



Towards an EU Foreign Service

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Key recommendations

1. European External Action Service is a cumbersome bureaucratic definition of the new service, which should be renamed European Foreign Service (EFS). Alternatively, the definition should at least be abridged to European External Service.
2. The EFS should belong neither to the Council nor to the Commission. A new, *sui generis* organisation should be set up which should not, however, amount to a new institution with a separate budget. It is important that the structure of the service reflects the double-hatted nature of the EU Foreign Minister (FM).
3. The EFS should include seconded national diplomats, serving under the same statute as the other members of the service. The financial burden of seconded national diplomats should be borne by the EU budget. Appropriate financial arrangements should be provided to this end.
4. The Council decision setting up the EFS should contain a clear statement to the effect that the EFS should work autonomously from but in cooperation with Member States. Policy guidelines should be defined by the Foreign Minister, as mandated by the Council with respect to CFSP, and in line with the principle of collegiality in the Commission on other matters.
5. The EFS should be directly responsible for conducting external 'political' relations with third countries as well as international organisations, conflict prevention, crisis management and neighbourhood policy. Enlargement and trade policy should not be within the remit of the EFS. Development policy and foreign policy should be very closely coordinated, but the services in charge of development should not necessarily be integrated in the EFS.
6. The EFS should perform the key tasks of external representation, negotiation, political analysis and monitoring, as well as coordination of EU external policies and coordination between internal and external policies, in cooperation with the relevant services of the Commission.
7. The EFS should also be equipped to perform a fully-fledged, proactive agenda-setting role. That includes providing short-term policy options at the request of the FM as well as policy planning over the longer-term on strategic issues. To this end, a strong planning department should be set up within the EFS.

8. The EU should develop a coherent strategy of public diplomacy to more effectively illustrate its role, functions and values to the rest of the world. An ad hoc office attached to the EFS should be established and charged with, for example, managing media relations, setting up long-term cultural and educational programmes and engaging with civil society abroad.
9. The double-hatted FM should be supported by one cabinet. The main role of the cabinet will be to ensure coordination. The cabinet should include officials from the Commission and the Council, chosen by the Foreign Minister.
10. In his capacity of Chairman of the Foreign Affairs Council (FAC), the Minister should appoint a deputy, who should be made responsible for European Security and Defence Policy (ESDP). His mandate should include relations with NATO, the European Defence Agency (EDA), and crisis management.
11. The Foreign Minister should share the burden of his many responsibilities by appointing special representatives for global regions, personal representatives to take the lead on topical policy issues, and liaison officers to manage the relationships with the President of the European Council, the rotating Presidency of the Council and the European Parliament.
12. The Council decision setting up the EFS should also envisage the creation of a European Diplomatic Academy. At a first stage, existing training establishments across the Union should provide the same module of European diplomatic studies to prospective members of the new service, and the mobility of national diplomats towards training centres in other member States should be encouraged.

1. Introduction

“What telephone number do I dial to speak to Europe?” is the famous quote attributed to Henry Kissinger some thirty years ago. Within the next two years the EU may have its own Foreign Minister whose number will be well known in Washington and elsewhere. The Constitutional Treaty currently undergoing ratification foresees the establishment of a “double-hatted” EU Foreign Minister, a European foreign service (designated as the EU External Action Service (EAS) but is unlikely to be called that) and EU diplomatic missions. These proposals could lead to a novel and decisive step forward in European integration.

The ideas put forward in the Convention on the Future of Europe were designed to help achieve a long-standing aim, namely the reinforcement of the EU’s ability to speak and act in a more unified manner on the world stage. The objectives included greater coherence, consistency, effectiveness and visibility for EU foreign policy. The subsequent Intergovernmental Conference (IGC) agreed that *“The organization and functioning of the External Action Service shall be established by a European Decision of the Council. The Council shall act on a proposal from the Union Minister for Foreign Affairs after consulting the European Parliament and after having obtained the consent of the Commission”* (Article III-296.3).

In Declaration 24 of the Constitutional Treaty the IGC made clear that, as soon as the Treaty is signed, the High Representative for CFSP, the Commission and Member States should commence the preparatory work toward establishing the new service. Negotiations are proceeding slowly, as the dossier is proving to be highly sensitive, raising complex questions of competence and inter-institutional relations. An initial discussion was held in COREPER on 10 March and the European Parliament Foreign Affairs Committee held hearings on 15 March. A more detailed report is due to be presented to the European Council in June 2005 by the High Representative for CFSP, Javier Solana and the President of the Commission, José Manuel Barroso.

Already, there is some discussion as to whether the EAS would still be established if the Constitutional Treaty was not ratified. It is too early to speculate about a ‘no’ vote in one or more Member States but it would seem that there is sufficient consensus among the Member States to create the EU Foreign Minister position and the EAS on the basis of an inter-institutional agreement with the agreement of all Member States. If ratification proceeds smoothly, on the other hand, it seems reasonable to assume that the EAS will be set up in stages, including a transitory stage 2007-2009 to begin with, before the appointment of the new Commission in 2009.

Although we will have to wait some time for the fully-fledged establishment of the new EU foreign service, it is not too early to start considering some of the important questions that will arise. What kind of service will the Foreign Minister require to fulfil his tasks? What will the policy remit of the new service be? How should it be structured and directed? What are the implications for national diplomatic services? These are just some of the questions that this Issue Paper seeks to address as a contribution to the debate on a potentially exciting new development in the EU.

2. What's In a Name?

The terms of the debate could already be simplified. Wording matters and 'European External Action Service' is an unnecessarily cumbersome and obscure definition of the new structure. The media will almost certainly shorten the name to European Foreign Service. Just as Javier Solana is never described by his official title of High Representative for the CFSP but rather 'EU foreign policy chief,' it would be much better to adopt the name European Foreign Service (EFS) from the very start. Two alternatives might be European Diplomatic Service but this would perhaps be too restrictive; and European External Service which may be more acceptable to some Member States.

