity measures, forcing many MFAs to close down embassies in less relevant locations.

These EU Delegations replaced the former Commission Delegations and have taken over their functions. And while the Commission Delegations did not dispose of any political functions, the newly established EU Delegations are now authorized to engage in all foreign political, economic and security matters.¹⁷⁸ Some Member States have expressed the desire to make the EU Delegations less technocratic and call for strengthened political functions of the Delegations, especially when it comes to reporting.¹⁷⁹ Thus, the EU Delegations are now entitled to do more than just implement trade and external aid agreements. Because of their regular contacts with various state and non-state actors as well as because of their up-to-date knowledge

¹⁷³ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.43-44

¹⁷⁴ Catherine Ashton, ‘Quiet diplomacy will get our voice heard’, in *The Times*, 17 December 2009, Accessed 02/09/2014, Available online:<<http://www.thetimes.co.uk/tto/law/columnists/article2049634.ece>>.

¹⁷⁵ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.44

¹⁷⁶ European External Action Service, ‘2013 Annual Activity Report’, note 140, p.4

¹⁷⁷ Timo Behr, Aaretti Siitonen and Johanna Nykänen, ‘Rewriting the Ground Rules of European Diplomacy’, in *Briefing Paper no.57*, Helsinki: Finnish Institute of International Affairs, 31 March 2010, p. 3

¹⁷⁸ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.10

¹⁷⁹ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.8

of situation in countries all around the world, they have now become “the interface of the EU on the ground”.¹⁸⁰

The EU Delegations have also taken over the coordinating role as well as the representation of the EU in third countries that had previously been the responsibility of the local embassy of the country holding the rotating Presidency. This change was done based on the TEU which read: “Union delegations in third countries and at international organisations shall represent the Union”.¹⁸¹ Wessel argues that this is a clear indication of the Union’s ambitions to increase the coherence and unity in its external representation, instead of being represented by delegations of only one of its key institutions or by one of the Member States at any given time.¹⁸²

The tasks, originally carried out by the Presidency, which the EU Heads of Delegations have taken up, include speaking on the EU’s behalf in third countries or international organizations and chairing coordination meetings of local embassies of the EU Member States.¹⁸³ These meetings are held at various levels, ranging from meetings of lower-ranking diplomats, such as meeting of Heads of Administration, Economic Counsellors or Human Rights Counsellors, to the meetings of the Deputy Heads of Missions, and to the ambassadorial level at the HOMs meetings. The Article 221 of the TFEU stipulates that the EU Delegations shall “act in close cooperation with the Member States’ diplomatic and consular missions”.¹⁸⁴ Their main tasks include ensuring compliance with and implementation of the EU’s positions, exchange of information and producing joint assessments and “the implementation of the right of citizens of EU to protection on the territory of third countries”.¹⁸⁵

The coordination of the Member States is further facilitated by the newly established information-sharing system ACID.¹⁸⁶ Upon achieving full operation of the software, the EU

¹⁸⁰ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.43

¹⁸¹ Consolidated Version of the Treaty on the Functioning of the European Union Article 221(1), 2012 O.J. C 326/147, [hereinafter TFEU]

¹⁸² Wessel and Van Vooren, ‘The EEAS’ Diplomatic Dreams’, note 116, p.2

¹⁸³ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.59

¹⁸⁴ Article 221(2) of the TFEU

¹⁸⁵ Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.24

¹⁸⁶ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.44

Delegations and the Member States' missions to third countries will be able to share online confidential information on various topics concerning development in the host country. Nevertheless, the deepened information-sharing among EU Member States' embassies and EU Delegations in third countries as well as regular coordination of their activities enables the EU Delegations to "emerge as true information and coordination hubs".¹⁸⁷ However, further efforts must be employed to enable access of all Member States' embassies to the new software.

5.3. Legal Basis for the Establishment of the EEAS and Division of Competences in European Diplomacy

The establishment of the EEAS was based on the ratification of several legally binding documents, mainly the Lisbon Treaty whose ratification was a lengthy process. And while an in-depth investigation of the complicated attitudes of different Member States during the negotiations of the Treaty and of the subsequent problems with its ratification is beyond the scope of this thesis, it is necessary to understand the new Treaty's implications on the practical implementation of the EU's legal personality and its competences in various aspects of diplomatic representation and foreign policy setting.

The EU, as a relevant and influential diplomatic actor with a full legal personality, has established partnerships and bilateral or multilateral relations with numerous third states and international organizations. However, at the same time, these third states and international organizations had already developed diplomatic relations also with the EU's Member States. This has created a complicated system of intersecting diplomatic representations, relations, networks and efforts to promote national as well as European foreign interests. The situation becomes even more complicated in the areas covered by the CFSP. Therefore, it is necessary to clearly distinguish between aspects of diplomacy in which the EU has the sole competence to act with

¹⁸⁷ Frauke Austermann, 'Towards Embassies for Europe? EU Delegations in the Union's Diplomatic System', in *Policy Paper 8*, Jean Monnet Multilateral Research Network on 'The Diplomatic System of the European Union', January 2012, p.5

its full legal personality on the Member States' behalf and those which remain under the Member States' authority. Theoretically, for this purpose, the first point of reference should be the EU's legal order, especially the TEU, TFEU and their Articles granting the EU a legal personality and defining the division of competences.¹⁸⁸

5.3.1. Shared Competences

In addition to establishing the EEAS and stating numerous other provisions, the TEU covers the areas of competences as well. According to its Article 24(1),

“the Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence”.¹⁸⁹

However, whereas competence to external representation may seem clear in theory, it is a rather complex issue in practice. In reality, the EU's competences in external relations and diplomatic representation are rather limited by “the principle of conferral”, stated in the Article 5 of TEU, which disables the EU from having exclusive competence over this area. Instead, the EU has to share its diplomatic competences with the Member States.¹⁹⁰ The main issue here stems from the EU's legal basis for shared competences, articulated in the TFEU, offering a lot of room for argument and interpretation.

TFEU recognizes several categories and subcategories of EU competences. The first category are exclusive competences of the EU, the second are shared competences and the third category are “policies where the EU may undertake actions supplementary to the member states”.¹⁹¹ The shared competences are then understood to encompass several types of competences, one of which are “parallel competences”. And although the Lisbon Treaty clarified

¹⁸⁸ Emerson et al., ‘Upgrading the EU's Role As a Global Actor’, note 124, p.39

¹⁸⁹ Article 24(1) of the TEU

¹⁹⁰ Van Vooren and Wessel, ‘The EEAS' Diplomatic Dreams’, note 116, p.2

¹⁹¹ Emerson et al., ‘Upgrading the EU's Role As a Global Actor’, note 124, p.4

and upgraded some of these competences, how the interests of Member States shall be represented and negotiated in case of shared or parallel competences remains ambiguous.¹⁹² This issue might be a bit clearer in areas of diplomacy and foreign policy where the EU has already taken some action. The Protocol No.25 of the TFEU states,

“ when the Union has taken action in a certain area, the scope of this exercise of competence only covers those elements governed by the Union act in question and therefore does not cover the whole area”.¹⁹³

However, the EU's competences in areas not yet covered remain disputable. An exception to the rule of shared competences in external representation arises in cases where the EU needs to sign an international agreement in order to be able to carry out its internal competences or where these agreements may influence common rules or their scope. Already the Article 3(2) of the TFEU articulated the EU's exclusive competence over conclusion of such treaties.¹⁹⁴ This was further confirmed by the TFEU. Its Article 216 clearly stipulates that:

“The Union may conclude an agreement with one or more third countries or international organisations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope”¹⁹⁵,

and that:

“Agreements concluded by the Union are binding upon the institutions of the Union and on its member states”¹⁹⁶

¹⁹² Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.3-5

¹⁹³ Protocol 25 of the TFEU

¹⁹⁴ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.28

¹⁹⁵ Article 216(1) of the TFEU

¹⁹⁶ Article 216(2) of the TFEU

However, in most other cases of diplomatic representation, the EU shares competences with the Member States. The TEU stipulates that “this service shall work in cooperation with the diplomatic services of the Member States”.¹⁹⁷ It is also fairly clear on the issues of the representation of the Union. According to the Treaty, the EU as a whole is internationally represented by several actors. The President of the European Council, currently Donald Tusk,¹⁹⁸ is responsible for provision of strategic guidelines for foreign policy setting and for representing the EU at his level, for example at international summits.¹⁹⁹ As stated in the Article 17(1) of the TEU, the President of the Commission, now Jean-Claude Juncker,²⁰⁰ and possibly other Commissioners promote the Union’s interests generally and represent it externally on those matters of the EU’s competence which do not fall under the CFSP.²⁰¹ Nevertheless, the major and central position in the European diplomatic representation belongs to the HR/VP, Federica Mogherini, who replaced Catherine Ashton in 2014.²⁰² According to the Article 27(2) of the TEU,

“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”.²⁰³

Moreover, the HR/VP shall also chair the Foreign Affairs Council, lead the EEAS and contribute towards preparation of the CFSP.²⁰⁴ Being the High Representative of the Union for Foreign Affairs and Security Policy and, simultaneously, the Vice President of the Commission, creation of the HR/VP’s position has formed “a formal institutional linkage between the

¹⁹⁷ Article 27(3) of the TEU

¹⁹⁸ EUROPA, ‘EU Presidents – who does what?’, accessed 24/02/2015, Available online: <http://europa.eu/about-eu/basic-information/eu-presidents/index_en.htm>.

¹⁹⁹ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.47

²⁰⁰ EUROPA, ‘EU Presidents – who does what?’, note 198

²⁰¹ Article 17(1) of the TEU

²⁰² European External Action Service, ‘Federica Mogherini, EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission’, November 2014, accessed 24/02/2015, Available online: <http://eeas.europa.eu/top_stories/2014/011114_hr-vp_federica-mogherini_en.htm>.

²⁰³ Article 27(2) of the TEU

²⁰⁴ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.29, 47

Commission and the Council” which is expected to lead to more coherence in formulation of the CFSP.²⁰⁵

5.3.2. Common Foreign and Security Policy

One of the most commonly mentioned cases of complications of shared competences is the CFSP. As mentioned above, in addition to ensuring the EU’s diplomatic representation, the EEAS’ purpose is also to support the HR/VP in delivering the CFSP and ensuring its coherence with all the Member States’ foreign policies. In this regard, the EEAS at its headquarters in Brussels, headed by the HR/VP aims to ensure the consistency of the EU’s foreign policy and the EEAS Delegations coordinate the CFSP’s on-spot delivery by the Member States’ embassies.

According to the EEAS’ website, the CFSP’s role is

“to preserve peace and strengthen international security in accordance with the principles of the United Nations Charter; to promote international co-operation; and to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms”,

by “the use of diplomacy – backed where necessary by trade, aid and security and defence – to resolve conflicts and bring about international understanding.”²⁰⁶

The CFSP was established by the Maastricht Treaty of 1992. However, the CFSP was not the first attempt of European leaders to agree on a common European foreign and security policy.²⁰⁷ Already in the early 1950s, soon after the launch of the European Coal and Steel Community, an attempt to establish the European Defence Community emerged but this endeavour failed during the ratification process in 1954. Afterwards, focus of the European leaders shifted to the economic domain of European cooperation and efforts to establish a

²⁰⁵ Henökl, ‘Conceptualizing the European Diplomatic Space’, note 135, p.461

²⁰⁶ Delegation of the European Union to the Republic of South Africa, ‘The Common Foreign and Security Policy’, accessed 10/09/2015, Available online: <http://eeas.europa.eu/delegations/south_africa/key_eu_policies/common_foreign_security_policy/index_en.htm>.

²⁰⁷ Cameron, ‘An Introduction to European Foreign Policy’, note 119, p.23

common European foreign policy were postponed. This changed in the 1970s, when the European Political Cooperation (EPC) was established on an inter-governmental basis and provided a form of coordination of foreign policy. The EPC was strengthened when given a treaty base in 1987,²⁰⁸ however, it was handicapped by having to follow the consensus rule. Moreover, as Cameron claims, “third countries also found the EPC difficult to understand”.²⁰⁹

The end of the Cold War and all the accompanying changes of the 1989 became the basis for establishment of the CFSP. The actual establishment of the CFSP by the Maastricht Treaty followed lengthy negotiations between those Member States which aimed at shifting towards more integrated EU, based on a supranational approach, and others which preferred status quo of the inter-governmental approach. Another big dispute when negotiating the CFSP was the possibility of establishing an EU defence capability which was eventually rejected. In the end, the Maastricht Treaty, which established the EU, was built on a three pillar structure. The first pillar comprised of the European Communities’ affairs, the second pillar was formed by the CFSP, and the third pillar consisted of justice and home affairs.²¹⁰

The Maastricht Treaty provided rather ambitious stipulations about the CFSP, stating that “the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy”.²¹¹ However, Cameron claims that despite these ambitious aims, “the actual changes made under the CFSP compared to EPC were modest”. The only new features of the CFSP were Joint Actions and Common Positions.²¹² Joint Actions are instances in which the Member States act together to achieve a certain goal, for example in election monitoring or appointing of special representatives. Common Positions is an instrument aimed at aligning the Member States’ policies towards other countries and at common promoting of their common stance. In addition, the CFSP has a third instrument called Common Strategies. Its goal

²⁰⁸ Cameron, ‘An Introduction to European Foreign Policy’, note 119, p.24-25

²⁰⁹ *ibid*, p.28

²¹⁰ *ibid*, p.28-29

²¹¹ Treaty on European Union, Title V Provisions on a common and foreign security policy, Article 11

²¹² Cameron, ‘An Introduction to European Foreign Policy’, note 119, p.29

is to ensure consistency in the EU's and the Member States' attitudes towards a certain country or region.²¹³

Having been originally put under the second pillar, the CFSP is based on an inter-governmental approach which enforces a unanimous system of voting. The vast number of actors involved in the CFSP, including all the Member States, the HR/VP, the Council, the Commission and the Parliament highly complicates the process of ensuring coherence and continuity of the CFSP. Some Member States, such as the Benelux countries, tried to solve this by placing the CFSP under the first pillar, but most of the other countries rejected this.²¹⁴ The situation improved a little with adoption of the Treaties of Amsterdam and Nice, in 1997 and 2001 which strengthened the CFSP and established the European Security and Defence Policy.²¹⁵ However, they did not solve the problem with ensuring coherence and consistency of the EU's external relations, as the EU lacked legal personality. Even after adoption of the Lisbon Treaty which formally did away with the three pillar structure, the CFSP retained its intergovernmental character.²¹⁶

As argued by Koehler, "coherence is a necessary precondition for the efficacy of foreign policy not only of the EU but of all international actors".²¹⁷ Yet, it was the lack of coherence which posed a threat to EU's foreign policy. The problems of coherence connected with the CFSP and the EU's external representation were addressed by the Lisbon Treaty which granted the EU a legal personality and established the EEAS. The TEU stipulates that the Member States are obliged "to comply with the Union's action".²¹⁸ However, Koehler's analysis of the Declarations 13 and 14 concerning the CFSP make it clear that the TEU's idea for the Member

²¹³ Cameron, 'An Introduction to European Foreign Policy', note 119, p.29, 31

²¹⁴ *ibid.*, p.29-30

²¹⁵ Kingdom of Belgium Foreign Affairs, Foreign Trade and Development Cooperation, 'The Common Foreign and Security Policy', accessed 10/09/2015, Available online: <http://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/in_international_organisations/european_union/cfsp/>.

²¹⁶ Finn Laursen et al., 'The EU's Lisbon Treaty: Institutional Choices and Implementation', Surrey/Burlington: Ashgate Publishing, 2012, p.7

²¹⁷ Kateryna Koehler, 'European Foreign Policy after Lisbon: Strengthening the EU as an International Actor', in *Caucasian Review of International Affairs*, vol. 4 (1), 2010, p.57

²¹⁸ Article 24(3) of the TEU

States “to support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity”²¹⁹ makes the reality more complicated.²²⁰ Both these Declarations reinforce the states’ individual rights for formulation and implementation of the national foreign policies. Declaration 13 reads:

“The Conference underlines that the provisions in the Treaty on European Union covering the Common Foreign and Security Policy, [...] do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations”.²²¹

Similarly, Declaration 14 states that

“The provisions covering the Common Foreign and Security Policy [...] will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations”.²²²

As the Member States are clearly not obliged to comply their foreign policy formulation and implementation with the CFSP, it remains unclear how the TEU aims to achieve “an ever-increasing degree of convergence of Member States’ actions”.²²³ In this regard, Koehler concludes that when it comes to the CFSP, “unanimity is still the prevailing decision-making procedure, which protects national interests and bargaining behaviour at the expense of common European interests”.²²⁴ The Member States still determine the implementation of the EU’s foreign policy by their (un)willingness to cooperate.

