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The change of the diplomatic competences of the EU on the international stage with the introduction of the European External Action Service

Bachelor of European Studies (B.Sc.)

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1. Introduction

The Treaty of Lisbon (ToL) entered into force on December 1st, 2009 and the European Union acknowledges the challenges of a growing Union ("Treaty of Lisbon," 2007, p. 1). The challenges a Union with an increasing number of member states and enlarged complexity has to deal with in our globalizing world. The Treaty of Lisbon attempts to create a more efficient EU, while trying to do justice to the different opinions and needs of the 27 member states. It will, according to the masters of the treaties, take the European Union into the 21st century. The treaty acknowledges that Europe will only be able to meet the challenges ahead together and therefore calls for greater coherence within the Union. As a part of the desired greater coherence, the Lisbon Treaty newly regulates the external representation of the European Union. The European Union will be represented as an entity on the international stage:

"Promoting its values and interests globally, the EU is the world's biggest trader and its biggest provider of aid to developing countries. Under the Treaty of Lisbon, Europe will speak with a clear voice on external relations." ("EUROPA-Treaty of Lisbon-The EU in the World," 2010)

External representation has always been a vital part of European policies. The representation towards third parties is organized under the Common Security and Defense Policy (CSFP) since 1992. Here, member states had large powers and European harmonization was low. External representation was maintained by three main bodies: the Council, the Commission and the member states. Each of these bodies was able to accomplish its own preferences. With the Treaty of Lisbon this representation has been newly organized, with the goal to represent the European Union as an entity and not only specific actors within the Union.

"The Treaty of Lisbon contains two important institutional innovations with a significant impact on the Union's external action: the "permanent" President of the European Council [...], and the new High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission, who shall ensure the consistency of the Union's external action.[...] The impact of EU intervention is also enhanced by a new European External Action Service, drawing on the resources of the EU institutions and the Member States to assist the High Representative." ("EUROPA-Treaty of Lisbon-The EU in the World," 2010)

The Treaty of Lisbon establishes the new mandate of the High Representative of Foreign Affairs and Security Policy (HR), who is to be supported by the European External Action Service (EEAS). Having established a common institution for external representation, the Treaty of Lisbon will support a more effective Europe and with the High Representative and the EEAS a consistent external voice on the international stage will be ensured. With the Treaty of Lisbon and the newly established bodies, diplomacy, security, trade as well as development and humanitarian aid will be organized by one institution to represent the EU internationally.

This bachelor thesis will be looking at the new role of the HR and the EEAS under the Treaty of Lisbon. More specifically, the diplomatic competences of the EEAS will be under investigation. More specifically, the diplomatic competences of that new body will be looked at and in how far these have been altered by the new treaty with regard to the previous treaties.

This leads to the following research question:

To what extent will the European External Action Service change the diplomatic competences of the European Union on the international stage?

This research question rests upon the assumption that the Treaty of Lisbon, with the establishment of the HR and the EEAS, will lead to changes in the external representation of the European Union. This is a valid assumption as European Treaties are meant to create change. The way in which the HR and EEAS will change the external representation of the European Union are subject of this research.

1.1 Outline

In order to answer the research question, there are three categories into which the sub questions are organized: the Common Foreign and Security Policy, the European External Action Service and the diplomatic competences of the EEAS. Each of these categories will be dealt with in one chapter. The last chapter will give an answer to the research question. Basically, this thesis will be dealing with two points in time of European common foreign policy: the CFSP and the EEAS, which has been established by the Lisbon Treaty and will continue to streamline the external representation of the Union under the framework of the CFSP.

1.1.1 The Common Foreign and Security Policy

The general framework of the Common Foreign and Security Policy (CFSP) was introduced by the Treaty of Maastricht (TEU) in 1992 and amended by the subsequent ones. The introduction of the CFSP presents the first organized external political representation of the EU manifested in a Treaty of the Union. The roots of EU external representation will be dealt with in more detail in chapter 1.3. With growing economic power the member states felt the need that policy coordination needed to go beyond economic matters. At first an informal framework, the European Political Cooperation (EPC), was designed in the 1970's, which was not designed to represent a common position of the member states at the time (Duke, 2006, p. 7). Here, information could be exchanged more easily and to discuss external issues.

Changes in the international order and rounds of enlargement between the 1970's and the 1990 have required changes within the EU. The reunification of Germany, the end of the Cold War and globalization did not leave Europe untouched (W. S. Carlsnaes, S., 2009, p. 103 &113). Increased cooperation on the international stage required new policies on the European stage in order to deal with the changes in the international arena (W. S. Carlsnaes, H. ; White, B., 2004, pp. 33-35). An informal framework was not enough anymore; the Union needed to present common positions and demonstrate policy coherence when acting on the international stage. This required a framework for foreign policy which could be found in a treaty (Duke, 2006, p. 6 &11).

In order to be able to make a comparison in which ways the external representation of the Union has changed the beginnings of common foreign policy need to be explained. Therefore, it will be necessary to investigate what the legal basis for this policy was and how the treaties following the one of Maastricht amended the policy. Furthermore, the organization of the policy will be presented. There are many bodies involved in the external policy which makes decreases transparency of policy making. In addition to the above mentioned bodies, the institutions of the EU- especially the Council,

the Commission and the member states- have certain competences, these will also be presented. In this context also the way in which they made use of their diplomatic competences will be highlighted. The comparative approach of this thesis requires questions on the before and after situation of European external representation.

The CFSP will be dealt with in the second chapter and there the following sub questions will be answered in order to allow a comparison in the end:

1. Common Foreign and Security Policy (CFSP)

1.1 What was the legal basis of the CFSP?

1.2 How was the CFSP organized?

1.3 Which competences did the Council, Commission and member states hold within CFSP?

1.4 How did the actors use their diplomatic competences under the framework of the CFSP?

1.1.2 The European External Action Service

The European External Action Service (EEAS) is the external service of the EU established by the Treaty of Lisbon ("Treaty of Lisbon," 2007Art. 27 (3)). The service is established to support the HR, the Commission, the President of the Council, the member states and the European Parliament. Initially it had been planned to start drafting the set-up of this service immediately after the signing of the ToL in 2007. With the referenda in the Netherlands and France, where the people voted "no", and the difficulties the treaty had to face when it came to the ratification in Ireland these preparations were laid on ice.

Since the ToL entered into force on December 1, 2009 the set-up of this service is not yet known. Up to this date, the HR, Mrs. Ashton, has presented her proposal for the EEAS to the Foreign Affairs Council (FAC) in the beginning of May and the FAC agreed to the proposal. However, there are no other institutions which have agreed the proposal ("REGIERUNGonline," 2010). The Commission is expected to agree but the EP is not very satisfied with the proposal as many of its wishes are not included, some MEP's say ("REGIERUNGonline," 2010).

The EEAS presents the other point in time which will be under investigation in this thesis. As the EEAS is a newly established body within the EU, there will be two sub questions dedicated to this body. The first sub question, which will be dealt with in the third chapter, introduces the EEAS as new body. This is necessary because the EEAS is newly established by the ToL. This requires a general introduction of the service. This will be done by verifying the legal basis of the EEAS and the representation of its goals. In addition to that the main institutions from the second chapter- Council, Commission and member states- will be presented and in which way they will be represented within the EEAS. Finally, the question on how this service will be financed will be asked. When looking at the EEAS one has to keep in mind that the ratification process is not finished yet, which leaves us with a limited amount of information which can by no means regarded as final information. With regard to the EEAS the following sub questions will be answered:

2. European External Action service (EEAS)

2.1 What is the legal basis of the EEAS?

2.2 What does the EEAS want to achieve?

2.3 How are the Commission and the Council along with the member states represented?

2.4 How is the EEAS financed?

The third sub question will also deal with the EEAS. In the second sub question the EEAS has been introduced by means of asking rather general questions on the goals and the representation of the main players within the service. The third sub question will go into more detail of the diplomatic competences of the EEAS as these are the main objective of the thesis and will later be used for the comparison. The new treaty not only establishes the new service but, by this, unifies the external representation in a new way. Along with the establishment and new organization the competences of the service have changed and what the competences are and how this are used needs to be answered. From the competences one can then see what this implies for the international stage and the Union's role as an international actor.