The wording of the Constitutional Treaty need not be an obstacle. The 'Policy Planning and Early Warning Unit' established by the Amsterdam Treaty became the 'Policy Unit.' The 'European Armaments, Research and Military Capabilities Agency' envisaged by the Constitutional Treaty is now simply called 'European Defence Agency.' The Council should change the wording when setting up the new service. This paper will therefore refer to the European External Action Service as the European Foreign Service (EFS).

3. Institutional Complexity

The establishment of the EFS is one of the most complex institutional undertakings that the Union has faced, with far-reaching political implications. Several dimensions of the debate are worth highlighting:

- **Inter-institutional reform:** This directly involves two institutions – the Commission and the Council – and affects all levels of the EU services in the domain of CFSP and external relations, from the very top of centralised structures (College, Council configurations) to the external delegations. The replacement of the rotating presidency in the external field will also have a knock-on effect. For example, it is proposed that a representative of the Foreign Minister should chair the Political and Security

Committee (COPS) - but not COREPER. Logically this would imply that CFSP Working Groups will be similarly chaired but some Member States dispute this.

- Relations Between the EU and Member States: institutional reform will occur in the context of the delicate relationship between the EU institutions and 25 national governments. While most of the Union foreign ministers recognise the benefits of a strong and coherent EU voice, they also hold most of the main resources when it comes to instruments to implement policy. Some Member States are also keener than others on the new EFS. The new service will inevitably prompt a rethink of the role of national foreign ministries.
- Policy spanning: the EFS will cover policy fields that cut across the external/internal policy divide, such as anti-terrorism, civilian crisis management and humanitarian assistance. The new service will have to establish a web of regular cooperation with other services in the Commission and in the Council, on which it will largely depend.
- Policy functions: the EFS should be mandated to cover the whole spectrum of policy making, from intelligence collection to analysis and planning; from initiating policy to implementation and representation. This would reflect the broad remit of the EU Foreign Minister. Such an array of tasks would require both considerable resources and clear demarcations between the roles of different bodies.
- Accountability: as the Union grows more transparent, the EFS will also have to be an accountable structure. Ways to comply with the requirements of open diplomacy towards parliamentary bodies will have to be defined. One idea would be for the Foreign Minister to present a yearly report on CFSP to the European Parliament and to national parliaments in an effort to spark a genuine trans-European debate on foreign policy.

4. The EU Foreign Minister

The Foreign Minister will have to operate in a difficult global environment. While Europe may be peaceful and secure, enormous problems stemming from continuing globalisation, trans-national threats and huge inequalities in the world will remain. The Foreign Minister will have major responsibilities, including the conduct of CFSP, presiding over the Foreign Affairs Council, serving as a Vice-President of the Commission and speaking on behalf of the Union in international fora. He will have to try and achieve greater coherence in the external actions of the Union and, at the same time, cope with

25 or more national foreign ministers and their ministries each with their own distinctive traditions, experience and operating methods. To say that it will be a major challenge is an understatement.

The Constitutional Treaty envisages that a EFS be set up in order to assist the EU Foreign Minister in fulfilling his mandate (Article III-296.3). His mandate is sketched out in Article I-28 and outlined in greater detail under Title V of Part III. While the provision concerning the establishment of the new foreign service is included in the Chapter dedicated to CFSP in Part III, the unqualified reference to the Foreign Minister's mandate stipulates that the EFS is meant to support him in carrying out the full range of his tasks. The job description of the Foreign Minister is therefore an important starting point with a view to mapping out the structure, tasks and policy scope of the future foreign service. The Foreign Minister has five main tasks:

Initiative: The Foreign Minister's right of initiative of is firmly established in the Constitutional Treaty. He "*shall contribute by his or her proposals to the development*" of the CFSP (Article I-28). More specifically, the Foreign Minister "*for the area of common foreign and security policy, and the Commission, for other areas of external action, may submit joint proposals to the Council.*" (Article III-293.2). A broader, more political mandate is expressed in Article III-299.1, which provides that "*Any Member State, the Union Minister of Foreign Affairs, or that Minister with the Commission's support, may refer any question relating to the common foreign and security policy to the Council and may submit to it initiatives or proposals as appropriate.*" According to Article III-300.2 (b), the Foreign Minister's right of initiative is also at the core of a rather cumbersome procedure that might lead to the limited application of qualified majority voting in CFSP, following a request from the European Council to the Foreign Affairs Council. Under the Constitutional Treaty the Commission loses its formal right of initiative in the CFSP domain, something it has scarcely exercised in the past. It will now have to rely on the double-hatted Foreign Minister if it wishes to put forward an initiative.

Coordination: the Foreign Minister, as one of the Vice-Presidents of the Commission, "*shall ensure the consistency of the Union's external action.*" More specifically, and with a restrictive formulation introduced by the IGC to limit the Minister's room for manoeuvre when acting as Vice-President of the Commission, he "*shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action*" (Article I-28.4). Only in exercising these responsibilities within the Commission will the Minister be bound by Commission procedures. Article III-292.3 takes a broader perspective and envisages that the Foreign Minister will assist the Council and the Commission in ensuring consistency between the different areas of

external action and between these and other policies. In a Union of 25, with a large Commission and with team presidencies rotating as chairs of the Council formations, coordination will be of the utmost necessity. Moreover, the Foreign Minister is supposed to ensure that *“Member States...support the common foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.”* (Article III-294.2). When the Union has defined a common approach to a given policy issue, the Foreign Minister and national Foreign Ministers, *“shall coordinate their activities within the Council.”* (Article III-301.1). The implication is that the Foreign Minister will spearhead this coordination.

Representation: In developing the mandate already attributed to the High Representative, Article III-296.2 states that the Foreign Minister *“shall represent the Union or matters related to the common foreign and security policy. He or she 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.”* Article III-302.2 goes further envisaging that, when a EU position exists on a subject discussed at the UN Security Council, *“those Member States which sit on the Security Council shall request that the Union Minister for Foreign Affairs be asked to present the Union’s position.”* This is an innovation with significant implications if this provision were put into effect on a regular basis. At the same time, an element of confusion in the division of tasks is introduced by Article I-22.2, whereby the new President of the European Council *“shall at his or her level and in that capacity ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the Union Minister for Foreign Affairs.”* This implies that the President of the Council will normally talk to the President of the United States while the EU Foreign Minister will speak with the Secretary of State.