²¹⁹ Article 24(3) of the TEU

²²⁰ Koehler, ‘European Foreign Policy after Lisbon’, note 217, p.60

²²¹ Declaration 13 concerning the common and foreign security policy annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon C 306/255, 2007

²²² Declaration 14 concerning the common and foreign security policy annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon C 306/255, 2007

²²³ Article 24(2) of the TEU

²²⁴ Koehler, ‘European Foreign Policy after Lisbon’, note 217, p.71

5.3.3. Legal Personality of the European Union and the EEAS and Its Consequences for the CFSP

However, the Lisbon Treaty did manage to strengthen the EU's position in international affairs. Article 47 TEU granted the EU a legal personality which previously belonged solely to the European Community (EC) under the first pillar of the Maastricht Treaty provisions.²²⁵ Van Vooren defines legal personality as “the legal quality through which the entity can participate in legal life: engage itself (extra-) contractually, be subject to rights and responsibilities, enforce its prerogatives before a Court of law, and so on.”²²⁶

None of the previous treaties, neither the Maastricht Treaty, nor the Amsterdam and Nice Treaties, gave explicit legal personality to the EU itself. The previous lack of the EU's legal personality caused a lot of complications and confusions in its external relations. Despite numerous attempts to solve this, contradicting attitudes towards granting the EU a legal capacity to internationally represent itself prevented the previous treaties to address this issue.²²⁷ Finally, under the TEU, “the separate legal identity of the EC disappears, and it is provided that the Union will replace and succeed the EC”.²²⁸ According to Koehler, this was “a logical consequence of the amendment of the three-pillar structure”.²²⁹

This change made the Union “an international actor in its own right, separate from, and superior to, its member states”, the EU can now conclude international agreements on its own.²³⁰ Moreover, becoming an international actor with a single legal personality “simplifies its status and appears as an important step towards legal certainty”.²³¹ It makes the EU's international role

²²⁵ Julija Brsakoska Bazerkoska, ‘The Legal Personality of the EU’, in *Iustinianus Primus Law Review*, vol 2:1, 2011, p.9

²²⁶ Bart Van Vooren, ‘A legal-institutional perspective on the European external action service’, in *CLEER Working Papers*, The Hague: TMC Asser Institute, July 2010, p.14

²²⁷ Koehler, ‘European Foreign Policy after Lisbon’, note 217, p.62

²²⁸ Bazerkoska, ‘The Legal Personality of the EU’, note 225, p.9

²²⁹ Koehler, ‘European Foreign Policy after Lisbon’, note 217, p.62

²³⁰ Lucy Hatton and Pipa Knott, ‘Treaty of Lisbon’, Civitas Institute for the Study of Civil Society, July 2011, accessed 10/09/2015, Available online: <www.civitas.org.uk/eufacts/FSTREAT/TR6.htm>., p.2

²³¹ Ingolf Pernice, ‘The Treaty of Lisbon: Multilevel Constitutionalism in Action’, in *Columbia Journal of European Law*, vol. 15: 3, 2009, p.396

clearer and more transparent to both its citizens and third states²³² which has strengthened its position in international negotiations and made the EU's role in foreign policy more effective.²³³

Having had acquired a legal personality was a basis for the transfer of the Union's diplomatic representation to the EEAS.²³⁴ However, the EEAS itself was not granted an explicit legal personality, as opposed to other EU regulatory agencies. Instead, the new service disposes of "legal capacity necessary to perform its tasks and attain its objectives", as granted by the EEAS Decision.²³⁵ According to Blockamans and Hillion, this means that:

"the autonomy of the EEAS could also be bolstered thanks to the "legal capacity" it is endowed with "to perform its tasks and attain its objectives". In particular, this capacity may be used for articulating the Service's mandate by reference to "objectives" which, in contrast to its "tasks" listed in Article 2, are not spelled out anywhere in the Decision – at least not explicitly."²³⁶

Nevertheless, according to Henökl, the lack of the EEAS' legal personality poses a challenge to its position of a "functionally autonomous body", as defined by the Council Decision 2010/427/EU, Article 1.²³⁷ Due to its legal standing, the EEAS ability to make decisions and stand before the Courts remains limited.²³⁸ Also Spence claims that because the EEAS has been dependent on the Commission's and Council's legal services, its independence from these institutions and its ability to defend its rights has been contested.²³⁹

As regards the impact of the EU's new legal personality on the CFSP, Koehler's analysis points out two major consequences: (1) it influences the EU's means to implement the CFSP; and (2) it clarifies the issue of who acts as a "European contracting party" in international

²³² Bazerkoska, 'The Legal Personality of the EU', note 225, p.9

²³³ Kingdom of Belgium, 'The Common Foreign and Security Policy', note 215

²³⁴ Koehler, 'European Foreign Policy after Lisbon', note 217, p.63

²³⁵ Article 1 of Council Decision (2010/427/EU) of 26 July 2010

²³⁶ Steven Blockmans and Christophe Hillion, et al, 'EEAS 2.0. A legal commentary on council decision 2010/427/EU establishing the organization and functioning of the external action service', in *Working Paper* No.99, Leuven: Leuven Centre for Global Governance Studies, February 2013, p.7

²³⁷ Henökl, 'Conceptualizing the European Diplomatic Space', note 135, p.457

²³⁸ *ibid*, p.459

²³⁹ David Spence, 'The early days of the European external action service: a practitioner's view', in *The Hague Journal of Diplomacy*, Vol 7, Leiden: Koninklijke Brill NV, 2012, p.116

relations and agreements.²⁴⁰ The first consequence is the TEU's reorganization of the system of the EU's external instruments to implement the CFSP. The Treaty of Lisbon has introduced general guidelines and decisions as the main instruments of the CFSP, replacing Common Strategies, Joint Actions and Common Positions.²⁴¹ The main role of these instruments is to coordinate external actions of the Member States.²⁴²

It was also previously unclear who acts as the party signing international agreements and the prevailing opinion was that the Member States were “acting jointly on the legal basis of the TEU”.²⁴³ That caused a lot of complications with establishing on whom, both the Member States and the EU institutions, the signed agreements are binding. This has changed with the Lisbon Treaty's explicit provision of legal personality and now, according to Pernice, it is the EU that acts “without regard to the question whether a specific action is a matter of European competency or of Member States' responsibility – or of both”.²⁴⁴ Therefore, “the legal actions taken on the basis of the TEU(L) – including those in the area of the CFSP – are actions of the EU and not of the Member States”.²⁴⁵

The EU has the authority to conclude international agreements in areas covered by the Chapter 2 TEU on “Specific Provisions on the Common Foreign and Security Policy”.²⁴⁶ And while the decision-making process for conclusion of international agreements on the CFSP is still based on unanimous voting,²⁴⁷ as opposed to the “general procedure for conclusion of international agreements” which is based on qualified majority voting,²⁴⁸ Koehler points out that

“with the explicit treaty-making authority in the scope of the CFSP the EU acquired for the first time an external legal instrument to execute the CFSP, which

²⁴⁰ Spence, ‘The early days of the European external action service’, p.239

²⁴¹ Article 25(b) of the TEU

²⁴² Koehler, ‘European Foreign Policy after Lisbon’, note 217, p.64

²⁴³ *ibid.*, p.63

²⁴⁴ Pernice, ‘The Treaty of Lisbon: Multilevel Constitutionalism in Action’, note 231, p.397

²⁴⁵ Koehler, ‘European Foreign Policy after Lisbon’, note 217, p.65

²⁴⁶ Article 37 of the TEU

²⁴⁷ Article 218(8) of the TFEU, Article 31(1) of the TEU

²⁴⁸ Article 218(8) of the TFEU

goes beyond the instruments for coordination of the Member States' external activities within the EU framework".²⁴⁹

Similarly, Van Vooren and Wessel argue that obligation of the Member States to succumb their national foreign policies to the EU's CFSP has become part of the well-known "European reflex". They claim that

"this policy are has developed from a purely intergovernmental form of information exchange, coordination and cooperation in the days of the EPC, to an EU competence in its own right and an area in which the Member States have accepted significant forms of institutionalization and legalization."²⁵⁰

Moreover, they speak of several types of the Member States' obligation – the information and consultation obligation and the loyalty obligation. As regards the former, which they also call the concept of "systematic cooperation", they point out that Article 32 TEU stipulates that "Member States shall inform and consult one another within the European Council and Council on any matter of foreign and security policy of general interest" which significantly limits the scope of the Member States' information and consultation obligation, as the Article 32 does not clarify what is "general interest". It is thus up to the individual Member States to decide which matters are of general interest. And, as Van Vooren and Wessel argue, "once Member States do not agree that a matter is of general interest (for instance because one Member State considers it to be of national interest only), it becomes very hard for the Union to develop a policy in that area." Yet, as they conclude, nowadays it is rare to encounter a foreign policy matter that is of interest to one Member State only and, hence, in majority of cases, the Member States are obliged to consult each other. And while some Member States refrain from this policy in sensitive cases, generally the Member States are obliged to abstain from publically claiming their

²⁴⁹ Koehler, 'European Foreign Policy after Lisbon', note 217, p.65

²⁵⁰ Van Vooren and Wessel, 'EU External Relations Law', note 156, p.346

national positions on matters of foreign policy of general interest prior to discussing them within the CFSP. And, as they claim, this notion is strengthened by the loyalty obligation.²⁵¹

5.4. Conclusion

Diplomacy of the EU has significantly changed in the course of the 21st century, especially after the adoption of the Lisbon Treaty. The establishment of the EEAS and the transformation of the Commission Delegations into the EU Delegations as well as granting legal personality to the EU was an important milestone in the history of European diplomacy which strengthened and clarified the EU's role as an international actor. For the first time, the EU has not only become a fully recognized legal entity, it also has its own specialized diplomatic service, responsible for protecting the EU's foreign interests and representing the EU externally. The EU's diplomatic role clearly has a unique character, as it externally represents 28 European states which, at the same time, preserve their right to individual external representation and conduct of national diplomacy, promoting their national interests in foreign policy. The EEAS is then expected to coordinate these 28 distinct voices and unify them into one coherent voice.

The EU, despite not being a state, has managed to establish itself as a full-fledged diplomatic actor in bilateral relations. While its status in multilateral diplomacy is still facing problems of recognition, the EU and its EEAS have obtained full diplomatic recognition from third states as well as its own Member States and has now become an active actor in bilateral diplomacy.

Given its short existence, the EEAS still has a long way to go before it achieves its full potential. However, it is already clear that the EEAS will be able to offer a wide range of political and economic opportunities to the EU Member States. Its vast network of EU Delegations provides the EU and the Member States with an excellent insight into the political, economic and

²⁵¹ Van Vooren and Wessel, 'EU External Relations Law', note 156, p.365-367

social developments occurring in the host states all around the globe. By unifying 28 European states, the EEAS has the potential to significantly multiply their diplomatic influence to levels which they would not be able to achieve individually. Moreover, the EEAS offers the Member States various burden-sharing possibilities which can noticeably decrease their costs for national foreign services. However, in order to achieve the EEAS's full potential, the Member States need to fully recognize its leading role and the vague sharing of competences between the EEAS and national diplomacies must be clarified. Both the EEAS's potential and the troubles it is facing will be in detail examined in the upcoming chapters.

6. Transformation of the EU Member States' Diplomacies in the 21st Century: Added Value of the EEAS

Diplomacy of the 21st century has changed, as already discussed above. Factors such as the global financial crisis, the rise of ICT and media, the rise of cross-border terrorism and the increased importance of the international security agenda or the emergence of non-state diplomatic actors have had a profound influence on national diplomatic services. The effects of globalization have altered the conduct of diplomacy in all countries, be it big powerful states or smaller and politically or economically less influential countries.

As Jönsson argues, in case of the EU, the rise of the EU's diplomatic role does not replace traditional patterns of diplomacy; it only adds new layers to it. The EU Member States maintain their diplomatic missions to one another as well as their missions to non-EU states, with the same structures and functions.²⁵² National diplomacy matters and will continue to do so. However, it would be incorrect to claim that members of various regional organizations have not adjusted their diplomatic services to the new situation. This is especially the case in the EU, given the EU's special diplomatic role. As Duke claims, "the rise of European-level diplomacy is slowly redefining the understanding and practice of national diplomacy".²⁵³

The following chapter aims to describe the reasons for changes occurring in diplomatic services of the EU Member States in the 21st century as a consequence of both globalization and the emergence of EEAS. It starts with the changes which took place as a consequence of general transformation of diplomacy brought by globalization. The root causes for changes of diplomacy introduced in the fourth chapter are applied to the examples of the EU Member States and shown in practical examples. The second part of the chapter deals with the reasons for transformation of national diplomacies of the EU Member States as a result of the emergence of

²⁵² Jönsson, 'Global Governance', note 38, p.37

²⁵³ Simon Duke, 'Providing for European-Level Diplomacy after Lisbon: The Case of the European External Action Service', in *The Hague Journal of Diplomacy* 4(2009) 211-233, Leiden: Koninklijke Brill NV, 2009, p.211

the EEAS. Various examples of the EEAS' added political and economic value are presented in order to explain why the EU Member States should gradually implement changes to their diplomatic services to enable close and efficient cooperation with the EEAS.

6.1. Adjustment of the EU Member States' Diplomatic Services to the Global Changes in Diplomacy

All 28 Member States of the EU are deeply integrated into global economy and politics of the 21st century. Therefore, they are not exempt from the changes occurring in diplomacy at a global scale. Current political, economic and societal developments influence and alter the conduct of diplomacy of the EU Member States. According to Balfour and Raik, "national diplomacy as such is also going through significant changes, largely irrespective of the EU, in order to respond to new demands and adjust to global and national; political, economic and technological shifts". As an example, they provide the case of the rise of new powers, especially in Asia, which can be perceived in the current restructuring of national diplomatic networks of European states. The EU Member States have now shifted their attention to Asia where they open new missions, especially in China, even at cost of closing down their missions in other parts of the world.²⁵⁴

The most significant and wide-spread changes in national diplomatic services have occurred as a consequence of the rapid technological advancement of the last decades. The newly emerged ICT have enabled faster communication between the MFA and its foreign missions. Geographical distance no longer matters when it comes to the sharing of information. European leaders, in implementation of the ICT into their national diplomatic networks, are often smaller European countries, such as Austria which started to use paperless archives already in the late 1990s, or Latvia which won the prize for the best MFA's website in 2003.²⁵⁵ Many European

²⁵⁴ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.9

²⁵⁵ Rana, '21st Century Diplomacy', note 8, p.193

countries have taken advantage of technological advancements, such as email, videoconferencing or intranet. Denmark's MFA created "virtual working groups" which connect various ministries, departments and relevant foreign missions in order to deal with international issues.²⁵⁶

Moreover, many European MFAs use intranet networks to bring closer their embassies and departments of the MFA. As Rana pointed out, "it becomes possible to reduce the "distance" between embassies and the MFA, and geography matters less than before".²⁵⁷ In 2002, Germans started to use intranet which integrated their embassies with their respective territorial divisions. As a result, reports from the embassies are treated as products of these territorial divisions.²⁵⁸ Drafts of documents are now sent laterally, instead of hierarchically, which poses a challenge to the traditional hierarchical structures. Similarly, the UK gave greater responsibility to their embassies.²⁵⁹ Austria put into practice a similar method of working, connecting its embassies with the MFA's functional departments.²⁶⁰

Furthermore, as already mentioned in the fourth chapter, the wide-spread access to information facilitated by the rise of the ICT has changed the dynamics of the general public vs. politics and diplomacy relationship. Citizens of the EU Member States can now easily access information about the current events taking place in far-away locations. As a result, they expect their national Foreign Services to not only respond to these events in an appropriate way but to also provide sufficient information to the general public of the country concerned. Therefore, public diplomacy has been gaining prominence and has now become one of the most crucial aspects of diplomacy of the EU Member States. This was concluded also in a report published by the German Foreign Ministry which stated that "in Europe public diplomacy is viewed as the number one priority over the whole spectrum of issues".²⁶¹

²⁵⁶ Rana, '21st Century Diplomacy', note 8, p.142

²⁵⁷ *ibid*, p.206

²⁵⁸ *ibid*, p.142

²⁵⁹ *ibid*, p.206

²⁶⁰ *ibid*, p.134

²⁶¹ Karl Th. Paschke, 'Report on the Special Inspection of 14 German Embassies in the Countries of the European Union', Berlin: *Auswärtiges Amt*, 2002. accessed 23/02/2015, Available online: <<http://grberridge.diplomacy.edu/paschke-report/>>.

