

The appointment, in 1999, of Javier Solana as High Representative for Foreign and Security Policy has led to a visible upgrading of the EU on the international scene. The EU has adopted its own security strategy and has engaged in finding solutions for several regional conflicts. But it continues to suffer from inadequate coordination and institutional frictions. There is a consensus among EU policy makers that these problems need to be addressed if the EU wants to be an effective voice and actor in world affairs.

The Constitutional Treaty contains two important innovations for the shaping of the future European foreign policy.

- The creation of a EU Minister for Foreign Affairs who will be Vice-President of the European Commission, responsible for external relations, and Chairman of the Foreign Affairs Council (“double-hatting”);
- The creation of a European External Action Service, the administrative body that will assist the foreign minister in the implementation of his functions.

The European Council will deliberate in June 2005 upon the implementation. Preparatory work, in particular concerning the institutional and administrative aspects of the EEAS, has been going on for the past few months. This paper wishes to contribute to a better understanding of the ongoing debate. It will focus on five essential points and refrain from dealing with the detailed administrative questions that are being raised in the course of this debate. These five points can be put as follows:

- What are the functions of the EU Foreign Minister?
- What sort of administrative structures should he/she build on?
- How to create a common diplomatic culture among the European diplomatic service?
- How to implement European foreign policy effectively?

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Working Group On European Integration *

The EU Needs A Foreign Affairs Minister With An Effective European External Action Service

- What should happen in case of non-ratification of the Constitutional Treaty?

The Mission of the EU-Foreign Minister

With the entry into force of the Constitution Javier Solana shall become the first European Foreign Minister; at the same time he will become the Vice-President of the European Commission in charge of external relations. This will be a major innovation in EU External Relations. What will be his mission?

1. The EU-Foreign Minister will be in charge of all aspects of EU External Relations, from development issues to Human Rights, to Foreign and Security Policy. He will have to develop common positions on all fields of external relations and, where this is not possible, establish coherence between national foreign policies.
2. The EU Foreign Minister will represent common EU positions internationally, except in international meetings between Heads of State or Government where the external representation is the competence of the President of the European Council or the President of the Commission.
3. The Foreign Minister will chair the meetings of the EU-Foreign Affairs Council. The six-month rotating presidency will no longer apply to this policy area. The continuity at the Council Presidency, together with his superior knowledge of issues, interests and personalities involved, will allow the Foreign Minister to influence the decision-making process among his colleagues. He can thus hope to reach more easily compromise solutions more easily and overcome the requirement of unanimity for all decisions in the area of Common Foreign and Security Policy (CFSP). The continuity of the Chair will also contribute to a better coherence between the different fields of external relations.
4. In the interest of greater continuity and coherence, his officials from the EEAS will chair the meetings of the Political and Security Committee and the CFSP working groups of the Council.

The European External Action Service

The Constitutional Treaty provides for the creation of a new service under the authority of the Foreign Minister. One can envisage three solutions for the institutional/administrative status of this service: Integration into the General Secretariat of the Council; Integration into the Commission; Creation of a separate administrative unit under the Foreign Minister. The third option appears to be the most probable. In this case it is necessary to respect four basic ground rules.

1. The creation of a separate service must not lead to new institutional barriers. This would run counter the objective of the Constitutional Treaty to remove the existing institutional barriers between CFSP and other EU policies. It would therefore be irresponsible to erect new barriers elsewhere. This would annihilate the basic aim of the Constitution to enhance coherence in EU external relations.
2. It is necessary to respect the distinction between the functions of the Council and the Commission. The Foreign Affairs Minister and the Commission submit proposals for the shaping of the EU External Relations. The Council – sometimes jointly with the European Parliament – decides on these proposals. It would therefore be inappropriate for the EEAS to involve the Council as closely into its work as the Commission services.
3. Third, it is necessary to assure a close cooperation between EEAS and Commission services in the preparatory stages. Indeed, the activities of almost all Commission services can have foreign policy implications, from trade to development, environment, energy, transport, asylum and migration. In all these areas, it is up to the EEAS to assure the overall coordination. The EEAS should therefore not be situated at “equal distance” between Council and Commission, but be more closely linked to the services (of the Commission) dealing with related issues.
4. Fourth, the officials of the EEAS must be subject to the statute of EU officials. There must be transparency and mobility between the European External Action Service and the Commission. Officials from member states must be integrated into the EEAS either as permanent officials or on secondment and be subject to identical legal rules and regulations as their colleagues from the Commission or the Council.