Implementation: Article I-28.2 says that the Foreign Minister *“shall conduct”* CFSP and Article I-40.4 provides that CFSP *“shall be put into effect by the Union Minister for Foreign Affairs and by the Member States.”* Article III-296.1 articulates more precisely that the Foreign Minister *“shall ensure implementation of the European decisions adopted by the European Council and the Council of Ministers.”*

Crisis management: A distinctive type of executive role is entrusted to the Foreign Minister in the sensitive field of crisis management. When the Union carries out the so-called Petersberg Task operations, ranging from disarmament to peacemaking, the PSC is supposed to exercise political control and strategic direction, *“under the responsibility of the Council and of the Union Minister for Foreign Affairs”* (Article III-307). More concretely, Article III-309.2 specifies that the Foreign Minister, under the authority of the Council and in close contact with the Political and Security Committee (PSC), *“shall*

ensure coordination of the civilian and military aspects of such tasks.” According to Article III-310.1, moreover, when the Council entrusts a group of Member States with the implementation of a Petersberg Task, these countries “*in association with the Union Minister for Foreign Affairs, shall agree between themselves on the management of the task.*” The involvement of the Foreign Minister in this context, as well as in establishing “*permanent structured cooperation*” (Article III-312), is an important safety clause to guarantee that closer cooperation is not pursued in an exclusive manner.

5. From Minister to Ministry

The ambitious Foreign Minister’s ambitious job description shows that his mandate is highly demanding. This is confirmed by examining the new position at three levels: the inter-institutional relationship, the interplay between the new position at the European level and 25 national governments, and the interface between the Union and third countries or international organisations.

The Foreign Minister is often described as ‘double-hatted’. In reality, the Foreign Minister will operate at the cross-roads of the three branches of the fragmented European executive: the Commission, the Council of Ministers *and* the European Council, formally included in the list of EU institutions by the draft Constitutional Treaty. The Foreign Minister will wear two hats - one in the Commission and one in the Council – but will frequently require an umbrella too, when working under the authority of the European Council and of its President!

Taking it a step further, the position of the Foreign Minister as Chairman of the FAC entails a permanent working relationship with his or her 25 colleagues at the national level, both when these meet in the Council, and when they act separately in the field of foreign affairs. Given the desire for more convergence between national foreign and security policies, the Foreign Minister will have to monitor the behaviour of his colleagues very closely and intervene when appropriate, including calling extraordinary meetings of the FAC.

The Foreign Minister should not be seen merely from within the EU framework, since he should be seen as the central (although by no means exclusive) gatekeeper between internal EU politics and the international environment. The Foreign Minister will speak for the Union and will need to become one of the main interlocutors for world leaders if this position is to be taken seriously. This may well lead to occasional confrontations when of the strands of traditional authority in the complicated EU machinery become entangled .

What are the implications of the above for a functional and sustainable EFS? Five key points should be made in order to stress a number of priorities as well as the differences and similarities it is bound to show in comparison with traditional foreign ministries.

- Differently from the long-established diplomatic services of most Member States - with a unitary structure and a cohesive identity - the EFS will include staff from the Council, the Commission and national diplomatic services. This will pose a serious challenge in designing a new service endowed with a shared culture, genuinely dedicated to serving the needs of a Foreign Minister who will frequently be juggling the enormous and sometimes conflicting pressures of his position. This is not simply about re-shuffling services, but about re-shaping the decision-making structures of EU external relations, including security policy, and fostering a new culture of policy-making.
- In this respect, it is of vital importance that very clear lines of command are defined, so as to avoid turf wars and make sure that the authority of the Foreign Minister is felt across the machinery. Senior officials in the EFS need to be fully aware of the Foreign Minister's line and priorities. Under their responsibility, services should be free to pursue a more political, and less managerial role with a relative degree of autonomy.
- The EFS is first and foremost an executive instrument, responsible for carrying out decisions taken at the political level. The Constitutional Treaty, however, gives the Foreign Minister, the new and important right of initiative, and will also replace the rotating presidency in chairing the FAC as detailed above. The new service should therefore put more focus on the proactive preparation of the Council meeting agendas. Full advantage should be taken of the involvement of national diplomats, with a view to rallying national ministers around the formulation of common positions at an early stage of policy-making process.
- While the new position of the Foreign Minister at the crossroads of three executive institutions – the Commission, the Council and the European Council – is exceptional in the existing framework, it points the way towards a much needed rationalisation of EU executive functions beyond traditional institutional divides. But a radical overhaul of the fragmented European executive is not in sight. The Minister will not have time to deal with inter-institutional cooperation on a daily basis. This is why he should appoint senior officials to liaise with the office of the future President of the European Council, successive Council presidencies and the European Parliament.
- It is commonly accepted that the EFS should cover security policy, and be responsible for both the civilian and military

aspects of crisis management. This is confirmed by Declaration 4 of the Constitutional Treaty, on the exercise of the Presidency of the Council, which states that a representative of the Foreign Minister will chair the PSC, the body responsible *inter alia* for the political control and strategic direction of crisis management. The Convention debate also reflected little support for the creation of a ‘fourth pillar’ to manage defence policy. This marks a clear departure from the distinction, common in national administrations, between the foreign ministry and the ministry of defence. Within an integrated EFS, national powers over the remit of EU institutions have to be kept at bay, most importantly in those operations where different instruments – community, intergovernmental and national; financial, civilian and military – have to be deployed in the same operation.

6. Defining ‘external action’: the policy remit of the EFS

When it comes to the functioning of the European Union, institutions matter. But it is important that the debate on creating the EFS does not emanate from institutional considerations, but rather out of the policy priorities that the new framework should serve. What policy domains should be covered by the EFS? This question amounts to giving the rather vague definition of ‘external action’ policy substance and to sharpening its focus.

