

## Some Structural Diplomatic Law Elements of the EU Diplomatic Service

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### Abstract

*Rudiments, as well as phenomenal forms close to classical EU diplomacy have been featured by a kind of continuity trend starting back from origination of the European Community for Coal and Steel. In 1854 the Community established its Washington Information Bureau which was active until the year 1858. Two years afterwards both the Santiago de Chile Bureau and the London Diplomatic Mission were established. Numerous EU missions of various characters were subsequently formed around the World, contributing development of conscience on necessity of strengthening of institutional base of diplomatic activities. On the other hand, a positive development made a fact that some states and the other international law subjects opened their missions, as a rule in the Brussels EC Headquarters. Both the rise of diplomacy and quasi-diplomacy missions and their activities caused a coordinated accession of the EC/EU member states in international organizations and at international conventions as well. By its very nature, these developments have promoted both quality of diplomatic relations and the EU prestige. In addition to that, all that made an objective basis for emergence of more sophisticated forms of common diplomatic activities. The EU High Representative for Foreign Policy, the Commission and the Council play a very important and even prominent part in these developments. Although not an institution, EEAS plays a very important part that could not be compared to main decision makers in domain of the EU politics creation, unless it is due to contribute constructively to intensification of coherence of EU decisions on international affairs. It is of the special importance for it to get transformed, in time being, into a body suitable for fast communication in any politics with external dimensions. It would cause it a body having timely available the usable information necessary to all EU foreign affairs participants. It is about both horizontal and vertical decision making levels in this domain including at the first place institutions, and at the second place non-institutional participants such as civilian society. That would enable the Service to produce suggestions on solving numerous specific questions emerging as pillars of both strategic and foreign relation spheres. The above does not interfere with a necessity that, in actual very changeable international relations constellations, cooperation between the European Council and the High Representative should give an additional impulse in order to make, together with its own staff, a comprehensive EU foreign politic strategy which would overtop all actual internal apportionments and improper partnerships.<sup>1</sup>*

**Keywords:** Information Bureau, quasi-diplomatic mission, international conventions, High Representative for Foreign Policy

The external Diplomatic Service, i. e. the European External Action Service that started its activities on December 1, 2010, was formed upon enforcement of the Treaty of Lisbon. According to some suggestions, it should make a way to the integral diplomatic activities of the EU. However, it seems that this kind of development remains, for the time being, just a postulate, since the Diplomatic Service of the EU has not, in major part of its foreign policy issues, the same interests as the other EU member states have.

The startup of the EEAS has been connected to both unfavorable international situation and hard times in many parts of the World. We are here to emphasize just some of these, such as: the Arabian Spring, Euro-zone crisis and identity crisis of both member states` structures and structures of the EU decision making institutions, Iranian nuclear crisis and the Middle East peace process, relations with the EU neighboring non-member states and the West Balkans crisis.

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<sup>1</sup> See: Duke S., Vanhoonacker S., CSIG, Maastricht, Policy Paper 10, The EUs Diplomatic Architecture: The Mid – Term Challenge 2012.

Essentially, the EEAS is a kind of quasi-institutional innovation by virtue of its status of an autonomous agency which should bridge the gap between the CFSP and foreign policy relations in domain of intergovernmental and supranational relations. Having in mind that it is not an EU institution, it could not, logically, impact any change of decision making structures in order to make procedures simpler or to decrease a number of main decision making centers. Nevertheless, in spite of that a necessity of coordination of these decision making centers, independently of their vertical level positions, remains actual in the light of getting a desirable degree of coherence realized.<sup>2</sup>

Consequently, the EU as an international law subject as different from states, has an active structure established through contracts, i.e. through the basic contracts. In order to get true conclusions and acceptable review of it, it is not enough just to get the EU legislation analyzed. A frame and essential analysis of all existing relevant events within its institutions, as well as of processes of building of its own identity, is necessary. First of all, it refers to the Council, the Commission, the Brussels EU Diplomatic Service and the EU Delegations accredited around the World. Only as based on the analysis of the kind, a picture of institutional and organizational structure of that diplomatic system as a whole, including specificities of its diplomatic activities, could be made.

