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Introduction

The Emerging EU Diplomatic System: Opportunities and Challenges after 'Lisbon'

Diplomacy is under constant pressure to adjust to the changing context in which foreign policy is made. Although many scholars still associate diplomatic action with principles and rules that regulate relations among sovereign states operating in the area of high politics, current practice no longer fully corresponds with this image. The academic literature points to a variety of transformations that have taken place in recent decades. These include the widening scope of diplomacy to new policy issues; the erosion of the distinction between foreign and domestic policy areas; and the increasing diversity in diplomatic players, with a growing role for non-state actors such as transnational corporations, non-governmental organizations (NGOs) and multilateral and regional organizations.[1] Within this last group, the European Union is undoubtedly the player that has gone the furthest in developing a new layer of 'supranational' diplomacy alongside national foreign policies. Gradually, a process that started in the 1970s as a rather loose form of foreign policy cooperation has become formalized and institutionalized, with the centre of gravity gradually moving from the national capitals to Brussels. The entry into force of the Lisbon Treaty in December 2009 was the most recent step in this long process, and in institutional terms — with the creation of the European External Action Service (EEAS) — it is rather revolutionary. For the first time in diplomatic history, a non-state actor has created its own foreign service composed of both a central administration in Brussels as well as external delegations abroad. Although the role of the head's new service — the High Representative of the European Union for Foreign Affairs and Security Policy — is not fully comparable to that of a national foreign minister, the new High Representative has unprecedented potential to give further shape to the development of an autonomous European-level diplomacy. She [Catherine Ashton] has a co-right of initiative and her own informational and human resources at her disposal.[2]

[1] C. Hill, *The Changing Politics of Foreign Policy* (Basingstoke: Palgrave Macmillan, 2003); and B. Hocking and M. Smith, 'An Emerging Diplomatic System for the EU? Frameworks and Issues', paper presented at the ECPR Standing Group on the European Union Conference, Porto, 24-26 June 2010.

[2] On CFSP and the Lisbon Treaty, see, for example, R. Whitman and A. Juncos, 'The Lisbon Treaty and the Foreign, Security and Defence Policy: Reforms, Implementation and the Consequences of (Non-)Ratification', *European Foreign Affairs Review*, vol. 14, no. 1, 2009, pp. 25-46.

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المنارة للاستشارات

These momentous developments have inspired the Diplomatic System of the European Union (DSEU) — a multilateral research group on the EU diplomatic system that involves the universities of Loughborough, Leuven and Maastricht — to investigate how the emerging EU diplomatic body has been shaped since the entry into force of the Lisbon Treaty.[3] During a workshop in Maastricht in November 2010, academics and practitioners discussed the challenges and opportunities created by Lisbon from a political, administrative and legal point of view. The results of these debates are reflected in this special issue of *The Hague Journal of Diplomacy*.

Before discussing some of the main findings of the different contributions, it is important to note that the Lisbon innovations were not created on an institutional *tabula rasa*.[4] They are a new step in a long process that first started with European Political Cooperation in 1970 and a further attempt to adapt the EU's diplomatic machinery to the new international challenges. For many years, the sensitive area of foreign policy and diplomacy has experienced only a limited degree of integration. Even though Common Foreign and Security Policy (CFSP) became formalized in 1992 with the Treaty of Maastricht, it remained a separate pillar of the European Union, with its own decision-making procedures and veto powers available to the member states. At the same time, however, the continuous interactions in Brussels among diplomats from the EU member states started to affect national patterns of behaviour, producing some kind of 'we feeling' and leading to a coordination reflex and socialization.[5] This prompted some observers to describe cooperation in the foreign policy area as *transgovernmental*, emphasizing that it had moved on from pure intergovernmental cooperation.