3. Diplomatic competences of the EEAS under the Treaty of Lisbon

- 3.1 What are the diplomatic competences of the EEAS under the Treaty of Lisbon?
- 3.2 How will the EEAS make use of its competences?
- 3.3 How will the competences be distributed among the several actors of external representation?
- 3.4 What are the implications of these new diplomatic competences for external representation?

The last chapter will summarize the findings of the previous chapters and conclude giving an answer to the research question. There the changes for the Union under Lisbon as international diplomatic actor will be contrasted to the Union before Lisbon.

1.2 Methodology

Before being able to make an accurate distinction between the change in diplomatic competences, these need to be defined. For a definition of diplomatic competences the statement on diplomacy from Plischke, found in Bruter (Bruter, 1999, p. 184), will be used:

"[...]diplomacy is the political process by which political entities establish and maintain official relations, direct or indirect, with one another in pursuing their respective goals, objectives, interests and substantive and procedural policies in the international environment; as a political process it is dynamic, adaptive and changing, and it constitutes to a continuum; functionally it embraces both the making and implementation of foreign policy at all levels, centrally and in the field, and involves essentially, but is not restricted to, the functions of representation, reporting, communicating, negotiating, and maneuvering, as well as caring for the interests of nationals abroad"(Plischke, 1972, p. 20)

In addition to that the skills of diplomat found in Berridge will also be looked at. These skills comprise next to honesty, mediation skills and professionalism (Berridge, 1995):

- Permanence of diplomatic representation
- Secrecy of diplomatic actions to maintain national security
- Adherence to protocol

The treaties provide the main resource for the legal analysis of the diplomatic competences mentioned above. With the treaty one can also determine the goals of the policy at the time and in how far flexibility in decision making was granted by the treaties. The member states of the Union more or less follow the same – a peace-oriented - foreign policy ("Auswärtiges Amt der

Bundesrepublik Deutschland," 2010). Therefore, it is possible to carry out a common policy supplemented by foreign policies by the member states and diplomats representing their own member state (Hill & Wallace, 1979, p. 64). The HR will be Europe's spokesperson, representing all member states. Declaration 13 of the Lisbon Treaty grants that member states can still carry out their own foreign policy regardless of the HR ("Treaty of Lisbon," 2007, p. 255).

1.3 Background: EU external representation 1950- 2009

The European Communities were established in the 1950s, and since then external representation of the confederation of states has always been a high profile issue.

The Treaty of Paris entered into force in 1951 and right from the beginning of the European Community (EC) saw the need to establish delegations in other countries. In 1954 the EC established its first delegation in the US. Within the European Coal and Steel Community (ECSC) proposals to establish the European Defense Community (EDC) became public. Jean Monnet, who was the President of the High Authority of the ECSC, decided that this would not be appreciated in the US as it hampered the integration efforts initiated by the Americans. As response, the ECSC opened an information and communications office in the US (Bruter, 1999, p. 183). Soon after the opening of the office in the US, ECSC delegations were sent to Latin America and the UK. At the time, Europe was far away from having a single European body of external representation. Political integration was not nearly as high on the agenda as it is today ("Taking Europe to the world- 50 years of the European Commission's External Service," 2004, p. 15).

In the 1970's approximately 150 members of the European Commission were sent out to fulfill development and information tasks in 30 missions around the world in the name of the European Communities ("Taking Europe to the world- 50 years of the European Commission's External Service," 2004, p. 19). The diplomats sent out by the Commission represented their own Directorate General (DG) and not the entire EC. With the accession of the UK in 1972, external representation was extended to the African, Caribbean and Pacific states (ACP). Missions of the EC grew rapidly and vast numbers of qualified personnel was needed to ensure qualified representation ("Taking Europe to the world- 50 years of the European Commission's External Service," 2004, p. 33).

By 1989 the EC had established a truly global representation scheme, with 1440 staff members in 89 missions ("Taking Europe to the world- 50 years of the European Commission's External Service," 2004, p. 34). In 1993 the Treaty of Maastricht (TEU) changed the proceedings within EU external representation, as it introduced the CFSP. For the first time external representation is recognized in a Treaty of the EC.

"The diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences, and their representations to international organisations, shall cooperate to ensure that the common positions and joint actions adopted by the [European] Council are complied with and implemented." ("Treaty of Maastricht ", 1992Art. 20)

With the introduction of the CFSP the political representation of the EU became a much larger objective. The missions no longer had concentrated on information exchange and developmental support, but also incorporated the political aspects of diplomatic representation. The CFSP was strengthened even more with the Treaty of Amsterdam (1999), which introduced the mandate of the

High Representative (HR). Europe became more unified in all regards and their external missions became more coordinated. The HR was the head of these coordinated missions and external representation. The EU has evolved to be the "largest market, trade and aid donor" ("Taking Europe to the world- 50 years of the European Commission's External Service," 2004, p. 57), which has harmonized nearly all policy areas. Representing the European interests on the international stage is an area not yet harmonized. This is what is attempted in the ToL and the newly established HR and the EEAS.

1.4 Summary

This Bachelor thesis will deal with the diplomatic competences of the European Union under the Treaty of Lisbon. As has been shortly outlined above, external representation has come a long way; many actors have been involved and external pressures have always played a large role in the next steps the Union took in further treaty amendments. The main aim of the Union has always been to increase consistency. Under the new Treaty the new post of the HR has been created. The new High Representative will be supported by a newly established service the EEAS. These two newly established mandates will alter the way the Union will be represented externally. And the aim of the Union to achieve more coherence in external representation can be reached.

2. Common Foreign and Security Policy

In this chapter the evolution of the CFSP from Maastricht to Lisbon will be presented. The reasons and background for the establishment of the CFSP in the first place have been given in chapter one. First of all the legal basis for the CFSP will be given. This will be done for Maastricht and the amendments following that treaty. The organization of the CFSP and the competences the main actors hold will be presented. Finally, the diplomatic competences of the actors within CFSP will be mentioned.

As the Lisbon treaty has only entered into force a couple of months ago, the direct effects and possible needs for improvement cannot always be identified. The treaty is not entirely clear on all issues, thus there are many grey areas in which time will show which actor will be best fit to carry out this task.

2.1 What was the legal basis for the CFSP?

In this section of the chapter on the Common Foreign and Security Policy (CFSP) will be introduced. This is necessary as the following chapters introduce the new external service of the EU, the EEAS. This chapter will outline the main points in the development of the CFSP and their relevance for the external representation under the framework of the CFSP.

The Treaty of Lisbon (ToL) establishes a new style High Representative and her supportive organization the European External Action Service, EEAS, which is to regulate EU external representation from now on. The CFSP established in 1992 is the framework under which the EEAS will be working.

The outline of the treaty foundations and changes in CFSP matters will start with the Treaty of Maastricht.

2.1.1 CFSP under the Treaty of Maastricht

When dealing with the CFSP, we need to start with the Treaty of Maastricht (TEU) as this treaty established the pillar structure under which the EU operated from 1992 until 2009.

The first pillar, the EC pillar, was the only supranational pillar; it was based upon the European Economic Community. CFSP and JHA, the other two pillars, were of intergovernmental nature dealing with the foreign policy (CFSP) and the judicial cooperation and law enforcement (JHA).

As this thesis deals with external representation of the EU, the second pillar is the only one we will look at from now on.