The rising accountability of national diplomatic services to the general public, together with the rapid rise of international travel, have put a significantly stronger emphasis on the consular diplomacy of the European states. With the numbers of European citizens abroad rising all around the globe, the embassies of the EU Member States in third countries have to dedicate much more time and resources to the provision of consular services, similarly to the current trend at a global scale, as discussed in the fourth chapter. The Finnish MFA came to a conclusion that due to the recent increase of travel abroad, many more Finns are becoming “potential customers for the services of the MFA” and provided an example of the Finnish Embassy in London whose provision of consular diplomacy has doubled recently.²⁶² The increasing importance of consular diplomacy is not only the case of the Finnish Foreign Services but of diplomatic services of all EU Member States. This is also reflected in the changed rules of provision of consular services among the EU Member States which now cooperate in order to ensure sufficient consular protection to every citizen of the EU. The citizens of the EU Member States can seek consular or diplomatic protection from an embassy or consulate of any other Member States of the EU, if their own Member State does not have a foreign mission in the country where they need consular protection. This is ensured in the Article 23 of the TFEU which said:

“Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State”.²⁶³

Another important factor in the current restructuring of diplomacy is the global financial crisis. Governments of many European countries, as well as their non-European counterparts, have been forced to rationalize and decrease their budgets for Foreign Service since the outbreak

²⁶² Erkki Tuomioja, ‘Challenges for the Finnish Foreign Service in the Twenty-First Century’, Helsinki: Ministry for Foreign Affairs, 2001, accessed 23/02/2015, Available online: <<http://formin.finland.fi/public/default.aspx?contentid=54702&contentlan=2&culture=en-US>>, p. 21

²⁶³ Article 23 of the TFEU

of the crisis. According to data gathered and published by Emerson in 2011, most of the EU Member States are cutting their budgets for foreign affairs of 10 to 25% over short and medium-term periods.²⁶⁴ For instance, at the turn of decades, Austria was decreasing its budget for diplomacy of 10% and Slovenia of 20% for a 2 years period, while France was cutting its costs for diplomatic service of 5% and Ireland of 13.5% for 2011 alone.²⁶⁵ Exceptions to the current undergoing cuts are Poland and Germany²⁶⁶ but other countries, especially the ones struggling with profound financial crisis, such as Greece, Portugal and Ireland, may be implementing even more significant cuts. Balfour and Raik, provide even more figures. According to their findings,

“Italy cut the administrative budget of its MFA from 991 million euros in 2010 to 919 million in 2012; Greece from 423 million in 2010 to 308 million in 2012; and Estonia (where the crisis landed a bit earlier) from 38 million in 2008 to 32 million in 2011”.²⁶⁷

Many countries, such as the Netherlands, Estonia and the Czech Republic, have also been reducing their diplomatic personnel. The trend of cutting costs has also affected diplomatic missions abroad, as many European embassies and consulates have been closed down due to budget cuts. This is, for example, the case of the Czech Republic, Denmark, Bulgaria, Greece, Finland, Latvia and Portugal. Even two of the three largest Member States, France and the UK, have been forced to downsize their costs for staff and administration, despite being able to keep their extensive diplomatic network.²⁶⁸ However, evidence suggests that so far none of these cuts has been undertaken in light of the economies of scale of the EEAS and cost-saving measures it can provide. Wasteful duplication is still occurring in European diplomacy.²⁶⁹

As a result of the current cuts to the costs for external representation, the EU Member States need to look for alternative ways of earning money to finance the diplomatic service. An

²⁶⁴ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.12

²⁶⁵ *ibid*, p.57-58

²⁶⁶ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.37

²⁶⁷ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.6-7

²⁶⁸ *ibid*, p.7

²⁶⁹ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.12

example for this could be the relatively new trend of charging fees for the provision of emergency consular services by embassies abroad. Rana claims that this trend has spread to almost all Western countries in the last decade. For instance, Denmark charges fees on an hourly basis and the UK bills a statutory fee of 145 Euros which is charged for most consular services, with an exception of cases of “accident, serious illness, death, or arrest”.²⁷⁰

Furthermore, another consequence of the financial crisis is the re-structuring of actual embassies and consulates. Many European countries have followed the global trend (as discussed in the fourth chapter) and have been closing down some of their embassies or have been reducing the number of staff deployed in these foreign missions. This is, for example, the case of Finland and Denmark which run several one-man embassies and take advantage of the local staff.²⁷¹ Locally-engaged staff is particularly used by the UK; considerably more than a half of its resident missions’ staff is locally engaged employees.²⁷² For instance, the British consulate in Milan is solely run by local staff, without any home-based staff.²⁷³ Similar structure is used by Croatia which disposes of several embassies run by a *chargé d’affaires*, while the assigned ambassador is stationed in the home country and travels to the country of duty on a need-basis.²⁷⁴ Cases of assigning ambassadors to countries in which they do not reside are becoming increasingly more common, as a way of saving costs. The EEAS offers practical solutions to countries which wish to run some of their embassies this way, which will be further discussed in the next chapter

²⁷⁰ Rana, ‘21st Century Diplomacy’, note 8, p.224

²⁷¹ *ibid*, p.72

²⁷² Berridge, ‘The Counter-Revolution in Diplomacy’, note 105, p.6

²⁷³ Rana, ‘21st Century Diplomacy’, note 8, p.222

²⁷⁴ *ibid*, p.72

6.2. Calling for Stronger Europe: Transformation from National Diplomacies into a Unified European External Representation

According to Balfour and Raik,

“national foreign services are under the dual pressure of the economic crisis and an overall decline in the importance of traditional diplomacy, while the implementation of the Lisbon Treaty and the creation of the EEAS are supposed to stimulate an internal logic towards more EU integration and burden-sharing in foreign policy”.²⁷⁵

In addition, Spence speaks of “the emergence of a European response reflex”²⁷⁶ also in foreign affairs. In the globalized world of the 21st century, the EU Member States opt for a stronger Europe in external affairs for a variety of reasons. Establishment of the EEAS offers the EU Member States a wide range of opportunities to improve their external representation and, at the same time, decrease their costs for effective and successful running of their diplomatic services. Especially the EU Delegations can act as a multiplier of diplomatic influence of the Member States, while enabling them to reach economies of scale by implementing cost- and burden-sharing projects of cooperation. As Boşilcă claims, “EU Delegations bring major political benefits due to their greater outreach, access to local stakeholders and reporting and information sharing functions”.²⁷⁷

However, in order to achieve the EEAS’ and the Delegations’ full potential, the Member States have to show more willingness to cooperate and share diplomatic competences with the EEAS. In other words, diplomacy of the EU Member States needs to be transformed and adjusted to the new situation created by the emergence of the EEAS and transformation of its Delegations. At the same time, the EEAS should become more than just a coordinating service of the national diplomacies; it should “position itself as a ‘policy entrepreneur’, tapping into a

²⁷⁵ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.12

²⁷⁶ Spence ‘The Evolving Role of Foreign Ministries in the Conduct of European Union Affairs’, note 128, p.34

²⁷⁷ Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.26

network of diplomacies across Europe and around the world to produce leadership from within”, which is expected by many European diplomats.²⁷⁸

The following part of the chapter offers an in-depth discussion of possible reasons for transformation of national diplomacies and for their closer cooperation with the EEAS. The EEAS and its network of Delegations are often said to bring added value to national diplomatic services. Therefore, both added political and economic value will be analysed.

6.2.1. Added Political Value of the EEAS

The EEAS and the EU Delegations bring valuable political benefits to the EU and its Member States. According to Balfour and Raik, “the EEAS (and the EU more broadly) provides added value at a political level, through empowerment and a multiplying effect gained by member states through acting together and speaking with one voice”.²⁷⁹ Great outreach provided by the vast network of the EU Delegations all around the world enables the EU Member States to have their interests represented and promoted in countries in which they have no or little representation and to interact with countries which they do not traditionally engage with. The Member States are fully aware of the EEAS’ potential to enhance their global outreach. Especially in light of Europe’s recent relative global decline, they highlight the need for unity in international affairs.²⁸⁰ With the undermined potential for individual outreach, the EU Member States’ incentives for cooperation in external affairs have strengthened.²⁸¹

The EU Delegations are more likely to reach successful achievement of the EU’s goals in negotiations with third countries, as they are often entitled to act on behalf of all 28 Member States. Moreover, in cases in which its competences in external relations strengthened, the EEAS could act as a common negotiator for the EU Member States’ financial and business deals with foreign enterprises and effectively work towards attracting foreign investors to the EU markets.

²⁷⁸ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.29

²⁷⁹ *ibid*, p.34

²⁸⁰ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.9

²⁸¹ *ibid*, p.2

However, an opposite trend has been observed in the last years, and as the economic competition among the EU Member States increases, they tend to pursue their own national commercial diplomacy, instead of following a common path of CFSP. At the same time, the EU is being increasingly criticized for failing to reach strategic partnerships with rising economic powers. This has enabled countries like Russia or China to successfully use the divide-and-rule strategy and further deepen the economic competition among the EU Member States.²⁸²

Yet, together, the 28 Member States have more political and diplomatic influence and are more likely to reach their goals in foreign policy, than individually. This is especially true for the smaller Member States with fewer embassies abroad. Yet, Balfour and Raik argue that, given the rise of new global powers, even the most powerful European states risk being side-lined if they do not join forces with other EU Member States and speak with one voice in external matters.²⁸³ Emerson also argues that “the EU should seek to build up a world-class diplomatic corps, capable of becoming a major actor in global affairs”.²⁸⁴ This was, for instance, proven when the Arab Spring revolutions broke out and the individual EU Member States’ prime or foreign ministers immediately tried to take advantage of the media opportunity and to first respond to the crisis. As a result, “this cacophony of voices backlashed against Europe as a whole”, and Europeans learnt that when it comes to public diplomacy, a single message coming from Brussels with voice of the HR/VP is a better solution than representing individual distinct positions.²⁸⁵

The EEAS is supposed to unify these 28 different positions and national interests of the Member States. Currently, they tend to be converging with those of the EU as a whole which, as claimed by Emerson, is rooted in gradually intensifying integration and globalization.²⁸⁶ The EU Delegations abroad then enable the EU and its Member States to speak with one voice on the international diplomatic stage and thereby enhance their diplomatic influence. As Balfour and

²⁸² Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.9-10

²⁸³ *ibid.*, p.9

²⁸⁴ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.1

²⁸⁵ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.26

²⁸⁶ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.10

Raik argue, “third countries thus have a single interlocutor to discuss not just trade and aid, but also political relations, security, energy, natural resources, and migration issues”.²⁸⁷ This then also improves the EU’s image abroad.²⁸⁸

Furthermore, dealing with only one Europe has become a preferred method for many third countries. The US in particular has been increasingly pushing for more coherence in the EU’s diplomacy.²⁸⁹ And when more of the non-European countries and other diplomatic actors start preferring interaction with the EU as whole and start knocking on the EU Delegations’ doors, instead of the individual states and their embassies, the EU Member States are likely to finally realize the full added political value of the new service and its Delegations.²⁹⁰

6.2.2. Added Economic Value of the EEAS

In addition to the added value the EEAS and EU Delegations bring at the political level, they also provide a wide range of opportunities for various cost- and burden-sharing projects. The economic reasons for letting the EU speak on the Member States’ behalf and to cooperate in provision of various diplomatic services have been gaining prominence especially in light of the current global financial crisis. In a time of austerity, the EU Member States are gradually starting to explore the opportunities for labour division, rationalization of services and other cost-saving measures. Due to the significant cuts to national budgets for Foreign Service, a need to look for ‘smart diplomacy’ has emerged and the EEAS and the EU Delegations may prove very helpful in this matter.²⁹¹ As is argued by Balfour and Ojanen,

“with cuts to national ministries of up 25%, member states could create synergies with the EEAS to ensure that the downsizing of their national diplomacies is

²⁸⁷ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p. 43

²⁸⁸ Balfour and Ojanen, ‘Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?’, note 120, p.5

²⁸⁹ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.9

²⁹⁰ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.43-44

²⁹¹ Richard Whitman in Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.9

compensated by strengthening the European one, which could take on some of the currently duplicated functions they carry out”.²⁹²

Given the considerable cuts to budgets of national diplomatic services which have occurred in most EU Member States since 2009, Balfour and Raik claim that “there are signs of increasing willingness among the member states to consider the potential economies of scale to be gained through the EEAS”.²⁹³ Various burden- and cost-sharing projects, such as co-location of embassies’ premises or common reporting, attract the Member States’ support for strengthening of the EEAS. The following paragraphs suggest several areas wherein the EU Member States’ diplomacies could exploit the economies of scale of the cooperation with the EU Delegations.

First, the EU Delegations can substitute for embassies or consular offices of the EU Member States in locations where these either have not established a resident mission or have been forced to close it down due to the economic or political restrictions. The Member States are then able to focus on the key locations and national priorities in foreign policy, while relying on the EU Delegations’ reporting, networks and influence in less crucial or problematic locations.²⁹⁴ This proved useful in the case of the EU Delegation in Syria which was kept open even after the Member States closed down their embassies in the country and served as an important source of information for the whole Union.²⁹⁵ Besides, current on-going large-scale duplication, occurring in the external representation of the EU and its Member States, could be easily reduced by re-allocating certain functions and competences to the EU Delegations. Huge economies of scale of the EEAS are clearly proved by data collected by Emerson and published in 2011, which showed that the 27 Member States combined (Croatia was not a Member State of the EU at the time) had 3,164 foreign missions and employed 93,912 personnel which cost €7,529 million. Having put the

²⁹² Balfour and Ojanen, ‘Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?’, note 120, p.4

²⁹³ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.39

²⁹⁴ Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.26

²⁹⁵ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.44

figures into comparison with the EEAS, we see that the 27 Member States on average employed one diplomat per 5,335 of the population, while the EEAS employed one member of diplomatic staff per 134, 667 of the population. And whereas budget of the EEAS is €1 per capita, the average budget of the Member States was, at the time, €15 per capita.²⁹⁶ Even though these numbers vary from country to country, and the largest Member States can take advantage of their economies of scale while the some of the smaller Member States spend over €30 per capita,²⁹⁷ none of the Member States can individually benefit from such huge economies of scale as the EEAS. Therefore, expansion of the EEAS' role and competences could lead to economization of national diplomacies and to the elimination of the wasteful duplication. Moreover, it would correspond with the current austerity measures and budget-cutting programmes of many European governments which were mentioned in the previous parts of this chapter. According to Emerson's calculations, if we apply the five-year time horizon of 10% to 25% national budget savings, combined with a 10 to 20 years' time horizon of the EEAS' building at an annual rate of 120 administrative grade diplomats, the subsequent annual net savings in the first 5 years would be €103 million in case of "*moderate restructuring*" (+€47 million for the EEAS and -€150 million of the Member States), or €329 million in case of "*substantial restructuring*" (+€47 million for the EEAS and -€375 million for the Member States).²⁹⁸ Emerson's conclusions are an evident indication of the huge economic potential of the EEAS and should be followed by transfer of more resources and responsibilities from the national diplomacies to the EEAS in order to achieve greater impact and effectiveness. Especially the national austerity measures, which have recently led to closure of many embassies and consulates, should reflect the current or future potential of the EEAS. As Balfour and Raik point out, it would make much more sense to have just one large EU Delegation representing the Union and the Member States in less important capitals, such as Baku or Montevideo, instead of having almost every Member State run their