Europe Needs a Common “Diplomatic Culture”

Their national environment and the diplomatic traditions of their member states shape European diplomats. They get their training in national diplomatic academies and pursue their career in national administrations. They learn to defend national interests; and in the course of the years they develop a national “esprit de corps”.

This must change in the long term. National diplomats must more and more defend common European interests. As a common European foreign policy develops we shall witness the emergence of a European culture of diplomacy. EU institutions and member states should act to encourage this trend. Priority should be on two measures:

- Regular exchange of diplomats between member states and with EU.
- Creation of a European Diplomatic Academy for the training of attachés for the EEAS and specific training courses for EU officials and national diplomats.

The Implementation of a Common Foreign Policy Needs EU-Embassies

Foreign policy actions need to be implemented vis-à-vis the third countries concerned. In the case of the EU such implementation is today rather complicated: In the area of CSFP it is the Ambassador of the rotating EU Presidency who presents and defends the EU’s positions in third countries. For important demarches the Ambassador of the succeeding Presidency and the EU Commission join. However, for trade and development issues the Head of the Commission Delegation represents the EU.

Coordination takes place in regular meetings chaired by the Ambassador of the EU Presidency. These meetings are becoming more complicated in time and might lose in substance as the number of participants increases due to EU enlargements.

Third countries and international organisations find the diplomatic appearance of the EU-25 rather confusing. They do not always know who is competent for a specific subject, the Commission, the Council or individual member states. Often they are more familiar with the Head of Delegation of the Commission than with the Ambassador of the rotating Presidency. They are therefore often at pains to understand who speaks for the EU, especially in countries where the ambassadors of some member states assume a privileged role due to strong bilateral economic or historic ties. All this

tarnishes the image of the EU in third countries, impairing the effectiveness of its political messages. It is therefore only logical for the Constitutional Treaty to provide for EU diplomatic Missions. The necessary infrastructure for these missions exists in the form of the Delegations of the EU Commission. These assume already common functions in the areas of reporting, trade and development cooperation.

In the future they will have to assume the overall representation of EU interests abroad that is presently the task of the embassies of the rotating EU Presidency. They will operate under the direct command of the EU Foreign Minister. It is to him that they will report and from whom they will receive their instructions. This entails a change of status: The Delegations of the EU Commission acted only for part of the EU; the future EU missions will act in the name of the EU as a whole. This implies greater political and diplomatic responsibility. The future EU ambassadors will be recruited from the staff of the EEAS. The Foreign Minister will appoint them. The European Parliament should have the option of inviting candidates to a public hearing. EEAS officials will rotate between headquarters and diplomatic postings, like diplomats in national foreign services.

In the long term, the creation of EU embassies will reduce the number of national diplomatic representations. As the EU foreign policy will gain in strength the role of national diplomacy will decline. The EU member states employ some 30.000 diplomats, twice as many as the USA. Maintaining embassies requires a lot of personnel and is therefore costly. None of the small and medium-size member states will still be able to afford embassies in all UN member countries. Even the big member states find it increasingly difficult to cover the entire world. The number of European diplomats and embassies is therefore bound to shrink over time.

The EU Needs a Foreign Minister Even in the Absence of the Constitutional Treaty

In anticipation of the entry into force of the Constitutional Treaty, the EU Heads of State or Government have designated Javier Solana in 2004 as the future EU Foreign Affairs Minister. They should confirm this nomination in 2006, even if not all the member states will have ratified the constitution by then. The EU cannot afford continuing with the makeshift solution of the High Representative, nor with the fragmentation of the foreign policy competences between member states and different EU institutions. This is bound to

lead to an increasing loss of international credibility and influence.

Such a weakening of its international role is intolerable for the EU. The Constitutional Treaty will entail substantial progress for European foreign policy. The successful conclusion of the ratification process is therefore of great importance. Member states should undertake the necessary efforts to obtain speedy ratification.

In case of failure, the EU must absolutely look for alternative possibilities for the appointment of the Foreign Minister and the creation of a European Foreign Service, if necessary through separate Treaty amendments.

The Foreign Affairs Minister is not a panacea. But without him and a common Foreign Service the EU will not advance in its efforts to speak with one voice and act jointly on the international scene.