### ***Determinants of the EEAS System***

At the beginning, it seems initiatory to emphasize the fact that the EU diplomatic system could be *sui generis* named on the basis of its numerous specificities, especially in functions generally assisting the main European Union institutions in their foreign affairs. It should be emphasized that their scope of duties and functions, if compared to national states' diplomacies, is wider and more complex. Seeing that the EU institutions are engaged in security and defense issues, an objective starting ground should include intention for scope of the Service duties to be extended. That kind of activity is, especially in the nowadays World, very complex and it requires both many specific skills and coordination of a special kind, therefore making a role of the EU Diplomatic Service more important. At the beginning, that kind of the Service information was blocked by numerous obstacles, among which the hardest ones to overcome were in domain of rising the necessary budgets. However, notwithstanding lack of funds, it seems that problem of realization of functional political coordination between member states, the Commission and the Council in necessary establishment of the EU foreign policy strategy essentially enriched with new values - is not less serious. Thereby, it is not possible to get both the EU Parliament and member state parliaments excluded from the process. The part EEAS plays in that domain would be unavoidable and conditionally productive.

Regarding potentials, it could be concluded that the EU suffers from lack of its global identity when it comes to its global foreign policy performances.

All the above stated circumstances should be integrated into an integral approach that could make, at a lower level at least, one of the main duties of the EEAS.

There are the following few areas we are to point at as potential possibilities of affirmation of the EEAS role:

#### **1) Solving of Peace-Keeping Crises**

Crisis management, or management of crisis, comprises all causes and aspects of a crisis emergence focal point. Relevant social, economic, defense, humanitarian and financial aspects of the event shall be identified. Instruments and the other elements contributing to solving of it shall be identified as well.

In the European Union there is an elaborate structure of instruments helpful in these situations but, in spite of that, total activity of crisis management remains an integral model of solving of crises around the World. Common security and defense policy is a complex and very indented one within contemporary unstable World, and it comprises its military and its civilian parts through which the member states politically control these developments. The Commission manages these instruments with the fractional EEAS support.

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<sup>2</sup>See: Jankovich B, Diplomacy, 1988 p.33-35.

Very developed and complex system had been in the time length developed, being partly very sophisticated and able to respond to any situation through its integral approach to numerous challenges of security, defense and humanitarian character, including the NATO structure support.<sup>3</sup>

Making and maintenance of peace makes a part of the EU foreign policy. There is a conviction accepted that this could be the way of contributing to avoidance of wars, or making them unthinkable as models of both political activity and political instrument in any sense.

There were certain critics focused on that part of the EU foreign policy, referring to the idea that development and keeping of peace should not be a part of foreign policy because it pretends to subordinate the main international scene factors, what they did not find acceptable. In such a case successful settlement of crises could hardly be hoped for.

Despite of that, the EU aspires to have a general international approval when it comes to implementing peace, reconstruction of infrastructure and other facilities as well as to reconciliation and building of institutional organization, promotion of a good and successful governance, respect of human rights and the rule of law.

The EEAS plays an important role in building a coherent foreign policy of the EU. However, the biggest part of the problem comes from the fact that a common security and defense policy remains under intergovernmental jurisdiction regardless of what specific bodies, such as the EU Military Staff, the Directorate for Crisis Management and Planning and the Secretariat of the Council of the EU are involved in the EEAS.<sup>4</sup>

In addition to that, there is the Commissioner for International Cooperation, Humanitarian Aid and Crisis which has more than 600 million euros available for the purpose.

It is obvious that, considering this organizational problem, the most acute are the issues of cooperation and coordination. It is obvious indeed, especially when it comes to relationship between the Commission and the EEAS, but it seems that a growing number of supporters of that attitude think that these problems must be solved as soon as possible.

The question of resources is one of the most important and not easy to be solved. The organizational structure itself has not been fully implemented and it creates serious problems, in spite of the fact that all agencies, such as the Regional Directorate, are at least indirectly subordinated to the High Representative, therefore strengthening the role of the High Representative in making efforts to establish mechanisms of successful coordination. As a considerable convenience in that direction the Parliament debate can be pointed at, since an almost unanimous agreement on the need for a more complex approach, including the EEAS with its own organizational structure was achieved in the course of it.