The idea of European diplomacy is not new, as argued by Simon Duke in his contribution to this special issue. Already in 1994, the need for a unified external service was recognized by the European Commission, but it proved to be too early for such a far-reaching project. Following the decision at Laeken in December 2001 to establish the further development of the Union's external role as one of the European Union's future core priorities, the debate received a new boost. Discussions about strengthening the European Union's foreign policy

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[3] DSEU is a multilateral research network supported by the Jean Monnet programme of the European Commission and involving three core partners: Loughborough University; Katholieke Universiteit Leuven; and Maastricht University. The network brings together academic researchers, students, practitioners and civil society representatives with a specific interest in developing a broader understanding of how the European Union's diplomatic system has evolved, how it operates and how it has responded to the challenges of a changing global arena. For more information, see http//dseu.lboro.ac.uk.

[4] S. Keukeleire, M. Smith and S. Vanhoonacker, 'The Emerging EU System of Diplomacy: How Fit for Purpose?', Policy Paper no. 1, March 2010, available online at http://dseu.lboro.ac.uk/Documents/Policy_Papers/DSEU_Policy_Paper01.pdf.

[5] S. Nuttall, *European Political Cooperation* (Oxford: Clarendon Press, 1992); B. Tonra, *The Europeanization of National Foreign Policy: Dutch, Danish and Irish Foreign Policy in the European Union* (Aldershot: Ashgate, 2001); and A. Juncos and K. Pomorska (2006), 'Playing the Brussels Game: Strategic Socialization in CFSP Council Working Groups', *European Integration online Papers (EIoP)*, vol. 10, 2006.

المنارة للاستشارات

architecture were at the centre of the European Convention on the Future of Europe (2002-2003), ultimately leading to the establishment of the EEAS, headed by the High Representative. Arguably, these two bodies, together with the creation of a semi-permanent chair of the European Council, presented the biggest institutional innovation of the Lisbon Treaty, while at the same time also its greatest challenge.[6] The High Representative's double-hat as chair of the Foreign Affairs Council (FAC) and Vice-President of the European Commission raised questions about her institutional identity. The Lisbon Treaty's vague and imprecise stipulations on the EEAS, which was to be composed of a combination of officials of the Commission, the Council General Secretariat and national diplomats, led to protracted negotiations about staffing, the scope of responsibilities and the service's democratic accountability (see also Raube in this issue).[7] The transformation of the 134 Commission delegations into EU delegations radically affected the interaction with national embassies, raising the need for adapted coordination mechanisms and a new system for information-sharing (see Drieskens and Spence in this special issue).

Because of the many unsettled questions, and taking into account the divergent national positions and sensitivities, it is not surprising that the establishment of the new foreign policy mechanisms has taken up a lot of time and energy. The Council decision establishing the EEAS was only adopted in July 2010 and the service was inaugurated in December 2010.[8] Setting up the new body proved to be a complex process, characterized by numerous 'teething problems' and institutional turf battles.[9] Much of the criticism of the new service has been focused on the personality of the first High Representative, Catherine Ashton, and her supposed tendency for micromanagement. Furthermore, the European Union's belated response to the democratic revolutions in North Africa during spring 2011 led to comments about a lack of vision and leadership.[10] It would, however, be unfair to place the entire blame on the High Representative, for the EU member states also arguably failed to deliver. Their prime concern has been securing the best posts and reasserting national prerogatives, while actually providing the

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6) A. Missiroli, 'The New EU "Foreign Policy" System After Lisbon: A Work in Progress', *European Foreign Affairs Review*, vol. 15, no. 4, 2010, pp. 427-452.

7) J. Bátora, 'A Democratically Accountable European External Action Service: Three Scenarios', in S. Vanhoonacker, H. Dijkstra and H. Maurer (eds), 'Understanding the Role of Bureaucracy in the European Security and Defence Policy', *EIoP*, Special Issue no. 1, vol. 14, available online at http://eiop.or.at/eiop/texte/2010-012a.htm; and S. Vanhoonacker and N. Reslow, 'The European External Action Service: Living Forwards by Understanding Backwards', *European Foreign Affairs Review*, vol. 15, no. 1, 2010, pp. 1-18.

8) Council of the European Union, 'Council Decision of 26 July 2010 Establishing the Organization and Functioning of the European External Action Service', 2010/427/EU, 2010, *OJ* L201/30-40.