Interestingly, Title V of Part III of the Constitutional Treaty on the Union’s ‘external action’ includes CFSP as well as common security and defence policy (CSDP), common commercial policy, cooperation with third countries and humanitarian aid, restrictive measures, international agreements, the Union’s relations with international organisations and third countries and Union delegations, and finally the implementation of the solidarity clause in case of terrorist attack or natural or man-made disaster. Should the ‘external action’ service be responsible for the conduct of *all* the policies included under such a broad definition?

The Convention expressed a strong call for coherence and for maximising synergy between the many policy instruments that the Union can mobilise in international affairs. The European Security Strategy (ESS) stated: “*the challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development. Diplomatic efforts, development, trade and environmental policies, should follow the same agenda. In a crisis there is no substitute for unity of command.*”

On the other hand, in the organisation of national diplomatic services, responsibility for different policy areas is allocated to different ministries. Trade policy is in most cases considered a separate area from foreign policy, and entrusted to a different bureaucratic structure headed by a (junior) minister. The same can be said for development policy, although in some Member States this falls within the remit of the Ministry of Foreign Affairs, with a distinct department responsible for it. Relations with the near abroad (the so-called Neighbourhood Policy at the European level) are regarded by national governments as part of foreign policy although in this domain new channels of policy making have been opened with the notable involvement of regional actors and civil society groups. Enlargement is not part of the traditional foreign policy toolbox of national governments, but is a vital component of the EU's efforts toward expanding a zone of peace and security.

Once again, it is a matter of defining a sustainable balance, reconciling the requirement of coherence with different administrative cultures and policy priorities. Diplomacy, trade, development cooperation, and crisis management should pursue the same goals but remain, legitimately, separate fields of action, with different working styles. Achieving coherence does not mean imposing a certain culture of policy making over others, but ensuring that different approaches are pursued in a coherent way.

Furthermore, an additional dimension of this debate must be introduced. All Commissioners are supposed to be equal. At the same time, the Foreign Minister as Vice-President of the Commission is mandated with ensuring the coordination of external policies. Thus, a possible conflict arises out of the principle of equality on the one hand, and the Foreign Minister's mandate, on the other.

As the first few months of the new Commission have proven, it will become increasingly difficult to achieve a common position among the members of the College as the Union expands in size. The Foreign Minister must be able to command a certain degree of authority. On the other hand, Commissioners in charge of important policy areas such as enlargement, development and trade should not be downgraded to deputies responsible for specific domains.

→ The EFS should be directly responsible for conducting external 'political' relations with third countries as well as international organisations. The EFS should also manage crisis situations and centralise control of both civilian and military means for crisis prevention and management. It makes sense that the EFS also deals with neighbourhood policy, because this policy field covers a growing network of enhanced, but still external, political relations with countries at the borders of the Union. On the other hand, the management of enlargement, development and trade policy should not be within the remit of the EFS.

These are major policy portfolios with a largely economic approach to international relations. In particular, the inclusion of development policy within the responsibilities of the EFS is subject to further debate. Aid is a major foreign policy tool in relation to developing countries. Coherence should unquestionably be sought and enhanced between development policy and other policy instruments of external action. This is the case under recent international agreements, including a strong element of conditionality. Moreover, if the Constitutional treaty will enter into force, the Union will acquire legal personality and conclude international agreements across the range of different external policies. Links between foreign policy and development policy are important and growing. This does not mean, however, that the bodies mandated with policy making and above all the management of aid should be included in the new service.

In the case of enlargement, political relations with third countries involve all policy areas and are aimed at achieving their accession to the Union. The borders between CFSP, Neighbourhood Policy and enlargement are sometimes blurred. Countries in the Western Balkans, for example, are not yet part of the accession process (with the exception of Croatia) but are dealt with by DG Enlargement in the Commission. In addition, EU police and peacekeeping missions are still maintained in Macedonia and Bosnia. More generally, however, Neighbourhood Policy (and the EFS) should cover relations with countries which are not candidates for EU membership. If and when a country enters the accession process, then the dossier should be passed to DG Enlargement.

While these distinctions are somewhat simplistic, the line has to be drawn somewhere. The inclusion of enlargement, development and trade policy in the remit of the new service would negatively impact the current tenuous balance between the desire to create a streamlined foreign service on the one hand and achieving policy coherence on the other. Subsuming all of these policy areas might thus create more problems than it solves.

7. The Tasks of the EFS

The tasks of the future EFS derive at once from the job description of the Foreign Minister as well as from the suggested boundaries to the policy reach of the new service. Looking at the debate so far, it is nevertheless helpful to map out two conceivable models, before sketching out an innovative solution, including original tasks for the new service. According to the first option, the EFS would be responsible for supporting the Foreign Minister in his CFSP/ESDP capacity (intelligence, analysis, planning, agenda setting of FAC, external representation on CFSP/EDSP matters). A second, prevailing approach envisages that the new service is charged with these tasks and, in addition, with supporting the Foreign Minister in his capacity of Vice-President of the Commission. Two additional tasks should be included:

- Supporting the President of the Council in his external role
- Supporting the President of the Commission in his external role

The new position of Foreign Minister has been set up largely to remedy the shortcomings of the rotating Presidency – an institutional arrangement unsuitable to driving the Union’s actions in international relations – and to bridge the gap between the Council and the Commission. At the same time, beyond institutional and political complexities, the establishment of the EFS provides the opportunity to introduce innovative organisational solutions and to include new tasks in the mandate of the service.

→ Like traditional diplomatic structures, the EFS will be primarily responsible for external political relations. This means that, beyond enhanced support to the Foreign Minister on CFSP/ESDP matters, the EFS will perform the key tasks of external representation, monitoring, intelligence and negotiation at the core of diplomacy. The EFS will also play a key coordinating role between the external policies of the Union and the internal and external policies, in cooperation with relevant Commission services.