It is suggested that the Commission should transfer planning and programming of timely responses to crises, conflict prevention and peacemaking to the EEAS. On the other hand, it would be possible to organize cooperation in the CSDP, in synergy with the Commission, the Council Secretariat and the Crisis Management Council of the EEAS that can provide both coherence and a certain level of continuity.

Along the same line is a close cooperation between the EU Delegations around the World, being necessary because they collect information and formulate policy responses on the basis of which greater influence in the international community could be gained. That contributes to the construction of vertical coherence as well, within which the Diplomatic Service has its delicate and significant share.

In addition to Delegations, a part of diplomatic staff make the Special Representatives who are integrated albeit they are under the direct subordination to the High Representative. Their role in crisis situations is irreplaceable because, among the other things, they provide for the ability of usage of the shuttle-diplomacy - achievements of which have not been completely confirmed in practice unless its great usefulness in certain cases cannot be denied.

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<sup>3</sup>See: Raube K. The European External Action Service and European Parliament, *The Hague Journal of Diplomacy* nom 7 2012, p 62-78.

<sup>4</sup> See: Annex I to the EEAS organogram 2012.

Experience shows that missions in crisis areas must nevertheless be placed in a wider political context, albeit would not necessarily diminish the fact that cooperation with the EEAS brings not only a more tangible connection with Delegations but also with almost all foreign policy decision-makers of the EU.<sup>5</sup>

## 2) Struggle against Terrorism

Terrorism makes one of the greatest evils of the modern World. In addition to other factors, in modern international community it makes one of issues arising various anti-ethic resentments and unacceptable and often monstrous reactions. It concerns all citizens, including both direct and indirect subjects of internal as well as of foreign affairs.

From the point of view of EEAS, it seems that these issues make its additional duties, irrespective of the fact that member states have numerous and various experience with events of the kind. Tactics of struggle against terrorism is a very complex one and it requires proper consideration of every single case.

Within the EU, especially and institutionally involved in struggle against terrorism were EURO-POL, EUROJUST, EUROPEAN POLICE CORPS and ministries of internal and foreign affairs of its member states. The Prum Contract extended police cooperation and enabled making more effective instruments of struggle against terrorism.

After the Treaty of Lisbon was signed, a great endeavor was made in order to get the EU standpoints on struggle against terrorism strengthened. Concerning that, it is necessary to extend national capacities, to strengthen European cooperation, to develop collective capacities and promote international partnership.

Rulings of the Item 222 of the Contract on the EU Functioning comprise a clause on solidarity on the basis of which all member states are due to mobilize all their available resources, including their military power, in order to suppress threat and danger of terrorism.

The other elements of solidarity are determined in more detail according to decisions made by the EU Council. It coordinates the further necessary acts as well.

Implementation of the solidarity clause is realized within the EU on the basis of the Council decisions, in cooperation with both the Commission and the High Representative.<sup>6</sup>

The domain of EEAS work is especially visible in urgent cases, when it is necessary to react quickly. It is necessary to get mechanisms for urgent action activated, including these within the EEAS.

The Directorate for Prevention of Conflicts works in the frame of the EEAS, as due to coordinate both actions within the EU and foreign aspects of internal security.

If necessary, teams for quick response to terrorist actions, cyber-criminal, sanctions, restrictive measures and trafficking are activated.

Having in mind that a planetary problem is at the issue, the EEAS finds there its area for starting necessary dialogues with both numerous non-member states and international organizations.

## 3) Disarmament policy, arms control and ban on proliferation of weapon of mass destruction

Disarmament policy has a relatively long history in the EEC/EU. However, and apart from that, it is hard to confirm a conclusion that there was any consistent policy in this area on the course. Some results were achieved in the OSCE, since a certain level of cohesion of member states in common foreign and security policy was achieved. The EU strived to build its position of supporter of disarmament policy and the policy of ban on both biological and chemical weapon, as well as on personal mines.

Endeavors made in order to make a system of regional security established were especially emphasized. Thereby general global security and disarmament in the wider area was not neglected, especially in the United Nations activities.<sup>7</sup>

<sup>5</sup> See: Annex I to the EEAS organogram 2012.