9) 'UK Attacks Ashton over "Ludicrous" Budget Proposal', *EUobserver*, 2011, available online at http://euobserver.com/18/32384, accessed on 16 October 2011.

10) See, for example, *Le Monde*, 28 January 2011; *The Economist*, 1 February 2011; and *Le Soir*, 4 May 2011.

المنارة للاستشارات

European Union with the machinery to operate as a coherent and influential international actor has been of secondary concern.

As mentioned above, this special issue of *The Hague Journal of Diplomacy* is a first step in understanding the challenges and opportunities brought about by the Lisbon Treaty in the field of EU foreign policy and diplomacy. It poses important questions concerning the interplay between existing national diplomatic services and the evolving EU-level diplomatic system that is embodied by the creation of the EEAS, the strengthened position of the High Representative and the transformation of the Commission delegations into EU delegations abroad. Some of the main questions asked by the different contributions are as follows: What are the institutional and procedural changes in the field of diplomacy that have been introduced by the Lisbon Treaty? What challenges to national sovereignty do these changes pose? What have been the political and legal challenges in the implementation of Treaty reforms? To what extent does the new system contribute to the greater visibility and effectiveness of the European Union as an international actor? How can we conceptually make sense of these new developments, taking into account that this new form of multilateral diplomacy challenges our traditional understanding of inter-state relations?

Almost all of the contributions show from different angles that the process of setting up the new EU diplomatic system has been far from smooth. The EEAS has been operational for just about two years, but there have been constant difficulties related to EU member states' suspicions, inter-institutional infighting, the challenges of integrating staff from different institutional backgrounds, and a lack of procedural clarity. In most cases such difficulties have led to acute tensions, which can be broadly observed on two levels of analysis, national and European.

On the *national level*, one can observe suspicion and resilience among the EU member states with regard to the new situation, in so far as diplomacy has originally been developed in the Westphalian discourse of state sovereignty and primacy. In that system, the role of diplomacy has traditionally been to protect the national interest and to provide for favourable international conditions for its furthering. This is especially valid for the big EU member states, which have had a long foreign policy tradition, well-developed diplomatic systems and an entrenched interest in resisting changes that could potentially challenge their independent, supreme authority. The situation is marked by a high level of ambiguity since, on the one hand, most EU member states realize that they increasingly need the European Union to fulfil some of their national foreign policy goals in a globalizing world, while, on the other hand, they remain reluctant to give up sovereignty in the sensitive area of diplomacy. This makes it extremely difficult for any changes to take shape quickly and pick up pace.

Regarding the *European level*, Lisbon built upon the emerging EU-level diplomatic system within the European Commission and the Council Secretariat

المنارة للاستشارات

(under the leadership of Javier Solana), which were working together in many aspects of foreign and security policy, such as, for example, in the domain of crisis management and conflict prevention. This, however, was not without tensions on both sides of the fence between 1999 and 2009, leading to frequent calls for better inter-institutional coordination and policy coherence.[11] The melding of these different players under the EEAS roof has not produced the expected easing of tensions but, rather, has been the basis of unprecedented turf battles and inter-institutional rivalry. This does not come as a surprise for Spence, who has a long working experience in the European Commission. Identifying no less than six different mind-sets,[12] he sees the different epistemic communities[13] that constitute the EEAS as an important obstacle for its staff to function as a coherent body. Finding a solution is not easy, not least because shaping a common identity takes time.

In his contribution, Duke points to the possible role of training as a potential powerful source for forging common European diplomatic norms and values. In his view, however, the building of an *esprit de corps* is just one of the objectives of any European training programme. Even more important is the transfer of knowledge and skills as a prerequisite for an effective EEAS. Given the limited attention paid to EU diplomatic training so far, it is to be expected that in the immediate future the approach to this issue will continue to be somewhat *ad hoc.* It remains to be seen how the newly established EEAS unit in charge of training will assume its responsibilities both for staff in the headquarters as well as in the delegations. The long-debated question of establishing a European Academy is clearly not one that will be resolved in the near future.