The legal basis for the Common Foreign and Security Policy for the European Union could be found in Article J of the initial Treaty on European Union (TEU), it read:

“A common foreign and security policy is hereby established which shall be governed by the following provisions.

The Union and its Member States shall define and implement a common foreign and security policy, governed by the provisions of this Title and covering all areas of foreign and security policy.” (“Treaty on European Union,” 1992Art.J & J.1)

The Treaty specified that the Union, in cooperation with the Member States, “shall define and implement” (“Treaty on European Union,” 1992Art. J.1 (1)) a common policy in foreign and security matters within the limits of the Treaties. The notion of the Treaty covering “all areas of foreign and security policy” highlighted the need for consistency within the Union’s external policy. Consistency was wanted in all areas of external representation but external representation is much more than “only” a foreign and security policy as the CFSP is. The Union has always been an important actor in development aid and of course in economic transactions. Regardless, of the article only being concerned with foreign and security policy it also highlights that consistency among the member states is desired in a much broader field (Duke, 2006, p. 11).

The TEU also set clear goals of what the Union wanted to achieve with this common policy. Namely, to preserve the common values the Union rests upon, the interests and independence the Union, while strengthening the security of the member states. The Treaty stated that the underlying aim was the preservation of peace and international security (“Treaty on European Union,” 1992Art. J.1 (2)).

While re-organizing its external representation the EU wanted to promote international cooperation its values in third states and help them, if necessary, to adopt democratic values, human rights and the rule of law (“Treaty on European Union,” 1992Art. J.1 (2)). A prominent example of the development support and promotion of democratic values is the active role the EU played in the Republic of South Africa after the end of the apartheid regime in 1994 (Rhodes, 1998, p. 33).

With regard to the member states the Treaty pointed out a clear code of conduct. Here, “spirit of loyalty and solidarity” are the key words (“Treaty on European Union,” 1992Art. J.1 (4)). Thus, member states needed to ensure that they do not perform actions which were contrary to the interests of the Union as a whole.

For the member states the common policy facilitated the coordination of common interests. As time passed the member states became more active on the international stage and as European integration progressed, the need for a common external strategy became inevitable. In contrast to economic policy, harmonization was low in political matters. With the establishment of the CFSP, the

member states received a common policy which they were able to shape, due to its intergovernmental character (W. S. Carlsnaes, H. ; White, B., 2004, p. 16). As the CFSP is still in place it is necessary to look at the policy in detail and its development.

Next to the general provisions on the CFSP itself the TEU also specified the policy instruments within the CFSP. The Treaty of Maastricht established two policy instruments: Common positions and joint actions.

Common positions were laid down in Article J.2, which were defined by the Council. In CFSP the member states were asked to cooperate with each other and consult each other when necessary. They were also asked to cooperate with the Council in "matters of foreign and security policy of general interest" ("Treaty on European Union," 1992Art. J.2 (1)). Common positions were defined by the Council which combined the interests of the member states. Therefore, the member states needed to ensure that their national legislation conformed to the common position. This also applied to international organizations where member states were part of. The member states represented the entire Union and thereby needed to ensure that the common position was upheld. This policy instrument was the stronger of the two. Member states were involved in the decision making process, this led to coherence of positions of the member states, allowing the Union to speak with one voice, even if the Union should be represented by certain member states only.

Joint actions were laid down in Article J.3. Here, the Council decided that a matter is the topic for a joint action. When dealing with a joint action the Council had the power to define the scope, duration, means and the procedure for its implementation. When a joint action was published the member states were committed to adopt the decisions mentioned in the joint action and account for the new regulations by the joint action in their future legislative actions. In contrast to the common position the member states did not initiate the process of a joint action. The Council defined most of the relevant aspects to this instrument with regard to the opinions of the member states. The member states then ensured that their policies were in accordance with the joint action.

What was common to both instruments is the fact that the Council needed to act in unanimity.

The Council had the task to monitor the member states and their behavior, and ensured that the above mentioned principles were adhered to ("Treaty on European Union," 1992Art. J.1 (4)). On the international stage the Presidency was to uphold the interests of the Union unless member states were members of international organizations, then these maintained the Union's view ("Treaty on European Union," 1992Art. J.5). The Treaty of Maastricht was the founding stone for coordinated foreign and security policy on the European Union. It presented the initial step of what is the topic of this thesis, the external representation under the Treaty of Lisbon. Providing a common framework was necessary to account for the increasing international activities of the member states. The provisions established in Maastricht were far from being perfect and therefore changes were necessary for the upcoming treaties. Especially the question on the competence of concluding international agreements was a crucial point in CFSP which Maastricht left unaddressed.

With the TEU the Union received a coordinated foreign policy for the first time. Foreign policy is very sensitive to the member states and something they are unwilling to hand to another body. Therefore, the establishment of the CFSP with the Treaty of Maastricht presents a great step towards political integration within the Union. It allowed the member states to speak with one voice,

coordinate policies and act as one on the international stage. The establishment of this policy can be regarded as the corner stone for the topic of this thesis, the EEAS. The general aim to increase consistency of the foreign policy, is also the factor which triggered the treaty changes presented below up to the ToL. Only with a consistent foreign policy will the Union be able to speak with one voice, and make use of its political weight on the international stage.

2.1.2 CFSP under the Treaty of Amsterdam and Nice

The ineffectiveness of the provisions set out in Maastricht soon became clear. The Union had anticipated becoming a respected and effective actor on the global scene once it had established a common policy. The crisis in the Western Balkans had revealed how weak the common policy really was. In the Western Balkans, not the diplomatic strength of the EU was needed, but the military strength of the US proved to be effective (Duke, 2006, p. 8).

Not only the failure on the international stage needed to be addressed at a new intergovernmental conference (IGC), there was also the remaining question about the legal competences for concluding international agreements in the name of the Union. These were two aspects which needed to be addressed in Amsterdam.

The pillars established by the Maastricht were maintained but several other changes were made to the CFSP. To further increase consistency was the key point addressed in the negotiations.

Consistency was desired to be achieved first of all by closer cooperation of the institutions within the Union. This led to the decision that the Council and Commission, as representatives of the intergovernmental and the supranational arms of the Union, cooperated more closely. The Commission already was an international actor and represented the Union to third states. Therefore, it had considerable experience on the international stage, which the CFSP could draw upon. As a consequence, the Commission could be asked by the Council to submit a proposal for a joint action after the Treaty of Amsterdam (ToA) entered into force (Rhodes, 1998, p. 35). Allowing the supranational actor of the Union, which was mainly engaged in development aid outside the Union, to propose joint actions in the intergovernmental common policy, meant that the Union had recognized that foreign and security policy was closely connected to other branches of external representation. These needed to be incorporated into the positions of the member states when representing the Union to third states.

The objectives of the CFSP mainly remained unchanged under the ToA, but the Treaty added one objective which supplemented to those mentioned under the TEU. Namely that the Union shall act in conformity with the UN Charter (Rhodes, 1998, p. 35). A new policy instrument was introduced in Amsterdam, the common strategy. Common strategies tasked the European Council with the definition of principles of CFSP and the guidelines within which these principles should be adhered to. Article 13(2) TEU stated:

“The European Council shall decide on common strategies to be implemented by the Union in areas where the member states have important interests in common. Common strategies shall set out their objectives, duration and the means to be made available by the Union and the member states.”

The Article further clarified that the Council was able to recommend common strategies to the European Council. The Council had the task to implement them (Eeckhout, 2004, p. 405). The

introduction of this new policy instrument particularly strengthened one actor: The European Council. Under the TEU it was only acting the periphery of CFSP and only entered the scene when common defense was directly concerned. Under the ToA the European Council received a rather influential task. With the common strategies in place the European Council had the task to set the aims and the duration which the common strategy shall cover. But the influence for the European Council did not derive from setting the aim and duration; the main influence derived from the European Council's competence in setting the financial means necessary for the strategy and how these means shall be covered by the Union and the member states. Having given the European Council, and thereby the heads of state/government, the power to decide on the division of financial means under a common strategy greatly strengthened the position of the European Council with the framework of CFSP.