<sup>6</sup> See: The Lisbon Agreement, Articles 222, 31, 71, 240.

<sup>7</sup> [www.eeas.eu/background/organization/index\\_en.htm](http://www.eeas.eu/background/organization/index_en.htm)

Starting from 2003 the Council has implemented, in the frame of the EU, so called “nonproliferation clause” requiring good and conscientious cooperation in the field of disarmament. It comprised obligation of third, non-member states to include this clause in their contracts made with the EU.

However, the Council is not the only agency due to make decisions, since the standpoint was that this aspect of general security must have much wider legislative frame, considering practically the further extension of competencies of the other institutions of that area as well.

Both the Commission and the Council play especially important part in control of exports of small military contingents of arms. The EU Court of Justice joins them in that endeavor. It is beneficial in solving of certain inconsistencies between institutions and member states. On the other hand, favorable is the fact that a dialogue on the problem, in many occasions, has been practically developed. In spite of that, there are inconsistencies between the member states and the EU level policy regarding double standards comprised by the Arms Trade Treaty (ATT), which makes a part of the Common Security and Defense Policy. Inconsistency deepens in some segments because these segments remain based on double standards.

In accordance to rules of the Article 346 of the Treaty of Lisbon, member states are allowed to except procurement and production of weapon from the common EU policy. Therefore, parts the Council and the Commission play are inherent to the area of cooperation among member states in domains of research, new technologies and production of armament resources, production programs and various transfers. Nevertheless, there is a certain duality present, which is not very desirable concerning the common policy of the kind.<sup>8</sup>

A rather unsettled and uneven practice in the circumstances set out above shall be subject to the activities of the EEAS and the EU Delegations.

Petersberg Headquarters (tasks) has a very important role in disarmament activities, as well as in the military actions of the advisory and auxiliary character.

This situation creates a space for the EEAS to organize various models of diplomatic activity that must include a stepped convergence. To this direction are aimed both a significant administrative activity and auxiliary one, especially in conflict prevention, humanitarian assistance and trade policy.

In the trade sphere the EEAS can, together with NGOs, contribute to some extent to transparency of the process of obtaining arms export licenses. A set of non-governmental organizations and institutes has been engaged in dealing with the issues of proliferation and ban on trade of various kinds of arms. That activity contributes to the extent of professional activities in the EU Diplomatic Service. Challenges they are faced by in this area are not small even though they have numerous instruments available. Their good sides are not the only visible ones, but also visible are their weaknesses that occur due to the lack of competitiveness among the EU institutions' officials, including the EEAS itself, and the lack of experts in certain fields which itself requires an increase of the professional capacity and professionalism. This is the only way they can become avant-garde of the EU Diplomatic Service and timely initiate additional values of this necessary and inevitably anticipatory activity, being values added to the total foreign policy activities of the EU.

New arms technologies have faced the EEAS with a very delicate task to establish fruitful contacts in this area between member states in order to get at least partially unified approach to third countries achieved.

#### 4) Human Rights

The issue of human rights is comprised by numerous documents of the EU legislation. Evolution of understanding of the importance of this area is very extensive and it comprises numerous approaches and theoretical concepts. From our point of view the very important question is to what extent they make a part of the Common Foreign and Security Policy. According to our assessment it could be taken as true that the human rights concept can be considered a part of the above policy, at least since its inception.

Implementation of the previously set objectives related to human rights as parts of the Common Foreign and Security Policy was often perceived as just a theoretical phrase, no matter that their priorities were emphasized in the practice. These problems were partly created because of conflicting interests in other significant segments of foreign and security policy, but all that did not diminish their high usefulness in diplomatic activities.

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<sup>8</sup> See: Internal Security Strategy for the European Union 2010

For these reasons it is considered an integral part of the Common Foreign and Security Policy and a very strong argument in negotiations with third countries.

According to popular belief the European Diplomatic Service has numerous opportunities to increase the importance of human rights within diplomatic activity corpus, and thereby to increase the necessary coordination between the European Union institutions.