²⁹⁶ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.10

²⁹⁷ *ibid*, p.54

²⁹⁸ *ibid*, p.58

national embassies in those locations and the EU Delegation spending most of its resources and people on sole coordination of the locally-represented Member States.²⁹⁹ It is therefore evident that transferring further competences and resources to the EU Delegations would not only make European diplomacy more cost-effective but it would also enable the Member States to focus their foreign services on countries and issues of national priority, while relying on the EEAS network elsewhere.³⁰⁰

Second, it is clear that many European countries might be reluctant to close their embassies in many third countries and to completely transfer powers to the local EU Delegation. Nevertheless, the EEAS' wide network of delegations also enables the Member States to apply various burden-sharing measures which do not require the MFAs to entirely surrender their presence in the country. The EEAS brings them the opportunity to take advantage of the EU Delegations' premises in third countries and to share costs for infrastructure or security. Many EU Delegations could be turned into "Houses of Europe" with the EU Member States being located in one or two offices.³⁰¹ These mini-embassies would then replace the superfluously large embassies while still enabling the Member States to remain their active representation in the country. The financial costs would then be shared between the EEAS and participating Member States which would also take care of the practical arrangement in order to avoid increasing the EEAS' financial and administrative burden. National diplomats would maintain their national responsibilities and loyalties and work solely at the service of their countries. Nevertheless, these co-location arrangements would, at the same time, lead to fostering closer ties between the EEAS and national diplomats³⁰² and possibly lead to their closer cooperation and higher levels of willingness to share competences which would, in turn, enable the EU to speak with a more unified voice. These "Houses of Europe" could also serve as temporary stations for roving ambassadors or so called "laptop diplomats" residing either at home or in a different country

²⁹⁹ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.38

³⁰⁰ *ibid.*, p.48

³⁰¹ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.63

³⁰² Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.47

who would be able to use the premises of the EU Delegation at the times of their presence in the country. Moreover, Emerson suggests that each of the “Houses of Europe” could be equipped with one diplomat whose role would be the arrangement of visits of politicians and other high officials of European countries. By taking over this highly time-consuming task, the diplomats employed in the mini-embassies would have more time to focus on other aspects of the local diplomatic representation. So far, not many European countries have availed themselves of the opportunity to co-locate their embassies within the EU Delegations’ premises which would certainly prove beneficial especially for smaller European states. However, many European states have expressed their interest in the co-location arrangements with the EEAS, predominantly Slovenia,³⁰³ and certain Member States have already made considerable efforts to exploit the cost- and burden-sharing potential of the EU Delegations. For example, the British Ambassador to Morocco and Mauritania, residing in Morocco, uses the EU Delegation’s premises when he travels to Mauritania, and Germany, the UK and the Netherlands share a building with the EEAS in Tanzania. Similarly, Luxembourg has established its embassy on the premises of the EU Delegation to Ethiopia.³⁰⁴

Third, another area of possible elimination of duplication is cooperation in political and economic reporting. Currently, there are 28+1 “exclusive” reports being produced by the EU and its Member States on a daily basis in most of the world capitals.³⁰⁵ This enormous duplication and waste of resources could be easily avoided if the Member States agreed to transfer more power to the EEAS and to rely on information-gathering and reporting of the EU Delegations. Many small European states have been forced to slim down the staff of their embassies to only one or a few diplomatic personnel. These diplomats find it extremely difficult to manage daily information-gathering and reporting with other important tasks. Being able to rely on the local EU Delegation’s reporting would enable them to focus on other aspects of diplomatic representation

³⁰³ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.63

³⁰⁴ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.47

³⁰⁵ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.60

of their countries. Moreover, it might prove useful also to bigger Member States which currently employ larger teams of diplomats engaged in reporting. These teams could be either redeployed to do other tasks or at least reduced to only one diplomat taking care of the coordination of reporting with the EU Delegations. Besides, as Emerson points out, the EU Delegations are now fully equipped to provide high-level political reporting, as at least one-third of their staff is formed by rotating diplomats from Member States. These staff are well-trained in national reporting and will be able to ensure production of prime reports for all Member States, the EU and its institutions.³⁰⁶ However, national reporting and information-gathering should not be entirely abolished. Quite the contrary, long-established intelligence sources and systems of research and information-gathering of particular Member States should be used in order to increase quality of the EEAS reporting. As a result, if the EEAS manages to reach the desired quality of reporting, this could help in persuading the Member States' MFAs about the importance of the EEAS and to eventually transfer more competences to the service. Moreover, as Balfour and Ojanen argue,

“nonetheless, developing shared assessments of situations abroad is a necessary precondition to a truly common policy and for a common European security culture - something that can, in turn, contribute to the Union's increased international influence”.³⁰⁷

Fourth, another area of practical and economic burden-sharing is cooperation in consular diplomacy. Provision of consular services tends to be rather labour- and time-consuming which increases the costs for running foreign missions of the EU Member States. Moreover, another issue is that many EU Member States have not established their own consular representation in numerous third countries, especially in the EU neighbouring countries, in Central Asia and in small states all around the world. Hence, they currently have to rely on various agreements with

³⁰⁶ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.60

³⁰⁷ Balfour and Ojanen, 'Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?', note 120, p.5

other EU Member States which support them in provision of basic consular services in the countries which they are not present in. Various facilities of common consular representation have been recently established, such as the common consulate of the Visegrad countries in South Africa, the common visa application centre of 12 EU Member States which has been established on the premises of the Hungarian embassy in Moldova or several *ad hoc* centres, such as the shared visa centre of Belgium, the Netherlands and Spain established in Kiev. It has also become increasingly popular to outsource some parts of consular diplomacy to private companies³⁰⁸ which may reduce the demands on labour force but does not reduce the financial costs. Therefore, certain aspects of consular diplomacy, such as granting of Schengen visa, could be transferred to the EU Delegations in third states. If the Member States could rely on the EEAS in this matter, the need for running consular offices in distant locations would significantly decrease and, as a result, the costs for Foreign Service would shrink. Moreover, granting of Schengen visas is a matter of common European interest and security, as a non-EU national receiving Schengen visa to one country may freely travel to other countries of the Schengen area.³⁰⁹ It would, thus, make sense if it became a competence of the EEAS, instead of individual Member States. Taking over of the processing of Schengen visa applications and their subsequent granting would not only make it more financially- and time-efficient for the EU Member States but, as Emerson claims, “this could have a valuable image-enhancing effect for the EU”.³¹⁰ Strengthening of this consular function of the EEAS is widely supported among some of the Member States, most notably by the Baltic and Benelux countries and Finland.³¹¹

In addition to the visa granting, another example of practical sharing of costs in consular services is cooperation in cases of crisis, such as natural disasters or political and civil unrests in

³⁰⁸ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.61

³⁰⁹ EUROPA, ‘Travel Documents for non-EU nationals’, accessed 15/12/2014, Available online: <http://europa.eu/youreurope/citizens/travel/entry-exit/non-eu-nationals/index_en.htm>.

³¹⁰ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.62

³¹¹ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.48

third countries. Consular protection to European citizens is envisaged also in the Council decision establishing the EEAS:

“The Union delegations shall, acting in accordance with the third paragraph of Article 35 TEU, and upon request by Member States, support the Member States in their diplomatic relations and in their role of providing consular protection to citizens of the Union in third countries on a resource-neutral basis.”³¹²

The Member States widely support the role of the EEAS in coordination of relief efforts in crisis situations and in evacuation of the EU citizens, as they did after the outbreak of the civil war in Syria or during the tsunami in Japan in 2011.³¹³ In addition, coordination of humanitarian aid of the EU and its Member States can be efficiently done by the EEAS and the EU Delegations on the local level.³¹⁴ As was concluded in the 2011 EEAS evaluation report, “over the past year we have also seen that the EU Delegations can play an important role in the coordination of evacuations of citizens and that pragmatic solutions can be found on the ground”.³¹⁵

6.3. Conclusion

Conduct of diplomacy of the EU Member States has clearly changed in the 21st century. Changes occurring in diplomacy on global scale, such as downsizing of diplomatic networks due to the financial crisis, crossing the geographical distances between MFAs and embassies thanks to the advancement in ICT or rising importance of consular and public diplomacy have also affected the EU Member States. Even the EU integration itself has altered the diplomatic conduct of the Member States. At the outset of the 21st century, this led to a wave of criticism by

³¹² Council Decision of 26 July 2010 Article 5(10), note 134

³¹³ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.8

³¹⁴ Balfour and Ojanen, ‘Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?’, note 120, p.4

³¹⁵ European External Action Service, ‘Report by the High Representative to the European Parliament, the Council and the Commission’, 22nd December 2011, accessed 05/09/2014, Available online: <http://eeas.europa.eu/images/top_stories/2011_eeas_report.pdf>., p.8

many politicians and media, claiming that national embassies have become redundant. As a result, German diplomat Karl Theodore Patschke was asked to inspect the new role and changes in German embassies. His report concluded that the embassies' work has changed but they remain important. Tasks such as negotiation with foreign governments or reporting to the home government have lost their importance. They were replaced by new importance put on public diplomacy, investment promotion and "keeping an overall view of the whole spectrum of our relations with our respective partners".³¹⁶

This confirms that the role of diplomacy in Europe has changed but remains as important as before or perhaps even more. The demands and expectations put on diplomacy by the EU public are increasing. EU citizens expect outstanding consular services and the strong international presence of the MFAs. At the same time, the rise of new non-Western powers and the global financial crisis are undermining national MFAs' ability to provide such high-quality diplomatic services. However, emergence of the EEAS brings practical solutions to this situation. Added political and economic value of the EEAS offers national MFAs the opportunity to improve their services while reducing their costs.

However, to reach the full political and economic potential of the EEAS, the EU Member States have to show more willingness to cooperate with the new service.

³¹⁶ Karl Th. Paschke, 'Report on the Special Inspection of 14 German Embassies in the Countries of the European Union', note 261

7. The Interplay of the EEAS and the EU Member States' Diplomatic Services

The 2013 Annual Activity Report of the EEAS stated that one of the crucial strengths of the EEAS is “an increasingly strong partnership with the national diplomatic services of Member States, both in Brussels and in third countries, which is vital to an effective division of labour and the efficient use of resources”. It also concluded that “EU Delegations are the operational focus of the service, working with national Embassies of EU Member States in third countries and multilateral fora on the basis of trust, cooperation and burden sharing in all fields”.³¹⁷

These statements indicate that the cooperation and mutual interplay between the EEAS and the national diplomatic services of the EU Member States is taking place smoothly and does not require improvement. Yet, this is not always the case and the actual success rates of their cooperation vary according to locations and aspects of diplomacy. The less controversial areas of mutual cooperation, such as the sharing of premises or common reporting, tend to work more smoothly, while other aspects of diplomacy require further sharing or transfer of competences from the Member States to the EEAS.

Results of the existing successful cooperation between the EEAS and the EU Member States are becoming more evident, for example, in the total numbers of co-location projects. These projects have been established in 7 countries since the creation of the EEAS between the EU Delegations and Austria (in Belarus), the Czech Republic (in Colombia), Denmark (in South Sudan and in Yemen through Danish Cooperation Office), Finland (in Colombia), France (in South Sudan), Germany (in South Sudan), Italy (in South Sudan), Luxembourg (in Ethiopia), the Netherlands (in South Sudan), Spain (in East Timor, Myanmar, South Sudan and Yemen) and the UK (in South Sudan). These numbers are much higher in comparison to the numbers of pre-EEAS co-locations agreements. The still existing co-location projects, which had been established before the creation of the EEAS, are now continuing as co-locations between the

³¹⁷ European External Action Service, ‘2013 Annual Activity Report’, note 140, p.4

EEAS and France (in East Timor), Germany (in Tanzania), Italy (in Nigeria), Lithuania (in Afghanistan), the Netherlands (in Nigeria and Tanzania) and the UK (in Iraq, Mauritania and Tanzania).³¹⁸ These agreements of shared premises are mostly hosted by the local EU Delegation and occasionally by some of the EU Member States, for instance the British Embassy in Iraq.³¹⁹

In addition, efforts towards achieving successful EEAS – EU Member States cooperation can be seen in the common reporting, information sharing and developing general European diplomatic culture. For instance, in 2011, the EEAS Security Committee was established by the HR/VP. The committee gathered officials from the EEAS, the Commission, the Council and the Member States' external security departments to:

“promote cooperation between the EEAS and the member states regarding policy and technical levels, to provide a forum for best practice exchange and for confidence building as a basis for sharing information and intelligence, and to bring on board member state experts to enhance the EEAS' security and secrecy cultures — a key challenge for the nascent European diplomatic service”.

Already the first meeting of the Committee resulted in an establishment of permanent consultations between Security Directors of the EEAS, the Commission and the Council.³²⁰

Furthermore, according to the 2013 Annual Activity Report, the EEAS, together with the Member States, regularly produces reports on summits, bilateral meetings, EU issues, etc. Production of these reports is based on cooperation meeting at various levels, such as the joint EU HOMs reports which are a result of the cooperation meetings between the European HOMs in the given country. The EU Delegations also distribute other reports, analyses, surveys, assessment and LTTs (Line To Take) on a regular basis.³²¹ However, despite the obvious advantages of common reporting, producing common reports or transferring the reporting

³¹⁸ European External Action Service, '2013 Annual Activity Report', note 140, p.50-51

³¹⁹ *ibid*, p.9

³²⁰ Henökl, 'Conceptualizing the European Diplomatic Space', note 135, p.465

³²¹ *ibid*, p.9

services to the EU Delegations frees the reports from national considerations and interests. Therefore, many critics call for continued producing of strictly national reports. As another issue they often state linguistic problems and argue that common reports in English or French cannot substitute for reports in national languages.³²²

Common reporting is only one example of many cases of criticism the EEAS faces. It is often challenged for both taking too much leadership and for not taking enough leadership. The EU Member States have contradictory opinions on how much power and competences should be transferred to the EEAS which further complicates its proper functioning and the mutual cooperation between the service and national diplomacies. This situation is partially caused by the rather vague articulation of the EEAS' role and competences in the Lisbon Treaty. The following chapter examines the challenges the EEAS faces and their influence on the process of transformation of the EU's diplomacy as well as on the interplay between the EEAS and the EU Member States' diplomatic services. The first part of the chapter analyses the transformation of the EU's diplomacy and pays a lot of attention to comparing the new system to the old one. The second part focuses on various limitations the EEAS faces. This part is divided between financial and technical constraints of the new service and limitations posed by the Member States' unwillingness to recognize the EEAS' leadership role, including complications arising from unclear division of competences. The last part of the chapter evaluates the current state of cooperation and interplay between the EEAS and the Member States' diplomacies.