The negotiations for the ToA the so-called Petersberg tasks were included into the treaty. The Petersberg tasks were concluded by the WEU in 1992 and included a whole new policy dimension. With these, the Union recognized its peacekeeping and humanitarian skills and included those into its foreign policy. In Amsterdam these tasks were included into the Treaty and the WEU merged with the Union. The concentration of what some would call "soft powers", relying solely on diplomacy, was a result of the failure of the Union on the international stage, for example in the Western Balkans. The EU realized that it was not military power and therefore needed to concentrate on other strengths of its members.

This inclusion broadened the scope of the CFSP. Previously, the CFSP was designed to define a common foreign and security policy for the member in the EU. Having included the humanitarian aid and peace keeping missions the Union intended to actively shape and help countries which needed help from the outside.

Regardless of the introduction of the changes of alterations under the ToA mentioned above, the most visible change to citizens and observers of the EU on the international stage was the establishment of the High Representative for the CFSP (HR CFSP). Under the ToA the HR CFSP had the task to assist the Presidency and the Council in matters of foreign policy. Assisting here meant that the HR CFSP formulated and prepared policy documents and overlooked the implementation of the policies. The HR CFSP was allowed to represent the Council in dialogues with third parties when the Presidency asked him to do so (Duke, 2006, p. 11).

Javier Solana, who was the HR CFSP of the European Union for ten years, soon became the face of EU external relations on the international stage, the member states trusted his diplomatic skills (Duke, 2006, p. 12) (Kiiver, 2009, p. 291). Externally the task of the HR CFSP was clear, representing the EU on the international stage. Internally, the HR performed a bridging role between the CFSP and the Community, to overcome the internal divisions between the role of the Community and the CFSP (Duke, 2006, p. 15). The HR CFSP was supported by the Policy Unit, SitCen and the DG E, the Council DG dealing with external economic relations and the CFSP. These agencies provided Solana with intelligence and thereby allowed him to fully concentrate on his task on representing the EU internationally in CFSP matters.

The ToA tried to address all issues that were left over from Maastricht. For the Union on the international stage the most important one was the establishment of the HR CFSP. With the appointment of Javier Solana the EU became a face to the outside world and it was easier for third states. They did not have to contact the member states individually, due to the HR CFSP they had a person to turn to when addressing the Union. Also the member states were represented by an

official, who was not linked to a certain member state in particular. The HR CFSP is the predecessor of the HR established by the Treaty of Lisbon.

Internally, the role of the member states was strengthened by the introduction of the common strategy, as the member states had received a means to influence the budgetary questions of CFSP for particular cases. The question who was allowed to conclude international agreements in the name of the Union was not solved in a satisfactory manner in Amsterdam.

This question has been solved by the Treaty of Nice (ToN), which was ratified in 2003. Here, Article 24 TEU was further amended. The ToN stated in paragraph 6 of the same Article, that “agreements concluded under the conditions set out by this Article shall be binding on the institutions of the Union” (“Treaty of Maastricht”, 1992Art. 24 (6)).

This clearly implied that the agreements were binding for the member states and the institutions of the EU, and the agreements are concluded by the EU (Eeckhout, 2004, p. 160).

Apart from solving the question on international agreements, Nice introduced two new measures to increase the Unions role in CFSP: enhanced cooperation and constructive abstention (Kiiver, 2009, p. 290). Enhanced cooperation enabled smaller groups of member states, at least eight, to cooperate more closely when it came to the implementation of common positions or joint actions (Kiiver, 2009, p. 290). Issues with clear military or defense implications were not allowed to be solved under enhanced.

With constructive abstention the member states had received another means to strengthen their position. As the general decision making rule within CFSP is unanimity, decision making is extremely difficult (Eeckhout, 2004, p. 411). Foreign policy is a critical issue in all member states. On the Union level, reaching a consensus between all member states is very difficult and therefore the measure of constructive abstention allowed certain member states to abstain their vote on matters which conflicted with their national interests. In this case the member state “shall not be obliged to apply the decision”, but nevertheless the member state has to accept that the decision taken by the other member states committed the entire Union.

With the Treaty of Amsterdam and the one of Nice the aim of achieving consistency was further enhanced. The establishment of the mandate of the HR CFSP underlines this, as the Union had a face tied to its foreign policy. This made it easier for the Union to act on the international stage. Consistency was not only meant to be achieved by the HR CFSP but a higher significance was attributed to the cooperation of the institutions and the member states among each other as main actors. Also, supporting agencies were established to support the institutions and the HR CFSP in order to pool the information and intelligence in the best possible way to guarantee full information on the highest level. These developments were necessary on the long way to achieve a consistent policy and increase Europe’s weight on the international stage when it came to political issues. Europe realized its weaknesses on the military side and thus shifted objectives towards the humanitarian aspects of foreign policy.

2.1.3 CFSP under the Treaty of Lisbon

With the Treaty of Lisbon (ToL), the pillar structure introduced in Maastricht was abolished. In addition to that the question of the powers for concluding international agreements in the name of the Union had been solved as the Union gained legal personality with this new treaty.

With regards to external representation the ToL abolishes the policy instruments which were subsequently introduced by the treaties of Maastricht, Amsterdam and Nice. Instead of the policy instruments stating on which way CFSP is to be conducted, the Union shall adopt general guidelines and decisions which define actions, positions and arrangements for the implementation of decisions (Wessels, 2008, p. 11). The decisions, which are based on general guidelines, the systematic cooperation between the various member states shall be enhanced (Wouters, 2008, p. 147).

The objectives of the Union with regard to external action have been broadened and now these do not only include peace and security but have been extended to include *“sustainable development of the earth [...], eradication of poverty and the protection of human rights”* (“Treaty of Lisbon,” 2007 Art. 21). This far broader list of objectives for CFSP is a result of ongoing globalization and the increasing importance of the Union in the international order.

The most important changes under the ToL are the appointment of the new HR, who has an extended mandate than the one of the HR CFSP and the appointment of a European Council President for two and a half years (Art. 15 TEU). These two mandates both follow the aim of the Union to increase coherence in external relations. In contrast to the mere assisting role to the Council of the HR CFSP, the new HR will be assisting Commission and Council. This position, which has frequently been called *“double-hatted function”*, highlights the desire for consistency.

Having one assisting body ensures better coordination between the external representation by the HR herself and the missions of the member states on the one side and the external delegations of the Commission, which represent the Union in matters outside CFSP matters on the other side. Being the HR she followed the HR CFSP, which was a post set out by the Council. This has not changed under the ToL; the HR is still representing the Council, where he also presides over the Foreign Affairs Council. In addition to that he is the Vice-President of the Commission, where he, as Commissioner for External Relations, is responsible for the coordination of the aspects of external action outside CFSP (Cremona, 2008, p. 34).

In addition to that the HR represents the Union in international organizations. In the case of the UN Security Council, the member states present in the Security Council, may ask the HR to represent the Union’s common position (Wouters, 2008, p. 153). In order to be able to fulfill his mandate in external representation, the HR will be assisted by the European External Action Service (EEAS). The EEAS will be discussed in more detail in the next chapter.

Furthermore, the ToL clearly talks about *“missions”* in these missions civilian and military assets of the member states may be used (Art. 42 (1) TEU). This clearly refers to military actions, which were not included into the previous treaties. Whenever these *“missions”* are about to take place they will be limited to the national level of those countries which have the relevant military means (Wessels, 2008, p. 12). In contrast to the previous treaties, where such provisions were not included, this underlines the anticipated coherence in the Union due to the mandates created for more coherence and consistency within the external relations.