The ability of EEAS to participate in the EU activities with international organizations of all kinds, both universal and regional, has been also increased this way. This is the way to ensure global dynamics of the human rights principle importance. Contribution to this process provided by national reports on the state of human rights in third countries is not a small one. It concerns policy that is still developing, albeit all implications of this development, for the time being, have not been evident. The only thing beyond question is the tendency of fixing these types of relations with third countries, a tendency to what both the Delegations and the EEAS are greatly significant. Their importance increases by activities aimed at expansion of the EU, in accordance to which it is expected that candidate states highly increase their levels of protection of human rights, in the spirit of prescribed standards and laws.

The need for bilateral dialogue in which the EEAS has irreplaceable importance is beyond any question. In contemporary conflicts the necessity of the kind is obvious, because the dialogue would, especially in the Middle East, contribute to getting this bloody conflict resolved, as generally hoped for.

### **The EU Diplomacy Missions**

The European Union is represented by the network of about 140 delegations to countries, having nearly identical function as the member state embassies. It should be thereby noted that both the Commission and the Council play a major role in the EU foreign policy creation.<sup>9</sup>

The role of EU diplomacy becomes very burdened with numerous problems when it comes to who they represent in light of the fact that the diplomats of the member states represent their national interests. To answer this question is not simple, as proved by comments made by numerous authors. Some of them particularly emphasize that the EU diplomacy suffers from the lack of identity, both as a group and in individual terms.<sup>10</sup>

Starting from the fact that there is no clear boundary between the functions of national states' diplomats, including the EU countries and the EU diplomats, the question about who essentially performs diplomatic functions in particular entities could be asked. However, disregarding that, it could be concluded that diplomacy, European foreign policy, activities of international organizations and activities of international bureaucrats in many ways overlap and intertwine diplomatic services of the member states. All the above seems a bit strange but true since it is objectively the environment where non-state subjects of public international law perform their foreign policy activities.

Both the relevant above explained events and evolution of diplomacy in the EU could be pictured, at least in general terms, as the way they are established and the way they work.

But firstly to point out some problems that could arise if we start from a concept or definition of diplomacy that, according to some authors, brings an unjustified encumbrance that it is obviously dominated by insincerity and cunning of its determined activity. The evaluation of the kind could be hardly maintained as correct since it is known that techniques and methods of maintaining political, economic, cultural, consular and other public activities of interest to international community subjects are extremely significant to diplomacy. Thereby it is necessary to emphasize that most of the above activities take place in multidimensional projection.<sup>11</sup>

This one and all other kinds of diplomacy rest on a number of principles, some of which have special significance, such as reciprocity, mutual respect, appreciation, and the like. Its functional dimension rests largely on the interests of its subjects. This is clearly evident in their activities in the international community, including personal relations among diplomats.<sup>12</sup>

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<sup>9</sup> See: The Select Committee on the European Union House of Lords 2013 EU Delegations around the world has been accredited in 2013 in 140 subjects of international law 3,300 persons.

<sup>10</sup> [www.eeas.europa.eu/what\\_we\\_do/index\\_en.htm](http://www.eeas.europa.eu/what_we_do/index_en.htm)

<sup>11</sup> See: Langer W, The Diplomacy of Imperialism, 1935th

<sup>12</sup> See: Langer W, The Diplomacy of Imperialism, 1935.

### ***Affirmation of the EEAS in Some Particular Cases***

Talks held with Iran that took place in the course of the mandate of the United Nations Secretary-General could be considered a serious success of both the Diplomatic Service and the High Representative Catherine Ashton. At the beginning, the negotiator's position was not favorable because the EU had twice imposed sanctions against Iran before. Therefore, the position that without good organizational structure of the EU Diplomatic Service such a success could not be achieved could not be challenged.

Regarding imposition of sanctions against Iran there was not complete consent among the member states achieved and therefore, if we take into account their sharpness and even danger of jeopardizing the interests of many member states, it was obviously necessary to work hard in direction of harmonization and creation of a joint action platform.

According to some opinions the EEAS key contribution should be made in these areas, although only in form of actions complementary to diplomatic missions of the member states.

The Service would have a special role in fostering and maintaining budget discipline - what could hardly fit into the EU institutional competence. Moreover, a request to get both the UK diplomats and delegations from all over the World to take their full parts in activities in Brussels is significantly contrary to competences of institutions, as provided for by the Treaty of Lisbon.

