

EEAS - What “European diplomatic service” ?

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European External Action Service (EEAS). The rules of the game are such that, though tempting, it would be exaggerating somewhat to talk about a “European diplomatic service”, as the European External Action Service does not have the prerogatives of sovereignty of a state’s diplomatic corps. The European External Action Service does not have a mandate to replace the Foreign Affairs Ministries of the member states.

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ON DECEMBER 1 the European External Action Service will set to work... but how ?

Engendered by the Treaty of Lisbon (December 1 2009), the European External Action Service is under the authority of the High Representative for Foreign Affairs and Security Policy, also a newly created position, the first incumbent being Catherine Ashton (UK), appointed at the end of 2009.

Under the terms of Article 18 of the Treaty on European Union (TEU), amended by the Treaty of Lisbon, it lies with the European Council – an assembly of the heads of state and government of the EU member nations – to name the High Representative by a qualified majority. The Council is also empowered to terminate the mandate before the completion of the 5-year term, by the same procedure. In other words, irrespective of the wisdom or otherwise of the choice of the current incumbent, the fact is that the High Representative is, above all, nominated by the European Council. The European Parliament is also entitled to pass a motion of censure whereby the members of the European Commission, including the vice-president occupying the position of High Representative (TEU, art. 17), would have to resign. In the meantime, the European Parliament submits queries or recommendations to the High Representative and will be inviting her to debate her policy twice each year.

A precise framework

The High Representative’s attributions are circumscribed by the terms of the TEU. This in turn leaves the European External Action Service with limited elbow room. It is indeed the European Council’s job to identify strategic interests, set goals and define general foreign policy and security policy orientations. Common foreign and security policy is then executed by the High Representative and by the member states using both national and EU resources. In other words, the High Representative implements a policy decided by others, namely the member States. Her added value is to ensure that the policy remains consistent, submit proposals to the Foreign Affairs Council (bringing together the Foreign Ministers of the member states), which she chairs, and represent the European Union on foreign policy issues. Finally, the High Representative has authority over both the European Union delegations throughout the world and the European External Action Service.

The TEU only devotes one paragraph to the European External Action Service, contenting itself with stating that the Service : “shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the [European] Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.” (TEU art. 27, § 3)

Key declarations

In reality, the member states retain prerogatives of sovereignty, via two texts appended to the final document produced by the Inter-governmental conference that adopted the Treaty of Lisbon. These are TEU Declarations 13 and 14. The former states that the High Representative and the European External Action Service “do not affect the responsibilities of the Member States as they currently exist [and] the provisions governing the Common Security and Defence Policy do not prejudice the specific character of the security and defence policy of the Member States.” Declaration 14 drives home the nail, adding that the High Representative and the service “will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organizations [...]”.

The finer details of how the European External Action Service was to be organised were set out in a decision by the Foreign Affairs Council, dated July 26 2010. The negotiated agreement was for the European civil service to provide 60% of the service’s total staff of 6,000. The recruitment procedure was to ensure both geographical and gender balance. The service’s budget falls under the Common foreign and security policy (CFSP) and is managed by the European Commission, but under the authority of its vice-president, namely the High Representative. The Parliament has the right to oversee the service’s budget. Since then, Frenchman Pierre Vimont has been appointed Secretary General of the service.

The rules of the game are such that, though tempting, it would be exaggerating somewhat to talk about a “European diplomatic service”, as the European External Action Service does not have the prerogatives of sovereignty of a state’s diplomatic corps. The European External Action Service does not have a mandate to replace the Foreign Affairs Ministries of the member states !

The High Representative and the European External Action Service will only be what the State members want them to become. The heads of state and government will continue to bear the brunt of the responsibility.

We should, however, bear in mind that circumstances sometimes lead to European Union texts being reinterpreted, indeed overridden. Witness the Stability and Growth Pact !

One thing is sure : it will require much common willpower and dexterity for the new service to acquire clarity, visibility and reflexes. Will the European institutions and the current incumbents be capable of pragmatically inventing a *modus operandi* in keeping with their responsibilities ?

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P.-S.

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