When looking at the development of the CFSP from the 1990’s until now, we can see that it has undergone various treaty changes which altered the decision making processes, established new posts and established policy instruments all meant to increase the consistency in the European external policy.

The Treaty of Lisbon is the newest of these treaties. It has again made changes to the framework in which the CFSP is to operate. Still, the main objective is to ensure consistency within the Union. Time will show whether the Union will be able to speak with one voice under the new Treaty.

2.2 How is the CFSP organized?

As has been mentioned in the last section of the introduction the EU external representation goes back until the early days of the ECSC and has since been altered frequently. Many actors have been involved in the process of representing the EU towards third countries. Member states have always had their own representative bodies and established embassies long before the European Communities. Integration within the EC the establishment of a new external body became necessary, as due to the increased integration there were not only national interests to be represented but also European ones (Spence, 2004, p. 64).

The Treaty reforms initiated changes in the institutions, mainly the Council and the Commission, to account for the enlargement within the Union and the changes on the international scene. Many divisions were agreed upon. The strict division between political and economic external affairs within the Commission soon proved to be inefficient as in external relations these two aspects are closely interrelated.

To ensure proper external representation of the whole Union, a vast amount of supportive agencies was necessary to administer external relations and to receive the intelligence necessary to make deliberate choices.

There are eight actors who shape the CFSP of the EU. The Council and Commission are two of them. In addition to those there are also the Foreign Affairs Council, COREPER (I and II), Political and Security Council (PSC), the High Representative, the Policy Unit (PU) and Situation Center (SitCen).

The Council, Commission and the HR CFSP have already been introduced. The Foreign Affairs Council (FAC) is the body in which the Ministers of Foreign Affairs of the member states convene. As the foreign policy is a sensitive issue to all member states and unanimity is the rule of decision making within CFSP, the member states play a very large role. The FAC is the central decision-making body in all areas related to CFSP.

The Political and Security Council (PSC) monitors the international situation with regard to CFSP matters. With the provisions of the information the PSC supports the FAC and has its legal basis in Article 38 TEU. One could also say that the PSC is controlling body of the CFSP. And even though the PSC is based on the national intelligence, national interests are not the priority when it comes to handing off advice to the following institutions. The Union's interests are the goal of CFSP and so are these for the PSC. Under the new treaty it shall no longer act upon request of the Council but on request of the HR. This ensures that the HR is informed directly.

In the COREPER the advice coming from the PSC is combined with the drafted decisions of the bodies for external relations from the Commission. Usually, these different drafted decisions from PSC and the external relation bodies of the Commission can be combined without great difficulty. Proposals are then handed off to the Council quickly. If this is not the case drafted decisions are handed off to COREPER II ("Germany- Common Security and Defence Policy (CFSP)," 2010).

PSC and COREPER perform an important role in merging the representation of the member states and the Council administration (Eeckhout, 2004, p. 414).

The Policy Unit (PU) which is composed of members of the Council Secretariat, the member states and the Commission representative. The PU performs intensive monitoring and analysis tasks to assess the Union's foreign and security interests (Duke, 2006, p. 15). The PU also issues warnings for international situations. The PU has increased in importance for the entire CFSP. The intelligence it receives comes primarily from seconded national diplomats (Duke, 2006, p. 16).

The last institution relevant for the CFSP is SitCen. It is a body originating from the Council and takes on tasks quite similar to the ones of the PU, as members of SitCen also watch and observe international hot spots. The main difference between PU and SitCen is that the PU consists of seconded diplomats whereas SitCen is composed of national intelligence officers. These intelligence officers do not see their main competence in the art of diplomacy but in counteracting terrorism (Duke, 2006, p. 16).

Looking at the vast amount of bodies involved into the provision of information and decision-making within the CFSP indicates that it is very complicated to achieve a consensus. Decisions need to pass a lot of institutions and bodies until agreement is reached; these steps make it slow and inflexible. With procedures necessary the Union cannot react to changes on the international stage in an adequate time. However, flexibility is necessary in order to be an important actor on the international stage.

2.3 Which diplomatic competences do the institutions hold within CFSP?

As identified in the section above there are many actors involved in the CFSP. Each treaty changes the competences of the actors involved into the decision-making processes, so does the ToL. In this section the main institutions within the CFSP are presented and their competences within the same policy are outlined. The ToL allots competences of the institutions within CFSP, these will be mentioned below. Even though the EEAS and the new HR will be the most important mandates within foreign policy under the ToL they nevertheless receive their competences from the institutions which had them before. The ToL newly regulates diplomatic competences and competences the institutions had before are now handed off to the HR and his supportive service, the EEAS. As the EEAS and its competences will be the topic of the following chapters, the competences of the other institutions will be highlighted below. It is necessary to mention the competences of the institutions before we go into more detail with the EEAS as the decision making is heavily influenced by the institutions. CFSP is a highly intergovernmental policy which implies that the member states will have large influence. In order to understand the functions and competences of the HR and the EEAS it needs to be established what kind of competences the institutions had and have given up in order to allow the Union to have a more consistent policy with the two new bodies.

2.3.1 The European Council

With the TEU the European Council had received the role of defining the principles and general guidelines necessary for carrying out CFSP (Eeckhout, 2004, p. 409). With the ToL the Council's task did not alter much with regard to the previous treaties. The Council has the task to identify the Union's strategic interests in external policies. This means that the Council steers the Union in its external policies. With its task of having to provide guidelines it lays out the general outline of the Union's policies. Therefore, it can be seen as the most important decision making body within the Union as it has the task to frame the general Union path for external policies.

As the previous treaties have increasingly included the humanitarian aspects of external policies, the Council has received competences especially in these aspects of foreign relations; here the conclusion of the ESDP is a major credit of the European Council, which regarded it as necessary to improve the crisis management and conflict prevention after the devastating evidence of EU diplomacy in various hot spots of international concern, such as the Western Balkans or Chechnya.

The member states are the strongest actors, as unanimity is required in basically all decisions of the Council and the European Council related to the CFSP. The divisions of Council dealing with external representation are incorporated into the EEAS (cf. Chapter 4).

With the new treaty the Council has the power to appoint the new HR by QMV and after having consulted the Commission (Wessels, 2008, p. 20).

2.3.2. The Foreign Affairs Council

The Chairperson of the Foreign Affairs Council (FAC) is the HR. The FAC has the task to define and implement the CFSP in their respective member states and represent that to other parts of the world. The Foreign Ministers define the positions of the Union on geographic and thematic issues within CFSP. The FAC appoints the Special Representatives of the Union and recommend strategic interests to the European Council, which then forms these interests into general guidelines and objectives for the entire Union. The FAC coordinates the work of the PSC, COREPER and the working groups below the PSC and COREPER. In the FAC these reports are bundled before the important issues are forwarded to the European Council. The FAC has thus the power to make a pre-selection for negotiations and thereby use its influence of the Ministers for Foreign Affairs (Wessels, 2008, p. 19).

2.3.3 The Commission

With the new treaty the post of the HR has been introduced and this mandate contains far more extensive competences than the former HR CFSP, as the HR belongs to the Council as well as to the Commission. The competences of the Commission as such have been weakened, Article 22 (2) TEU states that the HR and the Commission shall be working closer together in areas of external action and submit joint proposals to the Council (Wessels, 2008, p. 19). As has been established before, external representation is much more than what CFSP consists of. The Commission's delegations are – with exceptions – integrated into the new external service, the EEAS ("REGIERUNGonline," 2010). This means that the position of the Commission has been weakened as it no longer has full powers over its delegations, since they are under the authority of the HR. The HR, being part of the Commission, allows the President of the Commission to dismiss the HR without approval of the College of Commissioners. This is a considerable increase of powers for the President of the Commission (Wessels, 2008, p. 20). In terms of decision-making processes, the Commission has lost its influence as it is no longer allowed to make policy initiatives on CFSP matters. This right is now reserved for the HR (Wouters, 2008, p. 164).