Expectations are at least partly unrealistic when it comes to activities in which interests of the UK were emphatically taken into account.

The Service could also build relationships with the USA, its strategic partner, and with the BRIC Group countries, as well as participate in prevention actions and building of peace around the World.

This is evident from the Report made by Catherine Ashton in the first year of her work, in which she stated that the EEAS will always take common interests into account. That could be considered a subtext to all kinds of qualified priorities. Numbers of priorities and problems in almost all of them show that value level of contents of their work should be altered, i.e. increased.

### ***Relationship between the EEAS, the Commission and the Council***

The emphasized necessity of getting quality of relations with the Commission increased is out of question, since it would make a common identity of the diplomatic staff of the EU in a number of foreign policy issues established. No matter that there are not any provisions of the Lisbon Treaty which could point to the definition of what the Diplomatic Service mission comprises, we could say that its obvious intention is to avoid any kind of duplicity and differences in foreign policy of the European Union. It seems that confrontation of the High Representative for Foreign Affairs and the Commission is avoided, especially when it comes to political priorities in relations with non-member states. It is not a point at issue that in this sphere there were some kinds of confusion and even considerable disorientation present.<sup>13</sup>

It is well-known that the EEAS was created on the basis of the Lisbon Treaty and that its organizational structure and functions were defined on the basis of the decision made by the EU Council. Basically, along this line was a belief that the above provisions, as well as all stated functions of organizational structure would be implemented in order to get a consistent foreign policy action and coordination of steps and Commission's initial proposals realized.

The High Representative for Foreign Affairs is due, on the basis of the Lisbon Treaty, to align, as much as possible, all dissonant tones in member states' foreign policy activities.

The Diplomatic Service also assists the President of the European Council and of course the President of the Commission. It is necessary to indicate the fact that activities of the Diplomatic Service shall not be inconsistent with the policy led by the UK Foreign and Commonwealth Offices.<sup>14</sup>

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<sup>13</sup> See: M. Dougan, The Treaty of Lisbon in 2007, 45 in 2008 CMLR nom p.621-678

<sup>14</sup> See: Dougan M, The Treaty of Lisbon 2007, CMLR nom 45 2008 p.621-678.

### ***Some Contradictions of the EEAS Work***

Contradictions in the activities of the EU Diplomatic Service, although it has been active for a short time only, have unfortunately enlarged and there is a real danger that they are going to increase further. Having in mind that foreign policy issues involving safety are at issue, it is clear that the member states pursue their own policies in a number of issues in this domain. That, by itself, imposes a conclusion that the area suffers from disunity and that it will be very hard to harmonize in future. All that is reflected at cohesion of the Diplomatic Service activities. Whether cohesion of its work can be achieved, as a cohesion according to which the member states could be satisfied by its work - it is presumably questionable.

Some authors have a dilemma whether it is more acceptable to get general competencies of the Service established, or to treat every case individually.<sup>15</sup>

The above stated problems, as related to the UK attitudes must be, by opinions of the other member states, overcome by increasing of the role and importance of the Diplomatic Service. This is especially true if we know that all the EU Delegations in the capitals of third countries must closely cooperate with embassies of the member states, therefore practically allowing problematic situations and misunderstandings to happen. It could be taken as a convenience that such a role of Delegations is considered positive, because they act on behalf of the entire EU. Control, or rather a complete insight into the work of the Delegations could be performed by the EU Parliament on the basis of its right to call them to state their positions on both specific issues and implementation of the EU general foreign policy positions. They are due to give their related evidence and answers.<sup>16</sup>

On the other hand, a specific institutional triangle that according to some authors actually represents a new complicated decision-making structure was made despite efforts to avoid such provisions in the Treaty of Lisbon. Contrary to these efforts they exist as the most important actors of the following foreign policy and diplomatic activities:

- 1) The President of the European Council,
- 2) The President of the Commission and
- 3) The High Representative for Foreign and Security Policy.

It is possible that the problems in previous work did not appear in a serious form thanks to good personal relationships between the EU diplomats and their willingness and determination to do their jobs in highly professional manner.