The mandate of the EFS should, however, include other innovative tasks. In an interdependent world confronted with strategic challenges, where communications play an increasingly important role and civil society has built extensive trans-national links, diplomacy also has to change. A new world order requires a new approach. The EU has made a number of strides in shaping innovative policy approaches and in developing a distinctive type of soft power. Now there is the opportunity to shape the services to serve these policy priorities effectively.

This entails that particular focus is put on the planning capabilities, public diplomacy, and joined-up policy making with other services. In short, the EFS should be a light, flexible and agile service, open to cooperation with other actors and civil society. Faced with the serious challenges of inter-institutional rivalry, intergovernmental struggles and global issues, the EFS will not impose itself ‘by decree,’ but only by quality output and by including other actors with an open and innovative style of policy-making.

→ **Strategic agenda-setting** – Most importantly, the EFS should be equipped to perform a proactive, strategic agenda-setting role. Separate policy units in different Commission Directorates outside the EFS, such as in development and trade, need not be dismantled but a bigger structure, adequately resourced, should be set up within the new service. The planning department could draw on personnel from existing structures such as the policy units in the Council and Commission (RELEX) as well as other sources such as the EU-ISS and the public and private sectors in Member States (academia and corporate analysts, for example on the energy markets and flows).

A strong department should be (flexibly) divided in different units responsible for some of the major issues to be dealt with in contemporary international relations, such as global governance, post-crisis reconstruction, human rights and the rule of law, environment and energy, terrorism and proliferation. The new department would work in close contact with other services in the Commission and in the Council, and with external actors from civil society and the corporate sector.

Suitable experts could be hired on a project basis for short-term contracts. Some of the positions in this department should be subject to high turnover so as to guarantee that the best expertise is recruited when it is needed. Original working methods could be devised to maximise policy output and creative thinking for the benefit of policy makers as well as the public at large, when appropriate. At the same time, the planning department could carry out short term policy advice at the direct request of the Foreign Minister and other Commissioners.

The unique position of this department at the European level would enable it to provide much added value compared to equivalent national structures - even more so given the variable role played by planning units in a number of ministries of foreign affairs across the Union. At the same time, it is very clear that recruitment in this particular department should owe as much as possible to merit and expertise. National quotas would work to the detriment of the new service and especially of this department.

→ **Public Diplomacy** – The EU aims to develop a stronger identity on the world stage as an actor and as a model. Increasingly, the Union will be defined by what it stands for and it represents in the world. The objectives of EU external action are listed in the Treaties, and expressed in a more incisive way in recent documents such as the ESS. At the same time, however, the Union must develop the ability to better engage with not only governments, but also non-governmental actors and public opinion across the world.

To that end a professional capacity should be built into the new EFS with a view to providing accessible information on what the Union does and represents, getting people engaged in projects promoted by the Union, and promote a positive perception of Europe in the world. This is a challenge of public diplomacy that the new service is uniquely positioned to tackle.

As trans-national coalitions, NGOs and cultural entrepreneurs increasingly work across borders and shape thinking on global matters, a small structure should be set up to involve new actors in building more solid relationships with these partners. The new body should not be an integral part of the EFS, so as to maintain necessary autonomy, but should be attached to the FM, who should appoint a senior official to run its operations. It could be an external agency attached to the EFS.

Its activities should include, among others, managing media relations with respect to the Union's role in the world, setting up and running long-term projects of cultural exchange and engaging with civil society abroad, in the field. In carrying out these tasks, the office should draw on the experience of other services in the Commission, including for example the Erasmus Mundus programme managed by DG Education and Culture. Activities should not be centralised, but certainly strategically coordinated in so far as they have an impact on the relationship of the Union with its partners abroad.

8. The organisational structure

The definition of the policy responsibilities and the tasks of the EFS should guide the definition of its organisational structure. It is important that institutional jealousies and vested interests do not overshadow the mandate and policy priorities of the service. At the same time, the way in which the service is set up should reflect two key requirements, namely coherence and, above all, autonomy from Member States. This does not amount to drawing an artificial separation line between the functioning of the European service and national diplomatic services. Synergy, on the contrary, should be encouraged. But it should also be clear that the EFS is set up to serve the common interest. A statement reflecting this principle should be included in the Decision detailing the process of setting up the EFS.

Consensus building beyond the ‘pillars’

The core mission of the EFS and of the Foreign Minister is comparable to one of the tasks that the Commission has been carrying out for decades in fostering European integration: generating consensus beyond intergovernmental negotiation. Of course, the legal framework under CFSP is much weaker than under the so-called ‘first pillar.’ This is a domain in which executive decisions sometimes override established procedures, and the size of Member States matters when it comes to backing policy positions with credible capabilities. On the other hand, the Minister and the new service should function as a catalyst for different national positions, facilitating dialogue, and providing a platform for building consensus in the common interest.

The Foreign Minister is supposed to ensure the coordination of the different branches of EU external policies, not to run them directly. He is essentially responsible for giving direction and ensuring that his colleagues both in the Commission and in national governments stay the course.

Concerns about the preservation of different decision-making modes in the Constitutional Treaty – supranational and intergovernmental – are legitimate but should not be overestimated. Failure to extend qualified majority voting (QMV) to CFSP is regrettable, not so much because some countries should be in the position to outvote others, but because QMV is an instrument to facilitate consensus building. The ‘nuclear’ option of the vote, entailing potential defeat, brings countries to adjust their positions more flexibly.

The extension of QMV proved beyond reach in the course of the last IGC (but also during the proceedings of the Convention). The new position of the Foreign Minister together with the EFS, however, offers a window of opportunity to pursue a parallel track to formal decision-making rules with a view to fostering consensus. As noted

above, ‘influence’ is the name of the game. The centrality of the position of the new EFS and the capital of experience that it is endowed with, as well as the personal reputation of Javier Solana who will be the first to hold the post, bode well for progress in this direction.

The effort of consensus-building should not, however, affect the autonomy of the EFS from national governments. The Commission and the European Parliament are rightly keen on ensuring that aspects of supranational policy making in the domain of external relations are not diluted in a new, looser framework. The way in which the EFS is set up should help prevent that. In exchange for serious guarantees of autonomy, the Commission and the EP should adopt a more positive and open approach to the definition of the new structures.