2.3.4 The European Parliament

The role of the European Parliament (EP) has not been altered much under the new treaty. In contrast to previous treaties the EP will no longer be kept informed by the Council but from now on by the HR who is the contact partner for the EP. The EP has the ability to ask questions to the HR and also issue recommendations on CFSP matters. There are two debates within the EP on CFSP issues and in addition to that the EP needs to be consulted on the aspects of CFSP. This is an upgrade for the EP, as previously it was only consulted in CFSP issues. Its main powers will most likely be the budgetary powers, as all costs of CFSP are charged to the Union budget, where the EP holds its budgetary powers (Wessels, 2008, p. 14).

2.4 How do the actors use their diplomatic competences under the framework of the CFSP?

As has been shown above the Treaty lays down certain rights and obligations down for the several institutions.

The European Council is the most visible institution has the largest influence within policy making within CFSP. It is responsible to negotiate international agreements in the name of the Union. It sets out the general guidelines for the entire Union and with the newly introduced two and a half year long Presidency it has gained even more influence. Having a President for a longer period of time will, according to the masters of the treaty, increase coherence within the Union's policies. The Presidency certainly does not have an easy task in negotiating on the international stage. Due to the fact that its Presidency now lasts 30 months the Council can pursue an agenda on external affairs for a longer period of time (Kiiver, 2009, p. 287).

The Foreign Affairs Council is not limited to CFSP issues, which provides it with considerable influence. The FAC has the task to ensure that the Union's external action is uniform; the FAC is thus, similar to the European Council, responsible for ensuring a coherent policy. It is allowed to elaborate on Union's external action on the basis of the guidelines laid down by the European Council.

Under the new treaty the Commission has lost powers in the sphere of CFSP. The HR, who is at the same time Vice-President of the Commission, supervises the newly established external service (EEAS). The Commission delegations are integrated into the EEAS ("REGIERUNGonline," 2010). This means that many tasks that the Commission formerly carried out have been shifted and now belong to the competences of the HR. The mandate of the HR is not limited to CFSP but within the Commission the HR is responsible for external relations as such. This means that the Commission no longer has the competences to represent the Union at important international organizations, such as the WTO, which used to be the Commission's most influential representative seat. From now on the HR may carry out these tasks as they fall under the external relations of the Union (Eeckhout, 2004, p. 416).

Even though the European Parliament is the only democratically elected body it has very little influence on the proceedings within CFSP. The EP is not a mandatory body to be incorporated into the decision making process, the only say the EP has in budgetary matters. As CFSP expenditure is charged to the Union budget the can make use of its powers there, as it has to approve the entire EU budget. When it comes to CFSP the EP has one other power: due to the fact that the HR is also the vice-president of the Commission the EP has an indirect say in his appointment. Only when the EP issues its consent to the choice of the HR, he can be chosen (Wouters, 2008, p. 151).

2.5 Conclusion

As it is always the case with policies they need to be developed over time due to two reasons: a) they did not prove to be as efficient and far-reaching as anticipated or b) the surrounding setting changed (W. S. Carlsnaes, S., 2009, p. 24).

For the CFSP as it was formulated under the TEU both reasons are important when comparing it to the present framework of the CFSP under which the EEAS will operate. And both reasons present the underlying reasons which made changes and alterations necessary.

With the new ToL the mandates of the HR and the one of the permanent Council President provide the most visible changes to the CFSP. Both these offices are meant to increase the coherence of

external policies of the Union. The double hatted mandate of the HR is not very clearly defined in the treaty and quarrels about competences in the grey areas will arise without a doubt. The exact area of the HR will become visible over time, when competences have been clearly defined and all institutions have adapted to the new rules. Time will show in how far changes to the ToL will become necessary and what needs to be altered.

3. European External Action Service

This section will deal with the European External Action Service (EEAS). The chapters dealing with the EEAS will be based on the proposal which the HR submitted to the Council at the end of March 2010 ("Proposal for Council Decision," 2010).

This chapter will be dealing with the general information about the EEAS, which is known so far. As the EEAS is a service which is newly established by the ToL, it is necessary to introduce this service before going into detail of the diplomatic competences of this service, as far as these are known up to now.

This chapter will be dealing with the legal base of the EEAS and its goals. In addition to that the representation of the Council, Commission and the member states will be laid out. Last but not least this chapter will be dealing with the financing of the service. These questions will be based on the above mentioned proposal and the information from that will be supplemented with information from other EU institutions and scientific articles dealing with the EEAS.

3.1 What is the legal basis for the EEAS?

The ToL amends the provisions on CFSP that have been made by the previous treaties. The most important changes the new treaty made with regard to CFSP is the establishment of the HR, who now has competences far more extensive than those of the HR CFSP. With the double hatted function the HR possesses, consistency within the CFSP will be more likely than under the previous design. The most important change under the ToL in order to ensure consistency within CFSP is the fact that this treaty establishes a common diplomatic service representing the Union as an entity on the international stage. This common service is the EEAS.

The legal basis for the EEAS can be found in Article 27 (3) of the ToL, where it is regulated that the HR "shall be assisted by a European External Action Service" ("Treaty of Lisbon," 2007Art. 27 (3)). The same article also provides that the EEAS will be working together with the diplomatic services of the member states. Furthermore, the article states that this new service will be composed of members of the Commission, the General Secretariat of the Council and seconded diplomats from the member states of the Union ("Treaty of Lisbon," 2007Art. 27 (3)).

3.2 What does the EEAS want to achieve?

From the establishment of the EEAS one can see a continuation of the aim of the Union to increase coherence within CFSP. The purpose of the EEAS, as can be found in the treaty, is to primarily support the HR ("Introductory remarks at presentation of the proposal for the EEAS," 2010). This is in line with the goal of the ToL of taking the EU into the 21st century. The treaty acknowledges the challenges of the global order and the fact that the EU will only be able to meet those challenges as a true union. The EEAS is an example of this attempt. With a unified external representative service for Council, Commission and member states the coherence will be able to achieve much easier than

those three actors acting alone. By cooperating with other institutions on the EU level and the national diplomatic services consistency will be achieved ("Proposal for Council Decision," 2010Art. 3). Through the cooperation of the various institutions and the member states which will be much closer than it used to be, the Union as a whole will be more capable of acting on the international stage and will be perceived as one strong actor instead of many actors representing different issues ("REGIERUNGonline," 2010). For the growing interconnectedness of the world the Union needs to find an answer to these challenges in its external representation as well. The EEAS will account for that; it will combine all aspects of external representation- politics, economics, development, security and crisis management as well as long term engagement in crisis situations ("Introductory remarks at presentation of the proposal for the EEAS," 2010). The creation of a homogeneous external representation of the Union will be supported by the vast degree of harmonization and common interests the member states share. Drawing on common interests will make it easier to design a common representation and will allow the EEAS to work in a flexible way, which will be necessary to adapt to the changes in the international order.

