

The future Foreign Service of the EU compared with the Diplomatic Service in the Member States

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Introduction

The following analysis gives a short overview over the conception of the future European Minister for Foreign Affairs and his European Foreign Service (EFS). The idea of a European Minister of Foreign Affairs stems from the goal of a more coherent Foreign and Security Policy of the EU. He will wear a “double hat” – being a member of the Commission as well as receiving a mandate from the council. In order to carry out his many functions he needs to be supported by an extensive and competent apparatus. After the Head of Governments signed the constitution during the Italian presidency, the preparatory works for the establishment of the European Foreign Service have started.

Yet with regard to the delayed ratification process of the European Constitution, a number of conflicts about the implementation of the EFS have surfaced. A brief glance at a few indicators on the National Diplomatic Services of the Member States shows that these conflicts are not superficial – they result from differences in the function and scope of the Diplomatic Service in the Member States. Heavily discussed are mandate, institutional linkage and funding of the European Foreign Service. But also recruitment of staff and control through the parliament are controversial issues.

In the following paragraphs I want to give background information on the External Service of the Commission, the national Diplomatic Services, the European Foreign Minister and the European Foreign Service.

The External Service of the European Commission

The External Service of the European Commission comprises at the moment 130 delegations with about 5000 employees. The budget in 2005 was 3.2 billion Euros.

The External Service represents, presents and explains the policies of European Union and its policies to citizens and administrations in countries that are not members of the EU.

The task of the External Service is to analyze the policies in those countries and report to the commission about policy changes. Also the External Service helps to coordinate negotiations between European Union and third parties if the Commission has a mandate for doing so; especially it coordinates the relations of the Commission to five international organizations (UN, WTO, FAO, OECD, and OSCE). For the development aid of the European Union the Service is an important base – many development projects of the EU are either carried out or controlled by the Service.

The External Service already comprises a list of functions that are normally claimed by national Diplomatic Services, like representation and coordination of foreign relations. However, the service can only be active within the framework of the powers transferred from the Member States to the Union. It does not act as a coordinator of the embassies of the Member States in other countries and it does not issue visas –

therefore it is not surprising that all over the world the delegations of the European Union are only second to the national embassies when representing Europe.

The Diplomatic Service of the Member States

The Diplomatic Services of the EU-Member States have the task to coordinate the foreign affairs of the member states. This essay is too short to discuss the historic background and the different structures of the Services in the member states. Just to give one example: in some member states the Diplomatic Service is under the control of Minister Foreign Affairs, in other member states the Service is under the control of both the Minister of Foreign Affairs and the Minister for Development.

Given the size of Germany's population and its economic weight, the German Diplomatic Service is rather small: only 6.500 people work in the Diplomatic Service. Countries like France (9.200 employees), United Kingdom (16.000 employees) and the USA (10.000 employees) have not only significantly larger Services, but also assign more tasks to the Services. For instance the employees of the British Council, an institution for cultural exchange similar to the German "Goethe-Institut" are counted as embassy staff. Also the military personal of American embassies are counted in these figures.

All large countries in the European Union have embassies in almost all countries and representations to international organizations like the United Nations. The smaller EU Members have fewer embassies and rely more on the services of consulates. Often an embassy in a country coordinates relations to several countries in the region. The Scandinavian countries have coordinated their Foreign Service and share their embassy buildings – but internally all countries still have their own administration and are functionally separated.

All together the 25 EU Member States about 40.000 people work for the national diplomatic service. An overview is given in the table below, yet the numbers are not totally comparable since sometimes local staff is included, sometimes excluded.

Country	Total Employees	Employees at the Permanent Representation to the EU	Embassies and Representations
Czech Rep.	2.000	103	100
Denmark	2.400	75	80
Estonia	600	70	40
Finland	2.600	100	90
France	9.200		
Germany	6.500	168	230
Italy	8.000	140	229
Latvia	350	60	40
Netherlands	5.200		155
Poland	4.000	117	167
Portugal	2.700	105	146
Sweden	2.400		105
UK	16.000	130	230

Interestingly, the Representation of the Member State to the European Union is often the biggest 'embassy' when comparing the staff number. Most of the representations comprise between 80 and 140 staff members. Half a year before and after a member states' Council presidency the staff level grows up to 50 percent.