An additional actor with growing stakes in the new diplomatic system is the European Parliament, which has been eager to expand its competences in foreign policy since the entering into force of the Lisbon Treaty. In particular, as observed by Raube's contribution, the European Parliament has been able to 'expand its parliamentary oversight in external relations along the lines of legislative, supervisory and budgetary powers [. . .] by means of formal and informal agreements'. In doing so, the European Parliament has challenged the hitherto unquestioned primacy of the Council and the European Commission in foreign and security policy, and has diminished the level of exclusivity that these institutions previously enjoyed. The successful development of the EU diplomatic system is going to be strongly related to effective inter-institutional cooperation, but failures in

[11] H. Dijkstra, 'Commission Versus Council Secretariat: An Analysis of Bureaucratic Rivalry in European Foreign Policy', *European Foreign Affairs Review*, vol. 14, no. 3, pp. 431-450.

[12] He subdivides each of the three main categories of the EEAS (officials from the European Commission, Council Secretariat and national diplomatic services) into two sub-categories of national and Eurodiplomatic staff.

[13] P. Haas, 'Introduction: Epistemic Communities and International Policy Coordination', *International Organization*, vol. 46, no. 1, 1992, pp. 1-35.

المنارة للاستشارات

that domain will immediately impact upon the European Union's ability to act decisively in international affairs. Both intra- and inter-institutional coordination will thus remain serious challenges for the development of the EU diplomatic system.

Besides the political and administrative hurdles, the Lisbon Treaty also raises a number of legal questions. Lacking the features of a sovereign state, the European Union has a *sui generis* status in international diplomatic law. Until now, the European Union has developed its diplomatic network by means of bilateral agreements with third countries and international organizations, applying as much as possible of the Vienna Convention of Diplomatic Relations (1961). However, since Lisbon it faces the challenge of bringing together this system of 'multiple bilateralism' and its aspiration of developing as a single 'multilateral' diplomatic actor. The two do not necessarily sit on an equal footing, as pointed out by Wouters and Ducquet. Problems regarding diplomatic passports and diplomatic asylum, the complexity that is inherent in the variety of EU legal arrangements, and the unresolved issue of applying customary diplomatic law are all points that deserve further attention.

Closely related to the above-mentioned legal challenges is the issue of EU representation through the 'new' delegations to third countries and international organizations (IOs). The transformation from Commission delegations to Union delegations is much more than a change in name plate. It implies the assumption of new functions and the integration of new actors. Based on academic research on the former Commission delegations, Drieskens is relatively pessimistic about the capacity of the Union delegations at the seat of international organizations to develop into coherent and effective actors. In her case study on the UN delegation in New York, she identifies various predicaments, including: the considerable diversification of tasks and expansion of workload; integrating staff with different institutional backgrounds; and (unclear) recognition of the EU delegation to the UN as representing the European Union as a whole. Bearing in mind that the observed changes have been operational for approximately two years, definitive conclusions are premature. Only time will tell whether the EU delegations allow for greater effectiveness.

The rather difficult start of the High Representative and the EEAS should not eclipse the opportunities that exist for the European Union. As illustrated by Raube, the most important is undoubtedly the possibility of ensuring greater democratic legitimacy and accountability for the new diplomatic system. As observed earlier, the European Parliament managed successfully to exploit the window of opportunity that was created by its role during the establishment of the EEAS. It managed to strengthen its powers in legislation, budget distribution and supervision by means of formal and informal agreements. As a result, the European Parliament is now able to scrutinize the High Representative and the

المنارة للاستشارات

EEAS: first, by acquiring better access to information on foreign and security policy issues; second, by holding staff accountable (including the High Representative); and third, by controlling the budget of the EEAS. This created momentum for — what Raube calls — the 'gradual "parliamentarization" of EU external relations', a process that will continue in future and, in so doing, redefine our understanding of the democratic legitimacy of EU-level foreign policy.