3.3 How are the Commission, Council along with the member states represented?

With the ToL the external representation of the Union has changed, and been combined under one umbrella service, the EEAS. Before the ToL external representation was fragmented and the Commission as well as the Council and the member states had external representations. These various actors of external representation have been combined into the EEAS. The EEAS consists of these three layers of external representation and the power of the three actors can be derived from their relative strength within the EEAS. After lengthy discussions the approximate size of the EEAS has arrived at about 8000 staff members ("REGIERUNGonline," 2010). The HR will have the authority to appoint the members for the EEAS, and will thereby have to oblige to the Staff obligations for institutions of the Union ("Proposal for Council Decision," 2010, p. 2). The HR has already stated that the EEAS staff will represent the member states, Council and Commission in equal footing ("Vision for European External Action Service," 2010). When the estimates of about 8000 staff members should prove true, this means that about 2600 staff members will come from each of these bodies. However, the main reason for appointing officials to the EEAS will be merit and the geographical basis the officials have received at their previous employer ("Proposal for Council Decision," 2010). And if becomes necessary specialized seconded nationals (SNE's) shall be appointed by the HR on temporary basis. They will be appointed to the EEAS due to their expertise, which is not present among the already appointed members of the EEAS. The HR made clear that the EEAS will not be staffed to full strength immediately as it is of much larger concern to get the service up and running and to see how this develops instead of pooling diplomats from all areas ("Introductory remarks at presentation of the proposal for the EEAS," 2010). The EEAS will most likely be fully operational in 2012, until then the service is expected to be slowly built up in order to find out which capacities will be needed to create a well performing service (Mauri, 2009, p. 2). The member states will be eager to have as many of its nationals appointed to the EEAS as each additional official within the EEAS will have considerable influence. Once members are appointed to the EEAS they are expected to be impartial and not be influenced by their nation states and/or other European institutions ("Proposal for Council Decision," 2010Art. 6 (2))

3.4 How will the EEAS be financed?

As article 7 of the proposal by the HR lays down, the budget of the EEAS will be part of the Union budget. This means that the expenditure for the EEAS will be laid down in the 6-year financial plan for the Union. The fact that the EEAS is designed to be an autonomous institution means that it has its own budget which it can manage. For its expenditures it is accountable by the EP. The budgetary plans of the will be presented by the HR and needs to be approved by the EP ("Proposal for Council Decision," 2010Art.7). These rules apply to the general budget of the EEAS.

Next to that the EEAS has an operational budget with which the policy instruments of the EEAS will be implemented are subject to the financial control of the Commission as these will be prepared by the Commission and only carried out by the EEAS. These instruments are e.g. the Instrument for Cooperation with Industrialized Countries and the Election Observation Missions. The instruments, which will be prepared by the Commission, mainly belong to the former DG's of trade and humanitarian aid. These are aspects of external representation where the Commission has gained a lot of experience throughout the last 50 years.

The Union budget is covered by the member states. The Union budget for 2007-2013 consists of 860 billion euro. The fraction the EEAS will take up is not known yet, but estimates circle around three billion euro ("BBC: European External Action Service," 2010). This is a very small fraction of the entire union budget and one will see whether this estimate will be reasonable for a service of about 8000 men. Considering that headquarters of the EEAS will be in Brussels, new structures will be needed there and one cannot rely on the administrative structures of the member states already in place.

The structure of the EEAS is not entirely clear yet, which has consequences for the budget as well as for staffing. This vagueness is intentional; the HF FASP wants the service to develop according to the needs of the Union. This developing phase is to last until 2014, when a report will be presented and more accurate calculations can be made.

3.5 Conclusion

The EEAS is a newly designed service which has passed all stages of decision making yet. The information which is known about the service is limited and the information given in the proposal of the HR is not very detailed yet. The current design of the EEAS is intentionally vague. The HR wants the service to fit and represent the Union in the best possible way. What kind of design will be the best for the Union remains to be seen over the next three years.

4. Diplomatic competences of the EEAS under the Treaty of Lisbon

This chapter will deal with the diplomatic competences the EEAS holds under the Treaty of Lisbon. As we have seen in chapter two treaty amendments influenced the external representation of the Union. The power balance between actors slightly shifted which has consequences for the diplomatic competences of the same. The aforementioned chapter has outlined the diplomatic competences of the actors within the framework of CFSP; now the aim of this chapter is to outline which diplomatic competences the EEAS holds.

4.1 What are the diplomatic competences of the EEAS under the Treaty of Lisbon?

The diplomatic competences of the EEAS are those that the member states, Commission and Council are willing to pass on to the EEAS. Generally speaking, the member states are the most important actors, as they need to make the means for actions in CFSP available. The EEAS can only act when the member states, the most important actors in foreign policy, are willing to cooperate. Since the beginning of CFSP unanimity has been the rule of decision-making this does not change with the creation of the EEAS, thus decisions can easily be blocked. The true diplomatic competences of the EEAS will derive from the diplomats of the member states. Only those representatives are fully trained diplomats and know the art of diplomacy to the full extent. The member states have had permanent national representations where protocol and professionalism have been cherished. Diplomats from member states fall under the Vienna Convention and enjoy the immunities and privileges laid down in the Convention of 1961. When the European Union sends out representatives under to the umbrella of the EEAS, those representatives will not have the privileges true diplomats sent out from one country to another usually have. This applies particularly to Union, which is the new name for the Commission delegations, as they are by no means diplomats, but Commissioners in a specific DG. The Commissioners in the Union Delegations lack the diplomatic skills because they were trained for their respective portfolio. This difference in competences is also recognized in the proposal for the EEAS. When the EU sends out Union delegations the HR will have the task to negotiate with the host countries before the arrival of the delegations, that the Union delegation will enjoy the same privileges and immunities like those referred to in the Convention of Vienna ("Proposal for Council Decision," 2010Art. 5(6)). The diplomats of member states working on temporary basis in the EEAS will be seconded by the member states. This implies that they are diplomats from the member states "lent" to the EEAS. Thus their status as diplomat in the sense of the Vienna Convention remains. Cooperation on all sides will be necessary in order to allow the EEAS to be a success and achieve its aims and arrive at a coherent foreign policy for the EU. The member states hold the diplomatic competences by seconding their personnel to the EEAS and the geographic and thematic desks of the EEAS will hold the knowledge about the regions and countries the EU deals with. The HR has the competences of representing the entire Union in foreign policy matters and carry out the political dialogue of the Union with third states. The EEAS in its function to support the HR coordinates intelligence from member states through organizations such as SitCen, which will be part of the EEAS.

The diplomatic competences will also depend on the cooperation of the third countries in allowing the EEAS to act as diplomatic corps of the Union. Cooperation is the key word in this regard, which the EU needs to ensure with sending skilled and professional representatives with diplomatic skills, when coming from another professional background than diplomacy.

4.2 How will the EEAS make use of its competences?

The EEAS will represent the Union on the international stage, in order to fulfill its task the new service will have several policy instruments at its expense. All these policy instruments are designed in order to represent the Union at its best and to fulfill the thematic aims the Union has set for itself to increase the rule of law and democracy throughout the world. The proposal of the HR lists the following instruments ("Proposal for Council Decision," 2010Art.8(1)):

- The Development Cooperation Instrument
- The European Development Fund
- The European Neighborhood and Partnership Instrument

- The Instrument for Cooperation with Industrialised Countries
- The European Instrument for Democracy and Human Rights
- The Instrument for Nuclear Safety Cooperation

In order to carry out these instruments there will be close cooperation between the HR, the EEAS and the relevant divisions of the Commission in order to prepare and implement them. Here Commission procedures apply. The instruments can be divided into two groups. The first three instruments are prepared by the EEAS and the Commission where the relevant Commissioners – Development Policy (1&2) and Neighborhood Policy (3) give the necessary policy advice and the HR then submits the instrument to the Commission where a decision will be taken. The latter three instruments mentioned in the list above fall under the thematic external cooperation, where the Commission has authority to prepare actions. There, the Commissioner for Development will have to decide suitable actions which need to be ratified by the HR and the College of Commissioners. These instruments will allow the EEAS to represent the Union with one voice. Coherence and consistency in decisions are important when it comes to increasing the weight of Europe as an international actor. The decisions will be taken within the Union where the expertise of the policy areas of the Commission, Council and member states can be pooled in order to draft efficient actions from the Union. Tasks will be taken out by diplomats as well as by delegates from the Union, which have the necessary technical and diplomatic skills to present the aims of the Union well.