### ***The EEAS Staff***

In addition to all the organizational issues, there is a question of diplomatic staff that enters the EEAS. As it is well-known, this institution began to function on December 10, 2010. A part of personnel was taken from the Commission and the General Secretariat of the Council. They were officials dealing with foreign policy and diplomatic relation issues. According to initial reports, about 60% of newly arrived members quitted their jobs in the first few months.<sup>17</sup>

In addition to that, it should be noted that the majority of members coming from the Commission do not have the necessary knowledge about foreign policy. Very often it is not any better with some members coming from national services of the EU member states. It is notorious that subsequent additional training of already formed diplomats, especially in their mature age, often does not give results.

Most diplomats from national services do not have any significant or relevant experience. Some of them gained valuable experience by working in the Commission. Similar situation is about diplomats transferred from the Council Secretariat. Their perceptions are sometimes gloomy, indicating that they are often demoralized because some diplomats from national diplomatic services of the member states are sometimes recruited for high-ranking positions unless they do not have the required level of knowledge and training.

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<sup>15</sup>Raube K, op. Cit, p. 55 -63.

<sup>16</sup>Raube K. op cit. p , 67-78.

<sup>17</sup>See: Duke S., S. Vanhoonacker, CSIG, Maastricht, Policy Paper 10, The EUs Diplomatic Architecture: The Mid - Term Challenge 2012



Therefore, a necessity of increasing educational profiles of the EEAS diplomats is inevitable. The process would be a logical consequence of the necessity of obtaining a higher degree of their systematic knowledge about structural issues concerning institutions and models of their functioning.

This is the only way to accomplish the desired position of the Diplomatic Service, the one that allows it to act jointly within both the international community and capitals of particular states on behalf of the EU. The position of the kind is quite difficult to achieve because there are just few issues in the domain of foreign policy about which views within the EU are coherent. Objectively existing situation of the kind leads to unproductive rivalry between national diplomatic services and diplomats in the EU Delegations. Consequently, the question what system is better, either the system of diplomacy in delegations around the World or the one in national diplomatic services can often itself reflect inappropriate confrontation between them.

### **Objective basis of the EEAS Diplomacy Activities**

Some authors consider that a greater unity in appearance would be created if the position of the EU diplomacy was communicated by Brussels through an authorized spokesperson stating common positions arising from effective coordination.<sup>18</sup>

That position could be hardly supported since it is well-known that the EU member states do not have unique positions on numerous foreign policy issues. It is more correct to note that more coherent and stronger access could be realized through the Delegations, especially in the domains of aid, trade and even sanctions.

Since it is difficult to bring views of 28 member states about everything into accord, especially when it comes to sanctions, this could be the way to affirm their fast application upon reaching mutual agreement on necessity of them. This would contribute to making effective EU actions an example that would increase credibility and impact of the EU foreign policy.

Regarding the above, it is necessary to establish more effective instruments that would make possible to identify problems as well as to response them in accordance to their importance. Recognizing the difficulties necessarily occurring when it comes to coordination and harmonization of positions between the 28 member states, due to the diversity of their interests, it nevertheless seems that activity of the High Representative could contribute to building of both common attitude and coherent approach to foreign policy issues that would have greater impact on the international community events.

Therefore, it is necessary to categorize jobs by their priority. Firstly, it would be good to identify mechanisms making the highest priority tasks performed by the most competent diplomats.

Difficulties of the kind are resulted by the fact that numerous national interests are often, in politics, placed in the first plan. For instance, France considered its national interests largely coincident with the Common Foreign and Security Policy, but in practice it founds that this policy was due to be conducted in intergovernmental context. On the other hand, Germany regards its foreign policy basically adjusted to the EU Common Foreign and Security Policy and holds that it can be considered the EU policy. It is therefore one of the greatest supporters of the EEAS activities, although the EU Diplomatic Service does not completely meet its expectations. This is why present opinion among German professional public is that it is necessary to improve diplomatic culture in general, as well as quality of work and communication within the EEAS.

### **Review of the EEAS work**

Big states have not, notwithstanding public addresses of their officials, completely defined intentions to improve the EU Diplomatic Service activities, while at the same time small countries would like it to act as good as it can in order to make their participation in that context as extensive as possible. In addition to the above, they feel an inbred fear of big states that as such makes their positions regarding international issues weaker. Their perception is that big EU states have better access to the Diplomatic Service then even the High Representative for Foreign Policy.