The recent changes also point to the creation of opportunities in the domain of information exchange and foreign policy communications. So far, the EU member states have been the main information providers, while the role of the Brussels-based institutions has been mainly confined to that of information processing. The contribution by Bicchi shows that with the establishment of the EEAS and the Union delegations, the communication system in EU foreign policy has been affected in a number of areas. A growing proportion of the information that flows in the policy domain now originates in Brussels. The EEAS has been emerging as a central actor in the *Correspondence Européenne* (COREU) network, developing an autonomous EU capacity for information-gathering. The EU delegations have started to produce regular political reports and there has been an increase in information-sharing between the EU member states in the field of consular affairs, with the EEAS serving as a central platform for EU-level foreign policy information exchanges. This has important implications for how the EU-level diplomatic system will shape up, and the possible strengthening of its self-sufficiency and autonomous character.

As throughout the history of European integration, the shaping of an EU-level system of diplomacy is an incremental process and it is clear from the contributions in this volume that it will occupy the minds of politicians and diplomats for the foreseeable future. However, for those studying this new level of diplomatic action, it also poses a number of conceptual puzzles that have to be addressed. Thomas and Tonra identify seven distinct theoretical models — ideal types — that offer alternative explanations to the question: 'How do the European Union and its member states arrive collectively at a definition of their diplomatic objectives?' The two scholars demonstrate that, while starting from the common assumption that most EU member states have different foreign policy preferences, they differ considerably when it comes to the process, scope conditions and time-scale needed to secure agreement on common policies. In particular, the authors highlight ways in which the High Representative and the EEAS have influenced the establishment of the European Union's diplomatic objectives. They argue that their study is not only confined to a theoretical discussion, but also has certain practical implications for policy-makers, by offering predictions on the conditions and circumstances under which different strategies for political action would convey a particular desired outcome. Their rich theoretical discussion demonstrates that we are far from being able to adjudicate on a 'most useful',

المنارة للاستشارات

'most encompassing', or 'best' approach when it comes to understanding EU foreign policy-making, and diplomacy in particular. There is no one exclusive analytical approach, but rather, different interpretative takes on the same puzzle; only in time and after consistent analytical effort may we be able to distil any useful complementarities among the existing approaches. In this way, we may hope to come closer to achieving a more encompassing understanding of EU foreign policy-making and diplomacy.

Two years ago, in a special issue of this journal, Hocking and Bátora wrote that the European Union was a 'fascinating laboratory for studying the evolution and adaptation of diplomacy'. This observation remains more pertinent than ever.[14] To date, many observers have been unimpressed with the performance of the emerging EU diplomatic system. A critical tone prevails in most contributions to this special issue. The process of consolidating the EEAS has been less smooth than expected, and the task of setting up a new institutional framework clearly was underestimated, both in political, administrative and legal terms. Visionary leadership in the European Union has been absent or disappointing with (especially the big) EU member states doing their utmost to retain hold of the reins in the European diplomatic game. This has led to fears that Lisbon may have led to a strengthening, rather than weakening, of the Westphalian system of diplomacy.

Nonetheless, it would be premature to reduce the findings of this volume to the simple conclusion that the Lisbon Treaty created a mere regression from what we had before. Several of the contributors rightly remark that it is an illusion to expect the new system to take shape at once. A simple transfer of national structures and modes of operation to the European level is not sufficient, nor can one expect a coherent European mind-set to develop overnight. The key factors that are necessary for the success of the new service are therefore time and political will of the EU member states. Institutions need time to get up and running properly; for an integrated diplomatic service, several years will be needed both at the EU headquarters and abroad. The political will of the EU member states will be essential to ensure that the service is taken seriously, not only by outsiders, but also by national foreign ministries within the European Union. Concerns remain as to whether, in a rapidly changing international and diplomatic context requiring prompt responses, the European Union can afford this time. Although the world of diplomacy is not that of the financial markets, the pace of events is nonetheless rapid, and emerging new political players may have less patience with the European Union than its traditional allies. In such a context — as already illustrated by the financial crisis in Europe — the issues of political willingness and

[14] B. Hocking and J. Bátora, 'Diplomacy and the European Union', *The Hague Journal of Diplomacy*, Special Issue, vol. 4, no. 2, 2009.

المنارة للاستشارات

inter-institutional coherence will play an ever more important role for the effective responses of the European Union globally.

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