7.1. The Process and Outcome of Transformation of the EU's Diplomacy

The main driving factor for the transformation of the EU's diplomacy under the Lisbon Treaty was to increase the coherence in the EU's external relations and to avoid duplication. The

³²² Balfour and Ojanen, 'Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?', note 120, p.5

aim was to ensure that the Member States and the Union do not develop and implement contradicting policies and positions or, in better case, that these either complement each other or “sing from the same rhythm sheet”, at best.³²³ Therefore, the TEU stipulates:

“The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative (HR) of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect”.³²⁴

Other objectives of the Lisbon Treaty were to also increase visibility, efficiency and coherence in the EU’s external affairs. Boşilcă argues that the establishment of the EEAS to achieve this goal was “a historical innovation”.³²⁵ Similarly, the very first HR/VP Catherine Ashton argued that the EEAS is “a once-in-a-generation opportunity to build something that finally brings together all the instruments of our engagement in support of a single political strategy”,³²⁶ which, according to Merket, can “enhance the coherence, effectiveness and clout of EU external action”.³²⁷

In order to increase the consistency and coherence in foreign policy and diplomatic representation, the EEAS replaced the former diplomatic system of the EU which was carried out by the rotating Presidency, in aspects of external representation of the Union, and the Commission and its Delegations, in dealing with external aspects of internal policies and international negotiations in trade and development. Balfour and Ojanen claim that the EEAS’ biggest potential lies in its capability to merge “the broad toolbox of EU external action (former

³²³ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.17

³²⁴ Article 21(3) of the TEU

³²⁵ Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.27

³²⁶ Catherine Ashton, ‘Joint Debate on Foreign and Security Policy’, SPEECH/10/82, Strasbourg: European Parliament, March 10, 2010, p.4

³²⁷ Hans Merket, ‘The European External Action Service and the Nexus between CFSP/CSDP and Development Cooperation’, in *European Foreign Affairs Review* 17, no.4 (2012), The Netherlands: Kluwer Law International BV, 2012, p.637

CFSP, Common Security and Defence Policy, and the broad range of external relations managed by the Commission)”.³²⁸

As mentioned before, the establishment of the EEAS not only merged most of the external functions of the Commission and the Council Secretariat into one body, it also transformed the former Commission Delegations into EU Delegations.³²⁹ The transformation into the new system of the EU’s diplomacy has received considerably less attention than the establishment and development of the EEAS in Brussels, despite the Delegations’ much longer history.³³⁰ Nevertheless, the process of transformation of the Commission Delegations to the EU Delegations and the abandonment of the rotating Presidency system in the EU’s external representation are widely perceived as positive, even by the Member States.³³¹ The Member States have generally accepted the new coordinating role of the EU Delegations on the ground.³³² The EEAS evaluation report from 2011 concluded that this transition “has gone remarkably smoothly in bilateral delegations and has been welcomed by third countries”,³³³ although this varied depending on different locations and personalities.³³⁴ Transformation of the EU’s diplomacy and creation of the EEAS has generally been well supported also by the European publics. Repeated results of several Eurobarometer polls have proven that the EU citizens support enhanced competences of the EU in foreign and security policy in order to turn the EU into a more effective global actor.³³⁵

Acceptance of EU Delegations’ leading role on ground in third countries by other HOMS of the EU Member States is a bit more complicated. It heavily depends on the personality,

³²⁸ Balfour and Ojanen, ‘Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?’, note 120, p.1

³²⁹ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.10

³³⁰ Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.24

³³¹ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.21, 26, 52

³³² *ibid*, p.44

³³³ European External Action Service, ‘Report by the High Representative to the European Parliament, the Council and the Commission’, note 315, p.6

³³⁴ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.8

³³⁵ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.64

experience and background of the HOM³³⁶ as well as on locally-deployed ambassadors of the EU Member States, their personalities and their willingness to cooperate. For example, Heads of Delegations coming from national MFAs or the Council Secretariat have been observed to have generally more inclination to engage in informal contacts and cooperation with national diplomats, compared to Heads of Delegations who used to be officials of the Commission.³³⁷ Clearly, national diplomats find it easier to accept the leading and coordinating role of those EU Delegations which are led by a more cooperative Head of Delegation. The level of acceptance is also influenced by the authorities of the third host state and their preference to primarily interact either with the EU Delegation or with the individual Member States.³³⁸

The transition into the EU Delegations and the strengthening of their competences has been significantly easier in less diplomatically important countries, especially in countries in which the EU Member States have fewer political or economic interests, and where either their diplomats' rank is rather modest compared to the rank of the EU diplomats or where the Member State has no representation at all. In these cases, the EU representation does not compete with the national representation and is able to provide excellent added value.³³⁹

Furthermore, as envisaged in the Lisbon Treaty, the transformation of the Commission Delegations into the EU Delegations and expansion of their functions was aimed at improving the continuity and coherence of the EU's diplomatic representation which were often seen as insufficient in the rotating Presidency system. The EU Delegations now dispose of political sections and are entitled to negotiate on the EU's behalf, while the EEAS in Brussels acts as their coordinator. Having a single diplomatic service of the EU prevents the frequent changes in leadership and the major changes of the EU's foreign interests which were an indivisible part of

³³⁶ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.44

³³⁷ Sabina Kajnc Lange, 'Slovenia and the European External Action Service' in *The European External Action Service and National Diplomacies*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.112

³³⁸ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.16

³³⁹ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.44

the Presidency system. The EU has thus achieved continuity of representation over time³⁴⁰ and improved its capacity to promote and reach its interests in foreign policy and to engage with various relevant diplomatic actors.³⁴¹

However, certain advantages of the former rotating Presidency system are often highlighted, when compared to the EEAS. Firstly, the Member States tend to perceive the country holding the Presidency as “one of us” which cannot be said about the EEAS. Secondly, the Presidency countries were also seen as more accessible and easier to be influenced by other Member States. Accessing the highest levels of the EEAS is seen as rather difficult, with an exception of the largest Member States. The access and equality in influence on the EU’s foreign policy and diplomacy was also guaranteed by the principle of rotation. Thirdly, as Balfour and Raik argue, the Presidency countries were considered to have more diplomatic style of communication than the EEAS.³⁴² Fourthly, the EEAS is lacking the manpower for dealing with everyday organizational tasks, required for efficient working of the EU’s diplomacy, which was always brought by the country holding the rotating Presidency.³⁴³ The on-going challenges of the EEAS are discussed in detail in the seventh chapter

Moreover, another issue is the actual assessment of the fulfilment of the objectives of the Lisbon Treaty to increase the coherence and visibility in the EU’s external action. As Smyth points out, it is still unclear whether the Lisbon Treaty adequately answered Henry Kissinger’s well-known question “Who do I call when I want to speak to Europe?”.³⁴⁴ Clearly, these and other drawbacks of the EEAS will have to be resolved in the upcoming years. And, as Hill argues, the tensions between the EU and the Member States caused by creation of the EEAS may gradually lead to re-nationalisation of diplomacy.³⁴⁵

³⁴⁰ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.20

³⁴¹ Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.25

³⁴² *ibid.*, p.52

³⁴³ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.19

³⁴⁴ Smyth, ‘EU External Action After the Entry into Force of the Lisbon Treaty’, note 144, p.64

³⁴⁵ Christopher Hill, ‘A Foreign Minister without a Foreign Ministry – or with ‘Too Many?’’, in Karen E. Smith et al. (eds) *CFSP Forum*, 1(1): 1., Fornet, 2003, p.2

7.2. Challenges to an Efficient and Smooth Interplay of the EEAS and the EU Member States' Diplomatic Services

The EEAS, launched in 2011, is a new service. Given its relatively short history, it should not come as a surprise that it is still working to establish itself as a relevant diplomatic actor. While trying to prove its value to European diplomacy, it has faced criticism and unwillingness to cooperate from the Member States. Already at the very beginning of the EEAS, the service was facing unexpected difficulties caused by its delayed launch, due to problems with the Lisbon Treaty ratification as well as prolonged negotiations on the establishment of the EEAS.³⁴⁶ The environment the EEAS started to operate in was not very favourable either. First having to react to the unexpected Arab Spring, soon followed by the shift of Europe's focus to troubles with the Euro due to the financial crisis as well as traditional turf wars between institutions in Brussels, the service struggled to establish itself, and its external image was damaged.³⁴⁷ Moreover, the EU Member States tended to underplay the position of the new service. Especially the bigger Member States who have not taken enough real action to support the new service.³⁴⁸ Various scholars, for example Emerson, speak of "signs of back-tracking by member states over an effective implementation of the Lisbon Treaty in the external domain".³⁴⁹

As a result, the greatest challenge for the EEAS seems to be the EU Member States and their relative lack of willingness to cooperate and to accept the EEAS' leading role in European diplomatic matters, in addition to practical problems the service needs to deal with on a daily basis. As concluded by Boşilcă, "building a global EU diplomatic service is 'work in progress' and numerous challenges still arise from the present institutional and legal framework".³⁵⁰

³⁴⁶ Behr, Siitonen and Nykänen, 'Rewriting the Ground Rules of European Diplomacy', note 177, p. 3.

³⁴⁷ Staffan Hemra, Thomas Raines and Richard Whitman, 'A Diplomatic Entrepreneur: Making the Most of the European External Action Service', London: Chatham House, 2011, p.1

³⁴⁸ Balfour and Ojanen, 'Does the European External Action Service Represent a Model for the Challenges of Global Diplomacy?', note 120, p.3

³⁴⁹ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.i

³⁵⁰ Boşilcă, 'The European Union – a 'Sui Generis' International Diplomatic Actor, note 121, p.31

7.2.1. Limitations of the New Service

A commonly presented argument explaining the lack of the Member States' willingness to cooperate and to transfer more powers to the new service is that "EEAS is too weak and too new an institution to be able to take over any tasks from the MFAs".³⁵¹ Given its short existence, these arguments are based on the harsh reality of multiple practical challenges the EEAS has been facing.

Firstly, a common working language of the EEAS is missing. For purposes of examining *esprit de corps* within the EEAS, we can use definition developed by Juncos and Pomorska who define this matter as "the emergence of shared beliefs and values among the individuals within a group and a desire among those individuals (in this case, EEAS officials) to achieve a common goal".³⁵² Many scholars agree that strong *esprit de corps* is a precondition to successful and efficient European diplomatic service able to develop a coherent foreign policy.³⁵³ For example, Spence noted that "all the trappings of loyalty, identification and commitment that are customarily associated with diplomacy at the national level must re-appear and be acquired by EU diplomats".³⁵⁴

In theory, *esprit de corps*, which can be also called organizational identity and culture, are believed to travel with people from their original organization to the new one.³⁵⁵ DiMaggio and Powell talk about "isomorphistic adoption", a way of transferring organizational culture by regular contact with other organizations whose conduct of work has been accepted.³⁵⁶ *Esprit de corps* of an organization to a great extent develops this way, especially through systematic formal and informal encounters between people working for an organization. This has generally been

³⁵¹ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.38

³⁵² Ana Juncos and Karolina Pomorska, 'Manufacturing *Esprit de Corps*: The Case of the European External Action Service', in *Journal of Common Market Studies*, Vol 52:2, 2014, p.305

³⁵³ Juncos and Pomorska, 'Manufacturing *Esprit de Corps*', note 352, p.303, 315

³⁵⁴ Spence, 'The early days of the European external action service', note 239, p.123

³⁵⁵ Edoardo Ongaro, 'The European external action service: an organisational analysis and implications for research in a public administration perspective', in *Northumbria University IPPaM Working Paper*, Newcastle Upon Tyne, 2012, p.10

³⁵⁶ Paul J. DiMaggio, and Walter Powell, 'The iron cage revisited: institutional isomorphism and collective rationality in organizational fields', in *American Sociological Review*, Vol 48, 1983, p.147

observed in development of a European *esprit de corps* among national and EU diplomats working together in Brussels as well as in the Delegations abroad. Particularly officials from the Commission are believed to have developed such strong organizational identity. Scholars often claim that this led to their willingness to cooperate in matters of CFSP. This neofunctionalist tendency to transfer loyalties from the national to European levels shaped the way *esprit de corps* has been understood in European studies.³⁵⁷

The same process and outcome has been expected from the EEAS. As Cross observed, “by virtue of being European, spending lots of time together, and engaging in the initial formulation of a new diplomatic institution, EEAS diplomats will naturally identify with one another, and an *esprit de corps* should be virtually automatic”.³⁵⁸

The service itself acknowledged this need in its report on the first year of functioning in which it stated that progress in building a shared organizational culture for the EEAS drawing on the strengths of its component parts”.³⁵⁹ Also the European Parliament’s Foreign Affairs Committee expressed the need for “consolidation of *an esprit de corps* among EEAS staff with various diplomatic culture and institutional background”.³⁶⁰

However, the EEAS acknowledged in its report that, despite some progress already having been made, there was still “scope for improvement” to unify working culture of the new service.³⁶¹ Also, according to Juncos and Pomorska’s research, officials within the EEAS itself complain of the lack of working culture.³⁶² The lack of strong *esprit de corps* has been caused by several factors. The prolonged and rather chaotic process of establishment of the EEAS has

³⁵⁷ Juncos and Pomorska, ‘Manufacturing *Esprit de Corps*’, note 352, p.304-5

³⁵⁸ Mai’a K. Davis Cross, ‘Building a European Diplomacy: Recruitment and Training to the EEAS’, in *European Foreign Affairs Review*, Vol. 16: 4, The Netherlands: Kluwer Law International BV. 2011, p. 453

³⁵⁹ European External Action Service, ‘Report by the High Representative to the European Parliament, the Council and the Commission’, note 315, p. 13

³⁶⁰ European Parliament, ‘Draft Report of the Foreign Affairs Committee with a Proposal for a Recommendation to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Commission to the Council and to the Commission on the 2013 Review of the Organization and the Functioning of the EEAS’, 2012/2253 (INI), 2013a, accessed 28/11/2015, Available online: <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=%2F%2FEP%2F%2FNONSGML%2BCOMPART%2BPE.504.043%2B03%2BDOC%2BPDF%2BV0%2F%2FEN>>, p.9

³⁶¹ European External Action Service, ‘Report by the High Representative to the European Parliament, the Council and the Commission’, note 315, p. 8

³⁶² Juncos and Pomorska, ‘Manufacturing *Esprit de Corps*’, note 352, p.303

disabled proper emergence of an *esprit de corps* leading to a rather low staff morale.³⁶³ The levels of secrecy during the negotiations process certainly did not help the situation. Among other things, the EEAS staff complained about generally lacking transparency and insufficient communication from the leadership, for example in appointing of units' deputy heads. Low staff morale and thus lacking *esprit de corps* has also been caused by the staff's frustration with chaotic processes, such as "unclear reporting system [and] lack of databases for reporting", ³⁶⁴ as well as with the lack of strategic direction and leadership. Especially the latter has been the target of strong criticism, with officials complaining that the EEAS had too many leaders but unified leadership from the HR/VP was missing. As Juncos and Pomorska pointed out, "there is no 'EEAS mission statement' comparable to that of the Council Secretariat General". ³⁶⁵ The lack of efficient leadership has also been often targeted by press, leading to a rather negative image of the service, which surely influence the formation of *esprit de corps* as well.³⁶⁶

In addition to the above mentioned reasons, the staff of the EEAS comes from three different sources: the Council, the Commission and national MFAs, all of which have different working cultures, and finding a way to combine them into a single *esprit de corps* has proven rather challenging. Several studies confirmed that coming from rather distinct backgrounds with diverse mindsets and being used to different conducts of work has led to significant levels of mistrust among the staff coming from different institutions.³⁶⁷ For example, according to Lequesne's findings, the former Commissions officials tend to suspect the nationally seconded diplomats to be recruited to the EEAS just to "impose their statist practices on EU foreign policy".³⁶⁸ The lack of trust and expressions of frustration can also be explained by frequently expressed complaints from the staff not coming from the Commission that the EEAS is too much like the

³⁶³ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.18

³⁶⁴ Juncos and Pomorska, 'Manufacturing *Esprit de Corps*', note 352, p.310

³⁶⁵ *ibid*, p.307-8

³⁶⁶ *ibid*, p.311

³⁶⁷ *ibid*, p.312 & European Parliament, 'Organization and Functioning of the European External Action Service: Achievements, Challenges and Opportunities', EXPO/B/AFET/201207, 2013b, accessed 28/11/2015, Available online: <[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/457111/EXPO-AFET_ET\(2013\)457111_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/457111/EXPO-AFET_ET(2013)457111_EN.pdf)>, p.24

³⁶⁸ Lequesne, 'EU Foreign policy through the lens of practice theory', note 130, p.357

Commission, having adopted very similar processes, for example in “data management, human resources and communication processes”.³⁶⁹ Also Henökl agrees that so far, the EEAS’ conduct of work mostly resembles the DG RELEX.³⁷⁰ Therefore, he expects the staff coming from the Commission to have significantly less problems to adapt to the new environment.³⁷¹ However, instead it appears that many EEAS officials still identify themselves with their previous institutions. This is true especially for the staff coming from the Commission which is generally believed to have very strong *esprit de corps*. Many often express frustrations over being “cut from their brotherhood”.³⁷² Similarly, nationally seconded diplomats have been proven to be difficult to integrate in the *esprit de corps*. This is not surprising, given that they took an oath towards their countries³⁷³ and are expected to return to their home MFAs once their rotational service in the EEAS is over.