Location

The location of the EFS is one of the most sensitive issues. Some say, ‘where you stand depends on where you sit.’ The following options are theoretically available, and have been supported by prominent players at various stages:

- The EFS is integrated into the Commission structure.
- The EFS is integrated into the Council structure.
- The EFS is administratively split between the Commission and the Council, although much closer cooperation is established between the relevant services.
- A new *sui generis* organisational structure is created.

At the European Parliament hearings on 15 March, Elmar Brok, MEP, made a plea for the EFS to be integrated into the Commission at the administrative, budgetary and organic levels. Klaus Hänsch, MEP, and Lamberto Dini, an Italian Member of Parliament both took a different line, arguing that the location of the EFS had to be *sui generis*. A strict reading of the Treaty would support this proposition. Indeed, Mr Hänsch made the point that if the Convention had proposed to locate the new service within the Commission there would have been no ‘new’ EFS. Eventually, had that been the decision of the IGC, its text would have explicitly included the new service in one of the existing institutions. According to Article III-296.3, the EFS “*shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.*” No guidance, however, is given on the institutional position of the new service.

Surprisingly the Commission appears to have been rather defensive in its initial negotiating position. Yet with its circa 130 delegations around the world and 3,000-plus officials working in external

relations, the Commission has a strong hand in the negotiations to establish the EFS. The Council, in contrast, has less than 150 officials dealing with external affairs (scattered between the services, policy unit and situation centre), plus a limited number of military officers. The Commission should take a more proactive stance towards the new service. The Commission's assets – human resources, expertise, and financial resources – will be invaluable to ensuring the success of the EFS. Moreover, the full involvement of the Commission would help in shaping the identity and culture of the new service, thus guaranteeing that its 'European' character remains predominant, and grows in time.

→ At the present stage of the debate, it seems that broad agreement has been reached between the Council and the Commission to the effect that a new, *sui generis* organisation will be set up. This will not, however, amount to an institution with a separate budget. It is important that the structure of the service reflects the double-hatted nature of its principle. Hence, it seems reasonable that the EFS is subsumed neither by the Commission nor by the Council. Having said that, serious problems must still be addressed.

The first layer: the cabinet

No Minister can be effective without a good cabinet. But will the new EU Foreign Minister, be supported by one inter-institutional cabinet or by two cabinets, one in the Council and one in the Commission? The answer lies in the broader job description of the Foreign Minister, which amounts to pulling together the functions of the High Representative and those of the RELEX Commissioner into one position, short of merging these functions, however. Coherence is enhanced but the IGC has not gone as far as to have outlined a 'melting' of responsibilities.

Likewise, the Minister should be supported by one cabinet, and tasks should be allocated within the Cabinet in such a way as to reflect the broad policy mandate of the Minister, and that of the EFS. The foreign policy of the EU is a common undertaking, although it is still framed and shaped in different ways depending on the specific issue areas. The composition of the cabinet should reflect the trend towards joined-up policy making, and the synergy of different instruments, but also entail a degree of differentiation. In particular, officials responsible for CFSP/ESDP should be clearly identified.

→ The main role of the cabinet will be to ensure coordination. Thus, it is important that the cabinet includes officials from the Commission and the Council, chosen by the Foreign Minister. On the other hand, it should remain open for discussion whether diplomats from national services should be included in the cabinet, at least in a first phase. Arguably, a few years of professional experience in European structures, such as the Council Secretariat and the Policy Unit, should be a requirement. The cabinet should consist of about ten members, a similar size to the cabinet of the President of the Commission.

The second layer: Commissioners and a Deputy

As Vice-President of the Commission, the Foreign Minister will need to establish a structured working relationship with his fellow Commissioners responsible for enlargement, development, trade and other key dossiers outlined above. The way in which this group of Commissioners will function need not be addressed now. It is clear that, while all Commissioners are equal, the Constitutional Treaty gives the Minister the responsibility for the coordination of all aspects of the Union's external action. In a way, this might lead to a status of '*secundus inter pares*' whose features are difficult to envisage at this stage. One can say that the agreement of the President of the Commission should be sought before taking any major policy decision, including the appointment of special representatives and personal representatives. This corresponds to the political reality of a College in which a political clash between the President and the Foreign Minister-Vice President would be destabilising.

→ The Foreign Minister should make a point of attending the weekly meetings of the College of Commissioners as frequently as possible. The Minister should not appoint a Deputy to take his place at these meetings on a regular basis, although of course he will not always be able to attend.

On the other hand, it is unclear what will happen to the Commissioner currently responsible for external relations and the EU Neighbourhood Policy, the former Austrian Foreign Minister, Benita Ferrero-Waldner. Once Javier Solana enters the Commission, the other Spanish Commissioner (Joaquin Almunia, Economic and Monetary Affairs) will resign, as no country can have two Commissioners. It is yet to be seen whether an Austrian Commissioner – perhaps Ms Ferrero-Waldner – will take the important portfolio of Economic and Monetary Affairs, or whether a broader reshuffling of portfolios will be necessary to accommodate the two new Commissioners that will join the College from Romania and Bulgaria in 2007.

→ Considering the multiple commitments of the Minister, a potential solution would be to give a specific responsibility for the Neighbourhood Policy to a Commissioner within the external relations group, while external political relations would be taken over by the Minister. Under this scenario, the Foreign Minister would lead a team including four colleagues: development, trade, enlargement and neighbourhood.

→ In his capacity of High Representative and Chairman of the FAC, the Minister would be well advised to appoint a deputy, perhaps a senior official, who should be responsible for the ESDP. His mandate would include relations with NATO, the Defence Agency, chairing the COPS and crisis management.

The third layer: special representatives, personal representatives and liaison officers

In recent years, a trend towards appointing more and more EU special representatives has emerged. This trend is likely to continue as another example of burden-sharing in external relations. Special representatives should be responsible for specific regions that require close monitoring and action. Within the new service, special representatives will be able to draw on the support of geographic desks, the planning department and EU external delegations. At the same time, the High Representative has appointed Personal Representatives to provide stronger policy focus and input on issues of topical relevance, including counter-proliferation and human rights. The counter-terrorism coordinator position, currently held by Gijs de Vries can be seen as part of this category.