4.3 How will the diplomatic competences be distributed among the several actors?

The competences of the EEAS derive from the competences the member states, the Council and the Commission are willing to hand over to the service. For the Commission and Council, this means that their services are incorporated into the EEAS. Their external services are thus no longer under their own supervision but are under the authority of the HR. The EEAS will present a combination of services from the Council and the Commission and the diplomatic skills of the member states. The general supporting bodies of the Commission and the Council are not eliminated from the EEAS. These have proved to be efficient and are therefore incorporated into the EEAS.

The EEAS will comprise three main structures: Crisis management, geographical desks and thematic desks. Within these three main branches of the EEAS the officials from the Commission, Council and member states will be situated. From the Commission most expertise will come as it has been experienced in the external representation of the Union to third states. Crisis management will present a strong role of the Council, as the intergovernmental body of the Union. Here the crisis management and planning directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC) and the EU Military Staff (EUMS) show the position of the Council. These three bodies are directly attached to the HR. In addition to that the SitCen from the Council will also be part of the EEAS. The Commission will not be a highly involved into crisis management; the Commission is represented with the Crisis Response and Peacebuilding Unit (CRPU). Especially when it comes to geographic desks the Commission will have most competences. It is very likely that the Commission will even receive full authority over the DG's enlargement, trade and aid (Formuszewicz, 2010). This is due to

the vast amount of experience the Commission has gained. When it comes to geographic desks the geographic expertise of Council and Commission will be combined in order to prevent duplication of work. The cooperative work of the Council and Commission, will feed into the planning division and the development of the CFSP. When it comes to the thematic desks the cooperation of the Council and Commission will be most visible from the start. Thematic desks will be created on issues most relevant to European foreign policy. Topics addressed there will be non-proliferation, human rights and drug trafficking among others (Mauri, 2009, p. 5). These are issues of high interest to the Union where it can provide support and intelligence to eliminate these global problems.

4.4 What are the implications of the new diplomatic competences for external representation?

When looking at the external representation of the Union, as it is anticipated, with the introduction of the common external service the desired policy coherence will be new. From what is in the proposal one cannot gain what kind of implications the EEAS will have. As the EEAS is not operational yet, and ratification from the European institutions is still considerable time away, one can only assume what the implications will be. Since her appointment by the end of 2009 the HR has represented the EU on a considerable amount of international conferences and at meeting with leaders of other nations. With her office the EU has received a face of foreign relations and with the establishment of the EEAS the EU has received a service which aims at providing with a coherent foreign policy.

When the aims of the EEAS can be realized the Union will present itself as one entity in the field of foreign policy, this will allow the Union to make use of its economic powers and enlarge the political weight of the Union when acting on the international stage. Time will show in how far these new offices will support the diplomatic powers and weight of the Union on the international stage.

So far Mrs. Ashton has represented the Union with the provision of clear political statements on global threats and problems, as she presented in her speech at the League of Arab States ("Speech by HR Catherine Ashton at the League of Arab States," 2010). She also emphasized the aims of the Union under the ToL when it comes to global challenges due to globalization and thematic issues such as nuclear weapons ("Speech of the HR Ashton at the Munich Security Conference," 2010).

When looking at this, the new mandates will make the EU a stronger actor on the international stage. Not only will the EU speak with one voice, in addition to that the diplomatic competences and the intelligence of the institutions will be pooled which will increase the position of the Union in international negotiations. With a coherent external policy maintained and followed by all member states will constitute a large step in also becoming a giant in political affairs while at least maintaining the economic strength of the Union.

4.5 Conclusion

On the basis what is known so far about the design and actions of the EEAS, the diplomatic competences will be awarded to the new service by the member states. With the pooling of capacities and expertise from other European institutions the Union will have one external voice which increases its international weight. Commission, Council used to have external divisions which basically worked next to each other. In addition to that the member states had their own means of external representation. All three actors have tremendous knowledge and large administrative

structures to support and provide intelligence. All these chains will be pooled to reach the objectives for the Union's external policy as laid down in the ToL. Under the assumption that everything will go as designed in the ToL and in the proposal the EU will be able to play an important global role when it comes to the promotion of democratic values, non-proliferation as well as development and global cooperation.

5. Conclusion

The research question for this thesis is in how far the new Lisbon Treaty changes the diplomatic competences of the Union on the international stage with the introduction of the common external service. This treaty changes the external representation of the European Union due to the introduction of the new High Representative and its supporting service for external affairs called the EEAS. The goal is to make a comparison of the competences the Union had before and after the Lisbon Treaty.

In the first chapter the main points in time for the comparison were shortly introduced. These were dealt with in more detail in their respective chapters.

The CFSP was introduced in more detail in chapter two. As we are dealing with a comparison, the situation before the Lisbon Treaty needs to be presented. In Maastricht a legally founded common foreign policy of the Union was initiated. The treaty changes amended and attempted to improve the previous situation and achieve a higher coherence in foreign policy. These changes were necessary as the Union wanted to become more influential on the international stage. This led to the introduction of a High Representative with the Treaty of Amsterdam. This mandate was meant to create more coherence and give the Union a face for international representation. With his mandate he was able to represent the opinions of the member states in foreign policy but was not able to draft his own policies with regard to foreign policy.

Coherence in foreign policy became the main aim for the CFSP, as only with a coherent foreign policy the Union could become more maneuverable on the international stage. Coherence is also the main aim of the Lisbon Treaty with its introduction of a common external service for the entire Union. Policy Coherence among the member state will lead to common position for the High Representative to present on the international stage.

Under the EEAS cooperation will be the keyword. Cooperation at all levels of policy making and the retrieval of information. The entire Union will pool its competences on thematic and geographic regions to provide the diplomats, seconded from the member states, with the necessary intelligence to fulfill their tasks in supporting the HR and representing the Union with one voice to the outside.

At this moment in time the EEAS only exists on paper which makes it difficult to anticipate in how far the Union will become more flexible and speak with one voice on the international stage. What however presents a major step towards one voice is the common service that will support the external representation. This service together with the HR will definitely be able support a coherent foreign policy.

Foreign representation and decisions will be presented to the Council by the HR and the EEAS these two mandates will thus have a large say in shaping foreign policy. Policies need to be approved by the Council which strengthens the role of member states in the entire foreign policy. When looking at

the information that has been published on the EEAS so far and the way the EEAS is supposed to work, policy coherence will be larger than it has been before. Pooling of information will be higher than it used to be as the EEAS will have the intelligence bodies from the member states underneath it to provide the HR with the necessary information on CFSP. With the HR and his supportive body the Union will have its own diplomatic body and its own representative to fight for European interests on the international stage. The increased policy coherence will lead to a stronger Europe which will speak with one voice and will be able to make better use of the political strength and the objectives in foreign policy internationally. This will allow the Union to become a political actor next to the economic giant it has already become. Europe's voice will be heard and weighted more.

However, the policy coherence and the vast amount of information and intelligence bodies involved in CFSP bring about a cost which does not bring an improvement to the European foreign policy. Europe will not become more flexible in its external policy. This can also not be changed by the introduction of the HR and the EEAS. The bodies are necessary to coordinate the policies of the 27 member states. The ability to act can easily be withdrawn by the member states. Unanimity is the rule and member states can make their voice heard by simply rejecting the decision. The member states will be the pivotal actor and the extent to which the EEAS will be able to truly become the external service of the EU will be something time will show. Member states will have to fully trust the new service in order to be willing to hand over the most sensitive issue, namely foreign policy, to a common body.

The extent to which the EEAS will be able to truly change the international representation of the Union will heavily depend on the successful implementation of the service by the HR in the upcoming months. The service, along with the HR will need to prove themselves to the member states to receive their trusts in the form of highly skilled diplomats and the willingness to work together.

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