Especially in this highly politically sensitive situation, strong *esprit de corps* would have helped the staff to get used to their new environment and would have eased their transition.³⁷⁴ This could have been improved by proper training of the staff. However, there was no official training program at the EEAS until the summer of 2011³⁷⁵ and even since then, the training has been very short and mostly focused on the induction of the newly arriving nationally seconded diplomats.³⁷⁶ Another solution promoting the creation of *esprit de corps* would be sharing of common premises. This has been proven in many EU Delegations where all deployed EEAS (and also the Commission) personell engage in everyday formal and informal encounters, developing a common culture.³⁷⁷ However, in Brussels, not all units are located at the HQ. For example, the units dealing with the CFSP are located at Avenue de Cortenbergh which prevents

³⁶⁹ Juncos and Pomorska, ‘Manufacturing *Esprit de Corps*’, note 352, p.313

³⁷⁰ Henökl, ‘Conceptualizing the European Diplomatic Space’, note 135, p.461

³⁷¹ *ibid*, p.464

³⁷² Juncos and Pomorska, ‘Manufacturing *Esprit de Corps*’, note 352, p.313

³⁷³ Blockmans and Hillion, et al, ‘EEAS 2.0. A legal commentary on council decision 2010/427/EU’, note 236, p.43

³⁷⁴ Juncos and Pomorska, ‘Manufacturing *Esprit de Corps*’, note 352, p.303, 308

³⁷⁵ European External Action Service, ‘Report by the High Representative to the European Parliament, the Council and the Commission’, note 315, p.12

³⁷⁶ Juncos and Pomorska, ‘Manufacturing *Esprit de Corps*’, note 352, p.315

³⁷⁷ Henökl, ‘Conceptualizing the European Diplomatic Space’, note 135, p.463

spontaneous encounters among the staff and reinforces the segregation of the different categories of staff.³⁷⁸ As a result, the prevailing corporate culture at this separate location is the Council culture, distinct from the strong Commission culture at the HQ, since the CFSP originally fell under the Council's competence.³⁷⁹ It is clear that unless the EEAS' leadership takes appropriate measures, the lack of trust and *esprit de corps* will continue to halt the effective functioning of the new service.

Secondly, another pressing issue is the proportional imbalance in terms of budget and personnel between the EEAS and national diplomatic services as well as other European institutions. The limitations to the EEAS' budget and personnel make it virtually impossible to take over more diplomatic functions, such as consular work, without neglecting the already existing functions of the EEAS, such as foreign policy creation and implementation. "The Delegations already complain of being overstretched."³⁸⁰ In 2012, 'The EEAS' budget was only €488,6 million³⁸¹ which made 0,31% of the total budget of the EU for that year (€147,2 billion).³⁸² This amount was similar to the budgets of the Spanish and Dutch MFAs³⁸³ and it accounted for 6,6% of the total expenditure of the EU-27 MFAs in 2009.³⁸⁴ The EEAS' budget for 2013 was a bit higher, it amounted to €508,8 million³⁸⁵ which was still a petty part of the total budget of the EU for the same year (€153,3 billion).³⁸⁶ Another slight increase in the EEAS' budget was

³⁷⁸ Morten Egeberg, 'How bureaucratic structure matters: an organizational perspective', in The Sage handbook of public administration, B.G. Peters and J. Pierre (eds), London: Sage., 2012, p.160

³⁷⁹ Henökl, 'Conceptualizing the European Diplomatic Space', note 135, p.464

³⁸⁰ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.48

³⁸¹ European External Action Service, 'Report on Budgetary and Financial Management – 2012', accessed 25/02/2015, Available online: <<http://www.europarl.europa.eu/document/activities/cont/201304/20130425ATT65198/20130425ATT65198EN.pdf>>, p.3

³⁸² Daniel Keohane, 'The EU's "ludicrous" foreign service budget', 26 April 2012, accessed 25/02/2015, Available online: <<http://fride.org/blog/the-eus-ludicrous-foreign-service-budget/>>

³⁸³ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.38

³⁸⁴ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.53

³⁸⁵ European External Action Service, '2013 Annual Activity Report', note 140, p.12

³⁸⁶ European Commission, 'EU budget 2013: Financial Report', Luxembourg: Publications Office of the European Union, 2014, accessed 26/02/2015, Available Online: <http://ec.europa.eu/budget/financialreport/2013/lib/financial_report_2013_en.pdf>, p.8

approved for the year 2014, its total budget was €519 million³⁸⁷, while the total budget of the EU was €142,6 billion.³⁸⁸ These numbers clearly show the imbalance between the total budget of the EU and the budget available to the EEAS. Especially given that the execution of the total EU budget is managed by the Commission, the tiny proportion of the budget directly controlled by the EEAS, implies its position of “an institution of second order, comparable to a Commission DG with a subordinate character and weak budgetary muscle to flex”.³⁸⁹ Budgets for diplomatic service of individual Member States were presented in the sixth chapter. When taking those numbers into consideration, we can also see a strong disproportion between the EEAS’ budget and national diplomatic budgets, counted per capita.

This imbalance is even worse in the case of personnel. In 2012, the EEAS was employing 3346 staff which made its human resources less than the staff of the seven largest diplomatic services of the EU Member States.³⁹⁰ In 2013, the total amount of the EEAS’ personnel increased to 3374.³⁹¹ If we compare these figures to numbers of diplomatic staff available to national MFAs, presented in the sixth chapter, we can again see a significant imbalance. The problem with the lack of personnel leads to another issue which is the lack of well-trained diplomatic staff. This creates a situation of dependence in which the EEAS depends on the diplomatic and political expertise of diplomatic services of the EU Member States.³⁹² This does not increase either its credibility or its ability to bring satisfying results. As Van Vooren and Wessel put it,

“what is certain from the perspective of the EEAS, is that if the Union wishes to pursue such a role for EU delegations abroad, that significantly more financial and human resources will need to be allocated to the EU diplomatic service”.³⁹³

³⁸⁷ European Court of Auditors, ‘European External Action Service not living up to its potential, say EU auditors’, in *Press Release ECA/14/27*, Luxembourg, 30 June 2014, accessed 26/02/2015, Available Online: <http://europa.eu/rapid/press-release_ECA-14-27_en.htm?locale=FR>

³⁸⁸ European Commission, ‘EU annual budget life-cycle: figures and documents’, November 2014, accessed 26/02/2015, Available Online: <http://ec.europa.eu/budget/annual/index_en.cfm?year=2014>

³⁸⁹ Henökl, ‘Conceptualizing the European Diplomatic Space’, note 135, p.466

³⁹⁰ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.38

³⁹¹ European External Action Service, ‘2013 Annual Activity Report’, note 140, p.49

³⁹² Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.25

³⁹³ Van Vooren and Wessel, ‘The EEAS’ Diplomatic Dreams’, note 116, p.11

However, despite the evident limitations imposed by the EEAS' insufficient budget and personnel, most Member States refuse to increase the EEAS' resources. As a reason they state national budgetary constraints which have been very strict in the economic crisis era. It would be possible to save money by transferring resources and areas of responsibilities, such as consular protection, from national to the European level of diplomacy. Yet, as Balfour and Raik claim, these options have not been really discussed.³⁹⁴ And even though the Member States acknowledge the new role of the EU Delegations, none of them has made an explicit connection between planning of their national diplomatic networks and the networks of the EU Delegations.³⁹⁵ Similarly, Emerson argues that,

“but what seems to be lacking so far is any inclination on the part of the member states to combine national restrictions with a strengthening of the EEAS, with an integrated approach seeking to obtain greater benefits for the EU and member states together, alongside net cost reductions”.³⁹⁶

Boşilcă explains that this happened because of the prolonged ratification of the Lisbon Treaty which made the establishment of the EU Delegations uncertain.³⁹⁷ Therefore, the national MFAs had not been able to rely on a reliable common representation done by the EU Delegations and could not plan their long-term budgets accordingly.

7.2.2. Turf Wars for Leadership

The budgetary constraints of the EEAS form a serious problem which needs to be solved. However, in order to gradually increase the annual budgets of the EEAS, the EU Member States must be convinced of the added political and economic value of the new service. And in order to prove its value, the EEAS needs to have the power and authority to carry out different functions, based on its mandates. The rather vague formulation of powers and

³⁹⁴ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.39

³⁹⁵ *ibid.*, p.46

³⁹⁶ Emerson et al., ‘Upgrading the EU’s Role As a Global Actor’, note 124, p.59

³⁹⁷ Boşilcă, ‘The European Union – a ‘Sui Generis’ International Diplomatic Actor’, note 121, p.26

competences of the EEAS has led to different and contradictory interpretations of its mandates. As Balfour and Raik point out, the EEAS is, on one hand, supposed to coordinate and lead the Member States' diplomacies and foreign policies as well as the European collective external action and create new ideas. On the other hand, it shall not challenge national diplomatic services or interfere with foreign interests of the Member States.³⁹⁸

The EEAS and its Delegations can only efficiently coordinate if the Member States allow it to coordinate. And more importantly, it can only efficiently lead if the Member States accept its leadership position. The problem the EEAS faces is complicated. It will not be able to provide leadership, unless the Member States allow it to take over and agree to transfer some powers to the service. At the same time, the EEAS cannot efficiently persuade the Member States of its real value without taking the leadership role.³⁹⁹ This Catch-22-like situation is even more difficult because of the current expectations and positions of the Member States. They claim that the EEAS already has the necessary means to ensure effective coordination and to take on the leadership. However, they are refusing to grant the service more competences and powers which prevents the EEAS from establishing an effective leadership. Most Member States are waiting for the EEAS to prove its added value and, according to Balfour's and Raik's findings, "no member state is planning to shift the balance in foreign policy-making towards the EEAS", including the countries most committed to the EU integration, such as Germany or Italy.⁴⁰⁰ Other states, such as the UK, oppose any enhancements of the EU's role as a diplomatic actor.⁴⁰¹

These contradictory expectations from the EEAS severely complicate its efficient functioning. The EEAS is not seen as a leader but rather as the 29th diplomatic service of the EU which naturally leads to competitive relations between the EEAS and national diplomacies.⁴⁰² Despite the EEAS' efforts to highlight that it is not trying to replace national foreign services but

³⁹⁸ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.13

³⁹⁹ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.29

⁴⁰⁰ *ibid*, p.26

⁴⁰¹ *ibid*, p.31

⁴⁰² Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.33

is only aiming to provide added political and economic value to European diplomacy,⁴⁰³ the Member States feel threatened by the new service and are willing to transfer competences to various but only limited levels. Especially the UK and the Czech Republic seem to be leery and concerned about the service's possible eventual attempts to take over of more diplomatic competences. All Member States accentuate that the role of the EEAS must be complementary to national foreign services and that duplication must be avoided.⁴⁰⁴ They all argue that the purpose of the new service is not to replace national MFAs which must keep their sovereignty and leading role in promoting national interests in foreign policy.⁴⁰⁵ After all, as argued by Austermann, "diplomatic representation still touches very sensitively on member states' sovereignty".⁴⁰⁶

Similar concerns apply to the EU Delegations which may be seen as a threat to national embassies. Representatives of third countries are likely to choose to knock on the EU's one common door, instead of dealing with individual Member States, which may deprive the Member States of their powerful positions and visibility. The common representation, done by the EU Delegations and the Heads of Delegations, means that especially the smaller European states lose the chance to improve their international visibility and to bring their national interests in foreign policy to the European agenda, as they could in the system of rotating Presidency.⁴⁰⁷ New lack of visibility is also worrying for foreign ministers who need visibility for their electorate, as they are firstly politicians and only then diplomats.⁴⁰⁸ Moreover, some Member States highlight that the EU Delegations should only assume the coordinating position and to not act as a leader of the European representation in third countries. They criticize the EU Delegations for representing the EU without having authority to do so. They also emphasize that policy initiative and proposals must be done at the Brussels level, in cooperation with capitals, and that the EU

⁴⁰³ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.33

⁴⁰⁴ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.8

⁴⁰⁵ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.26, 33

⁴⁰⁶ Austermann, 'Towards Embassies for Europe? EU Delegations in the Union's Diplomatic System', note 187, p.8

⁴⁰⁷ Boşilcă, 'The European Union – a 'Sui Generis' International Diplomatic Actor', note 121, p.26

⁴⁰⁸ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.19

Delegations' role is to only implement the policies.⁴⁰⁹ At the same time, the EU Delegations are criticized by some Member States for not taking enough action and other Member States would like to see more initiative in foreign policy formulation being taken by the Delegations.⁴¹⁰ As a result, the lack of unity shown by the EU Member States has been badly received by third countries which feel disappointed and confused after the failure of "the Lisbon promise of a more united European Union".⁴¹¹

Moreover, Emerson argues that

"there are evident tensions between the member states and the EU institutions over the EU's place in international affairs in terms of competition for resources and influence between the national foreign ministries of the member states, the new EEAS and Commission".⁴¹²

Emerson's argument hints also at a leadership war at another level – the institutional level between the EU institutions, namely between the HR/VP, the Commission and the Council. This potential for conflicts is caused by the Lisbon Treaty's attempt to ensure consistency through giving overlapping roles to the heads of these institutions. The ambiguous delimitation of authorities then leads to tensions and struggles for power in external representation between these bodies. However, Koehler argues that the emergence of the EEAS has the potential to minimize these conflicts and ensure higher efficiency and coordination of the Union's external relations, thanks to its unique *sui generis* character which separates it from the Commission and the Council Secretariat. In addition, its personnel, composed of staff coming from the Commission, Council and national MFAs, should be able to further strengthen coherence among the institutions.⁴¹³

⁴⁰⁹ Austermann, 'Towards Embassies for Europe? EU Delegations in the Union's Diplomatic System', note 187, p.7

⁴¹⁰ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.46

⁴¹¹ Austermann, 'Towards Embassies for Europe? EU Delegations in the Union's Diplomatic System', note 187, p.7

⁴¹² Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.52

⁴¹³ Koehler, 'European Foreign Policy After Lisbon', note 217, p.71-72

7.2.3. Cases of Intricate Shared Competences

The highly complex system of various categories of competences, discussed in previous chapters, requires efficient communication and understanding between institutions, mostly because in cases of shared and parallel competences, the EU's act of exercising its competence shall never prevent the Member States from exercising theirs. Therefore, in reality, decisions on exercising of competences are decided on case-to-case basis.⁴¹⁴ Unsurprisingly, some of these cases are highly problematic.