→ As a member of the Commission, the Foreign Minister should consult with the President of the Commission and his colleagues in the external relations group before appointing new special representatives or personal representatives. The status and accountability of special representatives and personal representatives within the EFS are to be defined.

The Foreign Minister will have to establish permanent working relationships with the President of the European Council and with the rotating Presidencies of the Council of Ministers. One of the tasks of the EFS should be, in particular, to assist the President of the European Council in the performance of the vague foreign policy role allocated to the new position. At the same time, the Foreign Minister has to devise ways to enhance the accountability of the EFS to the EP, which has already emphasised the importance of democratic scrutiny in the field of external action.

→ The Foreign Minister should appoint three senior officials to become liaison officers with these three institutions, so as to enhance overall coordination and guarantee that the EP is briefed on foreign policy initiatives. The liaison officer to the President of the European Council should also head the EFS structure charged with supporting the new President. One member of the cabinet should be responsible for the monitoring of inter-institutional relations for the Minister.

The fourth layer: chairing Council Working Groups

According to Declaration 4 on Article I-24.7, attached to the CT, “*The chair of the preparatory bodies of the various Council configurations, with the exception of the Foreign Affairs configuration, shall fall to the member of the group [of three member States holding the presidency in sequence over a period of three months] chairing the relevant configuration.*” The problem is that some of the 37 working groups currently supporting the ‘External relation/security and defence/development’ Council formations also prepare the proceedings of other Council formations: see for example the working group on terrorism, which also supports the JHA Council formation. Conversely, some of the working groups preparing these groupings do not fall under the policy remit of the EFS as sketched above. This is notably the case for the working party on trade questions and on development cooperation.

→ Where there is no controversy, the chairmanship of the working parties preparing the FAC should be ensured by officials from the EFS at the level of a head of unit or higher and who are experienced in the subject. Agreements should be negotiated with the rotating presidencies as to who would chair ‘dual use’ working parties. As to those groups that do not fall within the mandate of the EFS, such as trade and development, the rotating presidency should in principle perform the role of chair. Nothing, however, prevents the Presidency from asking the Minister to allocate one senior official to chair these groups.

The fifth layer: the service

The detailed organisation of the service should not be dealt with at this point, before an agreement on the principles. One particular dimension of the ongoing debate should, however, be addressed at an early stage. According to some Member States not only national diplomats, but also European officials from the Commission should be subject to rotation in the new service. The concern of national governments with a structure where their diplomats would systematically be the least integrated, with European officials proving the spine of the new service, is understandable. On the other hand, the solution need not consist of forcing all officials to be subject to the same rotational system.

As far as European officials are concerned, professionalisation in carrying out diplomacy and international relations is a long-discussed priority. Rotation would undermine this objective, if this entails that officials from the EFS are charged with matters that have little to do with the remit of the service. Limited forms of rotation could be envisaged involving those departments which work more closely with the EFS, such as development, trade, enlargement and justice and home affairs.

Turning to national diplomats, subject to rotation in the EFS, worries of a feeling of permanent ‘alienation’ should be addressed by giving them the opportunity to double the duration of their secondment. This would be nothing new but could be implemented on a wider scale in order to encourage the familiarisation of all officials, shape a shared culture and maximise the input from all components of the new service.

→ The principle of rotation between the EFS and separate departments should not apply to European officials. Limited exchanges could be envisaged with the Commission services most closely cooperating with the EFS. National diplomats would in principle rotate, but should be given the opportunity to serve longer terms in the EFS, if they so desire.

The sixth layer: the EU delegations

Decisions on the operational scope of the EFS will have direct implications for the functioning of EU delegations abroad. It seems evident that the entire staff of the EU missions will be part of the EFS and come under the service’s statute, even though they are detached from their own departments. The missions may comprise a mix of officials (permanent, temporary, detached national officials – as at the headquarters) but they must all be part of a single chain of command capped by the EU Foreign Minister.

In principle, these will all report to the Foreign Minister with copies sent to other relevant departments in the Commission and Council as well as other EU missions. Instructions will also be sent in the name of the Foreign Minister and there will thus have to be a clearing system introduced for sending these type of messages to Missions. Heads of EU Missions will, at least in the early years, come mainly from the Commission as much of the traditional work involves the expenditure of Community budgets and this requires a certain experience of such affairs at headquarters. But over time any Head of Mission post should be open to anyone from the EU institutions or a Member State foreign service. The same should be true for staffing at lower levels.

Far greater attention must also be paid to career development in order to ensure that officials seconded from Brussels or a Member State are able to return to full-time jobs after one or two tours abroad in a Mission. For Member State diplomats, their service in an EU Mission should be treated equally for promotion prospects. Member State diplomats should be seconded to the EFS and paid for by the EU budget. This will require appropriate financial resources.

9. Engaging the Member States

It is important to engage the Member States at an early stage in the discussions about the EFS. Some have already set up groups to consider their approach to the EFS and how best to increase their influence. Others have barely registered that the EFS is under active discussion. Given current sensitivities on the CFSP there is no chance of establishing a successful EFS without the wholehearted support of the Member States. They will be vital stakeholders in the new service and must buy into the concept from the outset.

Although some Member States show little enthusiasm for the EFS, there are a number of factors driving the project forward. First, public opinion is strongly in favour of the Union speaking with one voice in international issues. Second, the Commission and Council know they need to reach agreement on the structure of the EFS in advance of the Foreign Minister taking up his responsibilities. Third, the European Parliament played an important role in pushing for the Convention declaration on the EFS and it is likely to keep up the pressure. Fourth, many diplomatic services in the Member States are feeling financial pressure from their finance ministries to reduce costs: sharing is a promising option. Fifth, many of the new Member States are small and have limited diplomatic representation. Participating in the EFS may be an attractive option. Sixth, the absurdity of maintaining 25 Member State missions in many third countries and to several international organisations when the Union is supposed to be speaking with one voice on the world stage will be increasingly difficult to justify. As Solana has dryly remarked, comparing the EU's estimated 40,000 diplomats to the 10,000 US diplomats, it is not evident that the EU is four times as effective. In Washington DC there are over 800 diplomats from the Member States, of which less than 4% are from the Commission's Delegation.