In addition to that, small states would like a part played by the Diplomatic Service to be supplemented by consular activities.

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<sup>18</sup> Duke S., Vanhoonacker S., op cit, p 3-4.

By our opinion, that could be taken as an unreal expectation, since expansion of the Service should be due to cover domain of politics at the first place, while consular activities would be made only as complementary to consulates of member states.

Critical review of the successes of the EEAS has been present in addresses of individual member states. That refers not only to the large member states but also to medium ones. Successes achieved during the "Arab Spring" and the conflict with Iran regarding its nuclear program, as well as the issue of Kosovo and Metohija have been made relative. The Service is objected that it has been insufficiently involved in these activities. Thereat the fact that five EU member states have not recognized Kosovo as an independent state was not taken into consideration. It is obvious that on this important neighborhood policy issue there is not an integral EU attitude present. Therefore, a policy aimed at making Serbia accustomed to accept the loss of Kosovo has numerous opponents within the EU itself. Consequently, there is a growing pressure on Serbia to find a *modus vivendi* with Kosovo. Presumably, a coexistence model of the kind is not easy to find and it will probably take time until a sustainable solution is found and implemented.

To insist on the common interests of all 28 member states looks a bit like an impossible mission, because it is surely obvious that perceptions concerning their common interests are various among the member states. However, in some aspects their interests are identical. For instance, it is not possible to deny the role of Diplomatic Service in the circumstances of conception and even practical implementation of strategic partnerships with Brazil and India.

In particular, the EEAS paid its attention to Brazil as a key strategic partner and managed to move its dialogue with it towards political issues. The visit of High Representative for Foreign Policy Catherine Ashton to Brazil, in 2012, was to confirm this approach as a successful one.

It is also very important that the EU-Brazil dialogue on human rights was held afterwards, with the EU acting on behalf of all its member states.

When it comes to India, the EU has also emphasized the necessity of creating conditions for better cooperation in domains of trade, climate change and security. The cooperation was to be carried out on behalf of the entire EU, and there were no opponents or complaints regarding duplication of diplomatic functions on one hand and diplomatic missions of the member states on the other.

In 2007 negotiations on a free trade zone between the EU and India started with the intention to get created as favorable conditions as possible for the growth of mutual trade.

On the other hand, cooperation with China in both political and trade issues imposes itself as a significant potential. They are two huge markets. Priorities of both partners are now, in their great part, unknown, although in principle both sides declare the necessity to increase their political and economic cooperation, since it is of mutual interest.

This refers to the idea that trade offers great opportunities because it is under exclusive jurisdiction of the EU institutions. Although political issues are under other jurisdiction, it seems that they, integrated with trade and various more or less relevant aspects of international relations, can result in better and more favorable results.

## **Conclusion**

If the above problems are reviewed through the EEAS-Commission relations prism, it will be good to know that their collaboration is not this much unambiguous, since it is well-known that they cooperate in domains of both the EU expansion and its neighborhood policy.

It would be reasonable for existence of shared responsibility of the EEAS and the Commission to be presumed, concerning both programs and instruments of political actions at least. However, the Council Decision reads that the EEAS is due to contribute to and to participate in programming of regional strategy instruments and management, as well as of national and regional programs, including a special part played by the High Representative for Foreign Policy. That comprises the unavoidable part played by the Commission in the course of the cycle, starting from planning and programming to implementation of development instruments.

Synergy of them contributes to making systematic work and the increase of integrated potential of political actions possible. In line with the stated, a key point should be strategic planning aimed at prevention of any negative consequences of crisis, including, in addition to the above, permanent education of diplomatic staff. Some authors discern the fact that rotation system makes establishment of continuity of doing these jobs impossible. Some of them emphasize that it would be good to make use of some aspects of the USA diplomacy experience, in which actions of the Deputy State Secretary are of high importance since he or she is able, mainly by virtue of his or her personal high education and familiarity with the issues, to operate the State Secretary duties. Maybe this is a trend that could, in some respect, disburden the High Representative, provided that more solutions should be by all means offered.