Problems often arise when the EU presents a diplomatic statement on its behalf, as was argued by Van Vooren and Wessel. According to the Council of the European Union's decision from 2011, "Member States may complement statements made on behalf of the EU whilst respecting the principle of sincere cooperation".⁴¹⁵ Also "the duty of cooperation", expressed in Article 4(3) of the TEU, prevents the Member States from publically saying anything that would contravene the EU's statement. Some MFAs still tend to publish statements on issues already addressed by the EU. The usefulness of the Member States publically repeating the same thing which has already been said by the EU seems senseless, except for the sole purpose of strengthening the visibility of national MFAs and Foreign Ministers. However, legally speaking, "the duty of cooperation" obligates the Member States to respect "the EU institutional process" and that the EU will defend their interests, as a consequence of their membership.⁴¹⁶ Therefore, as Van Vooren and Wessel claim, when the EU decides to issue international statements, in most cases this brings along the Member States' "duty to remain silent", even when the issue concerned falls under the shared competences.⁴¹⁷ "Thus, the arrangement rather goes against

⁴¹⁴ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.28-29

⁴¹⁵ Council of the European Union, 'EU Statements in multilateral organisations – General Arrangement', 24 October 2011, DGK 1 15901/11, accessed 24/02/2015, Available online;<<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015901%202011%20INIT>>, p.3

⁴¹⁶ Opinion of Advocate General Maduro, 'Case C-246/07 Commission v. Sweden' in *Stockholm Convention on persistent organic pollutants*, 1 October 2009, para 49 & 56, found in Wessel and Van Vooren, 'The EEAS' Diplomatic Dreams', note 115, p.5

⁴¹⁷ Joris Larik and Andrés Delgado Casteleiro, 'The Duty to Remain Silent: Limitless Loyalty in EU External Relations', in *European Law Review*, 2011 and Bart Van Vooren, 'EU External Relations Law and the European

well-established legal interpretations of shared competence and the duty of cooperation, and seems hardly conducive to the unified diplomatic actor the Lisbon Treaty and EEAS sought to create.”⁴¹⁸

Similar issues arise in different areas of diplomacy, for example in cases of procedures and organization of visits or meetings of Commissioners and the HR/VP with third countries’ representatives or international organizations,⁴¹⁹ or in issues which challenge the “notions of nationality” of the Member States, such as the consular protection.⁴²⁰ Especially consular protection is a rather intricate issue which has caused a strong division among the Member States’ desires on whether to allow the EEAS to provide consular protection to the EU citizens or not. Some Member States would welcome the EU Delegations’ support in provision of consular assistance mostly with aim to decrease costs. For example, the Netherlands has already openly expressed interest in the benefits which may arise from transfer of consular services to the EEAS.⁴²¹ Others are strongly opposed to any such development which they see as “a national competence”.⁴²² Even some scholars, such as Lindström, insist that “consular protection is an area of Member State competence and Member State competence solely”.⁴²³

These were just a few examples of issue the EEAS needs to resolve. And as a federal system in which the EEAS gains exclusive competence over the EU’s external relations is not likely to emerge, a hybrid system of shared competences will have remain the *modus operandi*. Hence, the EEAS will have to find an acceptable balance in procedures of sharing its

Neighbourhood Policy: A Paradigm for Coherence, 2012, found in Wessel and Van Vooren, ‘The EEAS’ Diplomatic Dreams’, note 116, p.5

⁴¹⁸ Van Vooren and Wessel, ‘The EEAS’ Diplomatic Dreams’, note 116, p.5

⁴¹⁹ *ibid*, p.7

⁴²⁰ Patrizia Vigni, ‘The Protection of EU Citizens: The Perspective of International Law’, in Joris Larik and Madalina Moraru et al., ‘*Ever-Closer in Brussels – Ever-Closer in the World? EU External Action after the Lisbon Treaty*’ in *EUI Working Papers LAW 2011/10*, Florence: European University Institute, Department of Law, October 2011, accessed 24/02/2015, Available online: <http://cadmus.eui.eu/bitstream/handle/1814/18296/LAW_2011_10.pdf>, p. 92 and 101-102, found in Van Vooren and Wessel, ‘The EEAS’ Diplomatic Dreams’, note 116, p.14

⁴²¹ Netherlands Ministry for Foreign Affairs, ‘Nota modernisering Nederlandse diplomatie’, 8 April 2011, accessed 24/02/2015, Available online: <<http://www.rijksoverheid.nl/documenten-en-publicaties/notas/2011/04/08/nota-modernisering-nederlandse-diplomatie.html>>, p.10

⁴²² European External Action Service, ‘Report by the High Representative to the European Parliament, the Council and the Commission’, note 315, p.8

⁴²³ Madelene Lindström, ‘EU Consular Protection in Crisis Situations’, in Stefan Olsen (ed.), ‘*Crisis Management in the European Union: Cooperation in the Face of Emergencies*’, Berlin/Heidelberg: Springer, 2009, p. 122.

competences with the Member States and to prevent any complications which may imperil this balance.⁴²⁴

7.3. Current State of Interplay of the EEAS and National MFAs

This vicious circle prevents the EEAS to act as an efficient and powerful leader, especially in the aspects of high importance for the Member States' diplomacies. It does not come as a surprise that reaching consensus between the EEAS and national diplomacies and granting the EU Delegations more competences seems to be much easier in non-priority aspects or in remote or less important geographical regions. In these cases, the EEAS' added value in burden-sharing and costs-decreasing as well as its added political value can be easily advocated.⁴²⁵ Therefore, generally, the cooperation between the EU Delegations and national embassies in remote locations or between the EEAS and national MFAs in aspects of lesser political salience seems to be going much smoother.

Yet, as Balfour and Raik argue, "the real challenge is to overcome the differences in order to work together in the best possible ways and on a broader and deeper range of issues, beyond the smaller areas on which consensus is reached".⁴²⁶ The Member States insist on their diplomatic presence and individual voice in the most important world capitals, such as Washington, Beijing, Moscow or Tokyo. Similarly, important diplomatic issues, such as security, including control of arms export, disarmament and intelligence as well as commercial diplomacy, remain at hands of national diplomats.⁴²⁷ However, it is these key locations or areas of diplomacy in which the EU needs to prove itself as a powerful and relevant global diplomatic actor and in order to do so, it needs to speak with one unified voice. The EEAS' coordinating role is also more important in

⁴²⁴ Emerson et al., 'Upgrading the EU's Role As a Global Actor', note 124, p.9

⁴²⁵ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.36

⁴²⁶ *ibid*, p.29

⁴²⁷ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.4

these locations, as the Member States tend to prefer national reporting and taking national actions over the collective ones.⁴²⁸

Taking collective action in priority areas is further complicated by almost all Member States which would like to see more leadership by the EEAS, yet in different areas. While France demands more EEAS leadership in matters of security and defence and in Africa, Poland focuses on Ukraine and Eastern Europe, Finland pushes for stronger EU presence in the EU-Russia and EU-Arctic relations and Sweden, Slovenia and the Netherlands would like to see stronger European diplomacy in human rights issues.⁴²⁹ Furthermore, Germany and the Netherlands would like to transfer certain additional functions from the Commission to the EEAS, such as development assistance and neighbourhood policy. The Netherlands has also expressed interest in common reporting and consular cooperation.⁴³⁰

7.3.1. Foreign Policy Integration

Furthermore, the Member States are divided not only in matters of areas of collective action. What divides them even more are their various attitudes towards general integration and cooperation in foreign policy and diplomacy. In this regard, we can apply the well-known concept of Europeanization to foreign policy integration. According to this concept, different attitudes can be taken and implemented by the Member States. Some Member States tend to “upload” their preferences and interests in foreign policy to the European level to achieve various levels of power multiplication through the EU’s resources, contacts or engagement.⁴³¹ This is more common for middle-sized and small Member States, lacking the resources to achieve their goals individually.⁴³² “Uploading” national foreign policies into the EEAS reflects also a deeply rooted perception by national diplomats that “a foreign policy has no meaning if it is not

⁴²⁸ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.46

⁴²⁹ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.8

⁴³⁰ *ibid.*, p.10

⁴³¹ Patrick Müller and Nicole Alecu de Flers, ‘Applying the Concept of Europeanization to the Study of Foreign Policy: Dimensions and Mechanisms’, in *Working Paper Series, No. 05/2009*, Vienna: Institute for European Integration Research, November 2009, accessed 25/02/2015, Available online: <<https://eif.univie.ac.at/downloads/workingpapers/wp2009-05.pdf>>, p.13

⁴³² Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.34

controlled by states, and especially big states, because the international system remains inter-statist”.⁴³³ Others choose a rather passive approach of “downloading” European policies and applying them to their national foreign policies.⁴³⁴ This can be observed to the greatest extent in case of Germany which, according to Balfour and Raik, “has been the most adaptive among the big member states and ready to accept further limitations to national sovereignty”. Moreover, two other approaches (“offloading and cherry-picking”) are common. Some Member States willingly “offload” some of their competences to the EEAS, often due to their inability or unwillingness to cover these areas of diplomacy.⁴³⁵ Others tend to choose, or “cherry-pick,” only some aspects of the European foreign policy and common diplomatic representation, either in areas which they believe consensus can be reached⁴³⁶ or based on their preferences, national interests and perceptions of the best possible gains.

Practical outcomes of these different approaches to integration of foreign policy and common diplomatic representation can be easily seen. The results of “uploading” can be seen, for example, in the list of “Strategic Partners” which includes Mexico, as a result of direct Spanish influence on the European foreign policy. Similarly, the Baltic countries push for closer EU-Russia relations which would reflect and boost their past and present ties in the region, and Slovenia uses the EU’s power to help stabilize the situation in the Western Balkans. A typical example of a country with a “cherry-picking attitude” is the UK which tends to remain rather sceptical when it comes to uploading national interests to the European diplomacy and insists on maintaining full sovereignty in its foreign policy. The UK also does not consider the EEAS a multiplier of its power globally. However, there are areas in which the UK sees the EEAS’s added value. These “cherry-picked” areas include the EU’s sanctions against Syria, its role in talks

⁴³³ Lequesne, ‘EU Foreign policy through the lens of practice theory’, note 130, p.356

⁴³⁴ Müller and de Flers, ‘Applying the Concept of Europeanization to the Study of Foreign Policy: Dimensions and Mechanisms’, note 431, p.17

⁴³⁵ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.34

⁴³⁶ Nicholas Wright, ‘How far has the CFSP ‘Europeanized’ the national foreign policy objectives of Member State?’, prepared to be presented at the EUSA Twelfth Biennial International Conference, Boston, March 2011, accessed 25/02/2015, Available online: <http://www.euce.org/eusa/2011/papers/6l_wright.pdf>, p.4

with Iran as well as the EU's new missions and policies in the Horn of Africa. All these areas are expected to strengthen the UK's positions.⁴³⁷ Here, hence, the EU is seen as a power multiplier.

Balfour and Raik collected and evaluated different attitudes of Member States regarding integration of foreign policies and common diplomacy. In their 2013 report, they came to the following conclusions. The countries which are the most in favour of deeper integration of foreign policy are Germany, Italy and Sweden, followed by Poland, Finland and some other Member States supporting this trend. Especially Germans consider themselves to be "good Europeans" and perceive the closest connection between the national and European levels of foreign policy making. Sweden, Poland, Portugal and Finland have a bit more cautious view of the common European foreign representation and see the EU more as a power multiplier, serving to promote national interests. Greece and Estonia also strongly support European integration of foreign policy, although not in all areas. On the other hand, France emphasizes the importance of its national interests. Therefore, France is mostly trying to shape European foreign policy to make it as close as possible to French interests in foreign policy. Here again, the EU and EEAS are seen a power multiplier enabling France to maintain its position of a global power. The UK has chosen an even more pragmatic approach to the EEAS which should, from London's point of view, stick to only some areas of diplomacy, such as diplomatic coordination, sanctions and management of civilian crises. The Czech Republic became the most sceptical one among the researched Member States. According to Balfour's and Raik's findings, for the Czech "the EU is seen to boost national foreign policy and give it more global outreach, but further integration is deemed unwelcome".⁴³⁸

7.3.2. Communication between the EEAS and National Diplomats

The lack of mutual trust is clear. Not only trust between the EEAS and the Member States but also among the Member States themselves. Individual national interests in foreign

⁴³⁷ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.34-36

⁴³⁸ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.5-6

policy, especially in commercial diplomacy, as well as economic and political competition among the Member States have caused severe gaps in their trust in one another.⁴³⁹ Furthermore, many Member States have been complaining about insufficient information-sharing and transparency of the EEAS.⁴⁴⁰ This has led them to question the foreign agenda of the EU and to suspect excessive influence of the “big three” Member States (Germany, France and the UK). The lack of centralized EEAS leadership makes it easier for the big Member States to push for their interests to appear on the agenda. This situation is worrying especially for smaller Member States which argue that “leadership by the HR/VP must not mean leadership by London, Paris and Berlin”. They have also been complaining about receiving not enough information and receiving it too late. The only exception seems to be the Czech Republic which is more worried about the EEAS’ leadership than about the excessive influence of the “big three”.⁴⁴¹

At the same time, the flow of information from the national MFAs to the EEAS is argued to be even worse.⁴⁴² This is in spite of the fact that especially diplomats of the bigger Member States claim to have active and regular contact with their counterparts in the EEAS.⁴⁴³ For instance, German diplomats expressed overall satisfaction with frequency and intensity of the cooperation with their colleagues in the EEAS at all levels of diplomatic rankings and of all nationalities, claiming to be in touch with them on a weekly or sometimes even daily basis. According to Balfour and Raik, no other Member State has closer ties to the EEAS than Germany. Also in regard to the cooperation with the EU Delegations in third countries, an internal poll of the German MFA showed that 95% of German diplomats are satisfied with the current level of cooperation.⁴⁴⁴ Another big Member State, France, seems to be satisfied with the current frequency and scope of contacts with the EEAS as well. French diplomats observed an

⁴³⁹ Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.26

⁴⁴⁰ *ibid.*, p.53

⁴⁴¹ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.8

⁴⁴² Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.53

⁴⁴³ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.8

⁴⁴⁴ Cornelius Adebahr, ‘The ‘Good Europeans’: Germany and the European External Action Service’ in ‘*The European External Action Service and National Diplomacies*’, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.16-17

increase in information-sharing, especially among the EEAS and the “big three”. French MFA especially welcomes the frequent conference calls between the EEAS, France, Germany and the UK.⁴⁴⁵ The British Foreign Office is also satisfied with its cooperation with the EEAS, both at the Brussels and Delegations level.⁴⁴⁶ Similarly, Italian diplomats also expressed their satisfaction with the scope and frequency of their contacts with the EEAS’ diplomats.⁴⁴⁷ Also Finnish diplomats are generally satisfied with the current situation. And while contacts between the EEAS and the Finnish MFA have not significantly changed, compared to the pre-Lisbon times, the frequency of contacts between the Finnish diplomats in third countries and the EU Delegations has increased. However, some Finns would suggest more pro-activity in their relations to the EEAS.⁴⁴⁸ Poland is also generally satisfied with its contacts with the EEAS. Polish diplomats often highlight high professionalism of the EEAS’ diplomats and positively assess their contacts with the service. The current satisfying situation is partially a result of the period of Polish Presidency during which the contacts between the Polish MFA and the EEAS intensified significantly.⁴⁴⁹ Greece, too, is satisfied with its contacts with the EEAS, although it would appreciate more meetings and interaction with the EEAS diplomats.⁴⁵⁰

Sweden, on the other hand, does not seem to value the increase in intensity of contacts with the EEAS as highly. Swedish diplomats complain of having difficulties with receiving documents on time and with reaching relevant EEAS’s experts. They generally suspect that the diplomats of larger Member States have it much easier to get in touch with their counterparts in

⁴⁴⁵ Fabien Terpan, ‘In search of leadership: French expectations of the European External Action Service’ in *‘The European External Action Service and National Diplomacies’*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.134

⁴⁴⁶ Caterina Carta and Richard Whitman, ‘The United Kingdom and the European External Action Service’ in *‘The European External Action Service and National Diplomacies’*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.142

⁴⁴⁷ Andrea Frontini, ‘Allegro ma non troppo: The European External Action Service and Italian Diplomacy’, in *‘The European External Action Service and National Diplomacies’*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.28

⁴⁴⁸ Kristi Raik, ‘Finland and the European External Action Service’, in *‘The European External Action Service and National Diplomacies’*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.57

⁴⁴⁹ Grzegorz Gromadzki, ‘Poland and the European External Action Service’ in *‘The European External Action Service and National Diplomacies’*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.69

⁴⁵⁰ Ruby Gropas and George Tzogopoulos, ‘Greece and the European External Action Service’ in *‘The European External Action Service and National Diplomacies’*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p. 121-122

the EEAS.⁴⁵¹ A similar view is held by Portuguese diplomats who emphasize that information exchange between the EEAS and national MFAs must be strengthened and conducted in more transparent ways, avoiding the asymmetry among the Member States in which the biggest countries tend to get their hands on documents earlier than others. Despite this, Portuguese diplomats appreciate the professionalism and competence of their counterparts in the EEAS and increase in their mutual contacts and access to information.⁴⁵² Similar contradicting perceptions of the current situation are common at the Czech MFA. The cooperation between the MFA and the EEAS is considered professional and correct and the EEAS staff is described as collaborative, however, the flow of information is not seen as sufficient, due to the lack of a shared information system. More problematic seems to be the working relations between resident missions and EU Delegations. The levels of cooperation vary from case to case but generally they are deemed negative, especially caused by lack of communication from EU Delegations and their loyalty to Brussels, instead of to Member States' diplomacies. Nevertheless, Czech diplomats understand that communication problems are partially caused by incomplete establishment of communication rules and procedures which are expected to improve over time. Yet, as EU Delegations bring proven added value, they are seen rather positive.⁴⁵³ Complaints can be heard also from the Dutch MFA. The Netherlands complain that documents arriving from the EEAS are of low quality and arrive late, although slight improvement has been observed. On the other hand, at least the contacts between Dutch and EEAS diplomats have become more frequent, especially among officers at regional and country desk departments.⁴⁵⁴ Only partial improvement in contacts is also seen by Slovenian diplomats. While frequency and efficiency of contacts at

⁴⁵¹ Mark Rhinard, Jakob Lewander, Sara Norrevik, 'Sweden and the European External Action Service' in *The European External Action Service and National Diplomacies*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.39

⁴⁵² Laura C. Ferreira-Pereira and Alena Vysotskaya G. Vieira, 'Portugal and the European External Action Service' in *The European External Action Service and National Diplomacies*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.92