The concerns of smaller Member States should also be taken into account when setting up the new Service. Some countries are worried at the possible domination of the EFS by the big states. The Belgian Foreign Minister, Karel De Gucht, told the Belgian daily *De Standaard* on 7 March that Javier Solana was increasingly working with a small group of big EU countries which he regarded as a real threat to EU unity. De Gucht pointed to the EU-3 grouping of

Germany, Britain and France in their talks with Iran as a negative trend towards ad hoc forums.

Although there is some *angst* as to whether the EU Foreign Minister would take over the right of Member States to speak and act on foreign and security policy, this should not be exaggerated. While the *amour propre* of foreign ministers and national diplomats must not be underestimated, overcoming this concern should not prove unfeasible. A sensible model to emulate would be the one currently used in EU trade policy. EU Trade Commissioner, Peter Mandelson, speaks and negotiates on behalf of the Union under a mandate from the Council. Similarly, in areas where the Foreign Affairs Council agrees on a common policy it would be up to the EU Foreign Minister to articulate and implement the policy. For example, Mr Solana already represents the Union in the Middle East Quartet. This could be the model for other areas. It would require foreign ministers from the Member States (and their diplomats in third countries) to exercise restraint in those policy areas designated ‘common.’

10. Training

The creation of the EFS provides an excellent opportunity to rethink the kind of staff required for the new service and their training needs. Given the rapidly changing nature of modern diplomacy, the EFS will need to recruit staff capable of covering a variety of functions and issues including:

- Political, economic and financial analysis.
- Security assessments, terrorist and proliferation experts.
- Justice and home affairs, including migration and asylum questions.
- Media and public diplomacy.
- Budget and administration.
- IT specialists.
- Consular and visa affairs (potentially).

The aim must be to staff the EFS with Europe’s “best and brightest.” This will require a minimum of joint training in order to achieve consistency and the highest standards of professionalism. The European Parliament has been at the fore (Galeote report of 1999) of this discussion in calling for the establishment of a European diplomatic academy. This is a desirable objective (there is already an EU Police Academy) in the medium-term but in the interim much could be achieved by using various training establishments. A certificate of EU diplomatic studies based on common core courses should be delivered. Exchanges should be encouraged: all prospective EFS officials should attend such a course in a country not of their origin. It should be clear that these modules would not replace

national training programmes but would be complementary to these. Common training would not only help to instil an EFS *esprit de corps* but also provide important financial and infrastructure economies of scale. Training would also be offered to mid-career officials.

11. An Imaginative EFS

The creation of the EFS will provide an opportunity for a creative approach towards the CFSP. The EFS, unlike national diplomatic services, will have a number of advantages, not least because of its staffing with officials able to consider a pan-European perspective. The EFS should also be imaginative in how it deals with policy issues. For example, it might experiment with taskforces that act on a mandate from the Council but which might not necessarily have to be composed of representatives from all 25 Member States. Some Member States have experience in certain issues (e.g. nuclear matters) unfamiliar to other Member States. This is partly why the EU-3 currently dealing with Iran have been accepted by the Union as *de facto* if not *de jure* negotiators. The task forces would report back regularly to the Council and their conclusions would have to be endorsed by the Council.

The EFS should also make full use of modern technology. Just as the President of the World Bank can hold daily teleconferences with his country directors around the world, so too should the EU Foreign Minister be able to speak with EU Heads of Mission by satellite links. Video-conferencing should also be practised more in political dialogues with third countries in order to reduce travel time.

In addition to its multicultural background, the EFS will also be able to draw on a spectrum of experts from the NGO and academic communities. This would be particularly important for conflict prevention where many NGOs have staff on the ground that could be of assistance to the EFS in policy formulation.

Conclusion

There is criticism in some quarters that it is pointless having a Foreign Minister and an EU external service until there is more progress and coherence in the CFSP domain. This is wrong for two reasons. First, Iraq was an exception: the EU Member States agree on over 90% of the issues, which are brought before the United Nations. Second, the Foreign Minister and the EFS will play an important role in increasing mutual understanding: the ‘habit of cooperation’ is a powerful tool in European integration.

The establishment of the EFS thus provides a historic opportunity to create a new body that should help ensure more coherence in the EU’s external relations. To achieve this aim it must be a joint service answerable to the EU Foreign Minister and, through him, to other stakeholders. There will be many problems and obstacles to overcome in launching the EFS, but if all those involved approach the task with a forward-looking mindset, these problems should be resolved. The United States and others will then have an important telephone number to call. But this will never be a single number, just as there is no single red phone for foreign policy in Washington.

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References

European Parliament, Committee on Constitutional Hearings. Draft Report: "The institutional aspects of setting up a European External Action Service." 2004/2007 of 22.2.2005, Tuesday 15 March 2005.

Crowe, Sir Brian. "Foreign Minister of Europe." The Foreign Policy Centre, 17 Feb. 2005.

Duke, Simon. "A Foreign Minister for Europe - But Where's the Ministry?" Clingendael Institute, Nov.2003.

Grevi, Giovanni, Daniela Manca and Gerrard Quille. "The EU Foreign Minister: Beyond Double Hatting." The International Spectator, Jan. 2005.

Hocking, Brian and David Spence. Foreign Ministries in the European Union – Integrating Diplomats. Palgrave, 2002.

Leonard, Mark. "Public Diplomacy." The Foreign Policy Centre, 2002.

Maurer, Andreas and Sarah Reichel. "Der Europäische Auswaertige Dienst." Stiftung Wissenschaft und Politik, Nov. 2004.

Monar, Jörg. "The Case for a European Diplomatic Academy." European Foreign Affairs Review, Vol 5/3.