⁴⁵³ Vit Beneš, 'The Czech Republic and the European External Action Service' in *The European External Action Service and National Diplomacies*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.156

⁴⁵⁴ Louise van Schaik, 'The glass is half full: The EEAS through Dutch eyes' in *The European External Action Service and National Diplomacies*, Balfour and Raik et al. (eds), Brussels: European Policy Centre, March 2013, p.103

operational level has improved, mostly due to the permanence of desk officers in Brussels, the contacts between officials at the highest levels are missing. Slovenes complain about the lack of responsiveness and dialogue between Managing Directors of the EEAS and Slovenian MFA. As a consequence, many smaller Member States, like Slovenia, tend to look for allies in other Member States to gain enough political power to get desired items on the European foreign policy agenda. As one Slovenian diplomat claimed, “While there was once solidarity with the chair, it was now all about building coalitions against the chair”.⁴⁵⁵

Even if some Member States express certain levels of dissatisfaction with their relations with diplomats the EEAS, all MFAs claim to keep active contacts with their national diplomats seconded to serve in the EEAS. These seconded diplomats are often seen as important sources of information to their home MFAs. Therefore, encouraging national diplomats to apply for senior positions in the EEAS and lobbying to get them there has become a priority for almost all MFAs. Larger Member States encourage their diplomats’ participation in the EEAS by making it beneficial for advancement of their further careers at their national MFAs. Other countries consider the time served in the EEAS as equal to field jobs of the MFA. However, some smaller countries, mainly Greece, are worried about their best diplomats leaving to serve in the EEAS which offers considerably higher salaries. Moreover, many European diplomats welcome the chance to serve certain time in the EEAS as they see it as a chance to develop a European diplomatic culture.⁴⁵⁶

7.4. Conclusion

The priority areas for diplomatic cooperation differ. So do the levels of commitment and willingness to integrate foreign policies and to transfer competences to the EEAS. Similar differences are also observed in the levels of cooperation and the frequency of contact between

⁴⁵⁵ Lange, ‘Slovenia and the European External Action Service’, note 337, p.112

⁴⁵⁶ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.2

national MFAs and their diplomats and the EEAS. However, what the Member States do have in common is the belief that the EEAS must not replace national MFAs and diplomatic services, even in spheres in which EU support can significantly multiply the diplomatic impact, for example in Eastern Neighbourhood partnerships with Eastern European Member States.⁴⁵⁷ Similarly, even the Member States which do support strengthening of the EEAS, in areas such as common reporting or coordination by the EU Delegations, insist that this must not be done at the expense of national diplomatic services. The survival instinct of national MFAs and issues of state sovereignty as well as demands for national control pose further challenge to common representation and practical burden-sharing efforts.⁴⁵⁸

Creation of the EEAS and transition into EU Delegations threaten the visibility and powers of national MFAs and embassies which then struggle to keep their role as relevant diplomatic actors and thereby pose further limitations to full development of the EEAS' functions and image abroad. Due to the MFAs' reluctance to transfer more powers to the new service, to acknowledge its leading role and to see more than just a coordinating actor, the EEAS is often seen only as the 29th diplomatic service of the EU or "a secretariat for national foreign ministries", instead of acting as a leader of European diplomacy and a prime shaper of European foreign policy agenda.⁴⁵⁹

In 2013, Balfour and Raik observed that "so far, neither partnership nor rivalry has become the dominant mode of the relationship".⁴⁶⁰ Despite all practical, political and legal challenges posed to proper functioning of the EEAS, the new service has a big potential to bring significant added value to the Member States. Many recent examples of successful diplomatic cooperation, for example in the Balkans, Iran, Syria, the Horn of Africa or Sahel,⁴⁶¹ showed that despite the Member States' reluctance to accept the EEAS' leadership, they are well aware of its

⁴⁵⁷ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.36

⁴⁵⁸ *ibid*, p.37-38

⁴⁵⁹ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.2

⁴⁶⁰ Balfour and Raik, 'Equipping the European Union for the 21st century', note 127, p.33

⁴⁶¹ *ibid*, p.28

potential and are ready to use it. However, an improved and smooth interplay of the EEAS and national diplomacies is necessary to reach desired legitimacy and efficiency of the new service.⁴⁶² And as Batora and Hocking concluded, “rather than a zero-sum relationship, Member States and the EU as a collective foreign policy actor may operate along-side, across and in tandem with one another”.⁴⁶³

⁴⁶² Balfour and Raik, ‘Equipping the European Union for the 21st century’, note 127, p.13

⁴⁶³ Jozef Batora, and Brian Hocking, ‘Bilateral Diplomacy in the European Union: Towards ‘post-modern’ patterns?’, in *Discussion Papers in Diplomacy*, The Hague: Netherlands Institute of International Relations Clingendael, April 2008, p. 6.

8. Conclusion

What emerged at the beginning of the 20th century in form of bilateral diplomacy, also known as “old diplomacy”, is often condemned by many critics who see it as outdated and obsolete. Indeed, the rules and perceptions of diplomacy envisaged in the Vienna Convention on Diplomatic Relation of 1961 were quite far from the reality of the diplomatic conduct of the 21st century. All major changes brought by globalization, which were described in detail in the fourth chapter, have had a strong impact on the current conduct and role of diplomacy. Constantly evolving international environment and the accelerating speed of its transformation have had profound impacts on the tasks governments, public and media expect professional diplomats to perform. Diplomatic services of states all around the globe have had to adjust their practices to the wider changes in society and politics, in order to boost their power positions and effectiveness. Taking advantage of the newest advances of ICT, putting much greater emphasis on public and consular diplomacy, encompassing a whole range of non-state actors into diplomatic negotiations and implementing various cost-saving and effectiveness-boosting measures are examples of the most striking changes in diplomatic patterns.

Many of these effects of globalization, such easy access to information through rapid advancement of Internet and electronic media, the rise of non-state actors or the on-going efforts to downsize budgets for diplomatic services, seem to undermine the role and utility of diplomacy in the world of the 21st century. Yet, diplomacy not only maintains its importance, one can argue that it is now more important than ever before. It has become a crucial tool of managing flows of relations in the closely interconnected world of the 21st century. What has changed is the focus and form of diplomacy. Focus of MFAs and diplomats has been shifted from high bilateral diplomacy to low diplomacy and multilateral diplomacy, with aim to boost their country’s reputation abroad and to efficiently cooperate with other state and non-state actors. Commercial and public diplomacy have gained primacy globally. Consular diplomacy and protection of a country’s citizens and economic assets is much more important than ever before. MFAs of all

countries around the world are trying to keep up with the technological developments of the 21st century and implement them in their diplomatic services in order to minimize the physical distance between various units of their diplomatic networks. Moreover, they attempt to decrease their costs for foreign representation while, at the same time, trying to provide high-quality consular services to substantially increased numbers of their citizens abroad. In addition, regionalism has gained profound importance in the last decades. Almost every country of the world is currently a member of one or more regional organizations. Governments and MFAs are now fully aware of the importance of international cooperation in various fields, especially within geographical regions. This has naturally led to the increased significance of multilateral diplomacy. However, traditional bilateral diplomacy still matters.

The rising importance of diplomacy on the global scale has clearly influenced the role diplomacy plays for the EU Member States and changed patterns of their conduct of diplomatic service. For instance, rapid advancement of electronic media which has enabled constant access to information has increased the European public's demands to transparent and high-quality public and consular diplomacy. So has the rise in overseas travel of EU citizens. All these factors increased the demands and expectations put on diplomatic services of the EU. However, while the public demands on diplomacy are rising, the practical and financial challenges to diplomacy are making it extremely difficult for the European MFAs to reach their targets. Substantial cuts to national budgets for diplomacy, forcing MFAs to close down their embassies, to reduce diplomatic personnel and to generally downsize their spending, are undermining the efforts of diplomatic services to achieve the desired political, diplomatic and economic outcomes and to fulfil the expectations posed by the public. These contradicting efforts have caused profound complications to the efficient conduct of diplomacy. As a result, European MFAs are actively seeking ways of reaching the desired balance between downsizing and improving of their diplomatic services. One of the options has turned out to be international cooperation in provision of diplomatic services, usually integrated in regionally-based unions.

Most of EU Member States have realized that promoting their interests in foreign policy and strengthening their position on the international diplomatic stage can be efficiently done if they unify and speak with one voice, instead of 28 individual voices. Support for regionalization and integration of European diplomacy is rooted in numerous political and economic incentives.

Creation of the EEAS offers a wide range of practical solutions to this challenging situation. Unifying under the EEAS' leadership can help the Member States to strengthen their diplomatic and political influence on the international stage. Speaking with one voice can make the EU and its Member States a considerably stronger diplomatic actor, able to fulfil the expectations posed to the diplomatic services by the European public. In addition to this added political value, the EEAS offers extensive added economic value. By adjusting their diplomacies to the emergence of the EEAS, national MFAs can benefit from the EEAS' economies of scale and efficiently reduce their costs and budgets for diplomatic service. Various burden-sharing projects, such as co-location of embassies, creation of "Houses of Europe" or common reporting can help MFAs solve the challenge of austerity measures while maintaining high-quality provision of diplomatic services. Especially the EEAS' added economic value and provision of efficiency, according to Balfour and Raik,

"have an important role to play in building up and legitimizing the position of the EEAS vis-à-vis national diplomacies, even if enhanced political commitment to common action remains vulnerable to the limits imposed by intergovernmentalism and national identity."⁴⁶⁴

All these incentives were the underlying reason for the substantial transformation of the EU's diplomacy in the 21st century. Establishment of the EEAS, based on provisions of the Lisbon Treaty, and the transformation of former Commission Delegations into EU Delegations have enabled the EU to have its own true diplomatic service and to thereby establish itself as a full-fledged diplomatic actor. Given its *sui generis* character, the EEAS is a truly unique actor in

⁴⁶⁴ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.37

diplomacy, as it externally represents foreign interests of 28 distinct Member States. In order to gain full added value of the EEAS, the Member States have to accept its leadership or, at least, cooperate with the new service. However, as the Member States simultaneously keep their right to individual diplomatic representation, the EEAS' biggest challenge is to coordinate these different voices and to provide leadership at least to a certain extent. Therefore, the process of building the EEAS' diplomatic network is far from completed. First the new service needs to find the fine balance between the work of its EU Delegations and national diplomatic services.⁴⁶⁵

Theoretically speaking, the creation of the EEAS challenged the traditional notions of European integration by attempting to combine the supranational and intergovernmental approach. According to the neofunctionalist theory, further transfers of power and competences to the EEAS would be expected. This would give the EEAS the central authority in preparation of joint decisions and in agenda-setting as well as in common diplomatic representation. It would gradually weaken the national control of foreign policy and diplomacy, eventually making national MFAs and diplomatic services obsolete or at least shifting them into national offices of the EEAS. National diplomatic actors would shift their loyalties and activities to the EEAS and national interests in foreign policy would be subordinate to common European ones.⁴⁶⁶

However, this theoretically expected outcome of the creation of the EEAS and adaption of the Member States did not happen. Instead, Member States have made it very clear that they intend to keep their full control of foreign policy and their diplomatic representation. The decision-making in European foreign policy and diplomacy has and will remain in the mode of intergovernmentalism, and not as a hybrid of intergovernmental and supranational approaches, as originally planned, and the EEAS is and will be continuously seen as complementary to national efforts and interests in diplomacy. The EU Member States are aware of the current changes in global diplomacy and of the fact that most of them are unable to achieve their goals in foreign

⁴⁶⁵ Jan Wouters and Sanderijn Duquet, 'The EU, EEAS and Union Delegations and International Diplomatic Law: New Horizons', in *Working Paper No. 62*, Leuven: Leuven Centre for Global Governance Studies, May 2011, p.19

⁴⁶⁶ Balfour and Raik et al. (eds), 'The European External Action Service and National Diplomacies', note 29, p.2

policy and diplomacy individually. They are highly aware of the added political and economic value of the EEAS and its global network of EU Delegations. Nevertheless, this shared goal of common European diplomatic representation and unity in foreign policy contradicts the survival instincts of national MFAs and diplomacy's ties to national sovereignty.⁴⁶⁷

The EEAS, as a relatively new service, also faces considerable criticism from the Member States, diplomats and academics. Many compare the new service with the former diplomatic representation of the EU by the Member States holding the Presidency. Numerous national diplomats complain about insufficient access to the service and decreased chances to influence the foreign policy agenda, when compared to the Presidency system. The loyalties have changed. While during the Presidency system, loyalty of the Member States was with the current Presidency-holding country, now the Member States form alliances to circumvent the service. Strong concerns were also expressed about the excessive influence of the “big three” on the EEAS. Similar concerns were articulated regarding decreased chances for visibility of the Member States. Even though the Member States' attitudes and preference in regard of the EEAS differ, they all agree that the service must work only as complementary to national diplomacies. This attitude prevents the EEAS and the EU Delegations in gaining further competences in diplomatic representation and in developing their diplomatic relations. Especially the competences touching upon the notions of national sovereignty, such as provision of consular services, are seen as controversial and the Member States are reluctant to give them up.

In addition to the Member States' reluctance to transfer more powers to the EEAS, the service faces plenty of practical problems on a daily basis. Substantial budgetary constraints, causing also considerable insufficiencies of the EEAS' personnel, limit the efficient daily conduct of the service. Findings of a research conducted by Balfour and Raik have concluded that Member States see:

⁴⁶⁷ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.2

“scope for improvement by focusing on staffing, administrative rules, resources, and the degree of involvement of the Delegations in policy shaping at the level of the headquarters in Brussels so as to allow the Delegations to play their part, not just by representing the EU through its global network, but also by feeding information, knowledge and analysis into the policy-shaping process”.⁴⁶⁸

As a result of the budgetary constraints, the EEAS cannot fulfil its mandate and the expectations posed on it, and hence struggles to convince the Member States of its value. However, the Member States are refusing to increase the EEAS’ budget or transfer more diplomatic competences before the service proves itself. This vicious circle prevents further successful development of the EEAS.

Despite the on-going limitations to the EEAS’ daily conduct and authority, creation of the EEAS and emergence of the EU as a diplomatic actor is a success story. The staff of the EU Delegations worldwide obtained diplomatic status with privileges and immunities envisaged in the Vienna Convention in almost every country they are present in. As Wouters and Duquet claim, “the delegations’ representational function is well-established and EU diplomats are taking part actively in the local corps diplomatique”.⁴⁶⁹ The EEAS is also praised for offering coherence and continuity in the EU’s conduct of diplomacy.

Similarly, the current state of interplay between the service and national diplomacies is perceived as satisfactory. Most national MFAs have expressed their satisfaction with their communication and cooperation with the EEAS. Especially the contacts at lower diplomatic levels seem to be going fairly well. According to Balfour and Raik’s findings, “member states’ diplomats are fairly satisfied with the responsiveness and openness of their colleagues in the EEAS when it comes to informal consultations; this goes for both the Headquarters in Brussels

⁴⁶⁸ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.10-11

⁴⁶⁹ Wouters and Duquet, ‘The EU, EEAS and Union Delegations and International Diplomatic Law’, note 465, p.19

and EU Delegations abroad.”⁴⁷⁰ Moreover, according to another report, Member States are generally satisfied with the EU Delegations.

To conclude, it is clear that changes occurring in diplomacy on a global scale have had a profound impact on the EU Member States’ conduct of diplomacy and have driven them to seek alternative solutions to keeping their diplomatic powers. As a result, a unified diplomatic service of the EU was created and given much more extensive powers, when compared to the Commission’s external representation. However, despite the big potential of the EEAS, the Member States are caught in a Catch-22-like situation, struggling between efficiency considerations and temptations to maintain their diplomatic visibility and competences. This situation has a crucial impact on the interplay of the national MFAs and the EEAS’s diplomatic network. Therefore, in order to keep the EU’s role as an international diplomatic actor, to reach full potential of the EEAS and to ensure a completely smooth interaction in the EU’s diplomacy, the EU Member States would have to gradually agree to accept the EEAS’ leading position, transfer further competences and generally accept the supranational form of conduct in European diplomacy.

⁴⁷⁰ Balfour and Raik et al. (eds), ‘The European External Action Service and National Diplomacies’, note 29, p.53

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