The European Foreign Minister

The Constitutional Treaty is the first EU treaty that will create the office of a European Foreign Minister (Article III-296.1 und 2). The Foreign Minister is elected and dismissed by the Council through a qualified majority (Article I-28.1). The foundations of the Foreign Affairs of the European Union are laid down in title V of the IIIrd chapter (Articles III-292 to III-329).

The European Foreign Ministers is linked to two institutions: council and commission. This has inspired the image of 'wearing two hats at once' – which indicates his special position in the institutional framework.

If the constitution is ratified, he will coordinate the Common Foreign and Security Policy (CFSP) of the European Union and preside over the Council for External Affairs (the council of the Member States' Foreign Ministers) (Article I-28.3). Up to now the president of the Council for External Affairs was the Foreign Minister of the Member State holding the Presidency.

The European Foreign Minister is also Vice-President of the European Commission (Article I-28.4). He suggests the Foreign and Security Policy and has as right to initiate proposals to the Council on issues of CFSP (Article III-293.2 und III-299.1). Up to now this right of initiative was held by the Commission as a whole.

He heads and implements the political dialogue with countries outside of the EU and represents the Union at international conferences. Especially when Member States with a seat in the UN Security Council have a common position on an issue, the European Foreign Minister will represent this position in the UN Security Council (Article III-305.2).

He implements the decisions of the Council for Foreign Affairs (Article III-296.1) and functions as a manager in a political crisis (Article III-309). Thus he will also coordinate humanitarian and military measures in such a crisis.

When compared to its today's equivalent, the High Representative for CFSP of the Council, then it is evident that the mandate of the European Foreign Minister has considerably broadened. He assumes new functions and intensifies those that are already assigned to the High Representative.

On the other side, as a member of the Commission he is controlled by the parliament. In the case of a successful vote of no-confidence by the Parliament, he has to resign from all his functions as a member of the College of Commissioners. Yet luckily his mandate from the Council remains intact (Article III-340).

The European Foreign Minister will be an important political figure with far-reaching power, as the following scenario illustrates. Consider a situation where the Member States agree in the Council to send military troops to a conflict region, but the Parliament disagrees with the Councils decision on disembarking troops and asks the Commission not to implement the Councils decision. Yet the Commission decides to ignore the Parliaments vote which in turn decides to dismiss the Commission. Even if the College of the Commission is now dissolved, the European Foreign Minister can still carry out his mandate from the Council. If the European Foreign Service is part of the commission, the Foreign Minister won't be able to do much. If it is an independent agency, he will be very powerful. What he will be able to do depends in fact on the setup of the European Foreign Service which is discussed in the next part.

The European Foreign Service (EFS)

The Constitutional Treaty also sets the foundations for the European Foreign Service (Article III-296.3) The Service has to cooperate with the Diplomatic Service in the Member States and will consist of officers from the relevant DGs (Directorate-General) of the Commission, from the relevant departments of the Council's Secretariat-General of the Council, and from the national Diplomatic Service. Its task is the support of the European Foreign Minister and the President of the Council in external affairs (Article I-22.2), since some external (mainly representative) functions are also assigned to the President of the Council.

In Amendment 24 to Article III-296 the Member States decided that immediately after the signing of the Treaty (not after the ratification) the preparatory work for the European Foreign Service will commence. The Secretary-General of the Council and High Representative for Foreign and Security Policy, Javier Solana, was mandated to draft a proposal on the implementation of the EFS. This proposal should have been developed together with parliament, commission and Member States.

At the moment (January 2006), this has not been done. A number of disputes between Council on one side, Commission and Parliament on the other side arose and several disputes between small and large Member States have surfaced. The dimensions of the conflicts are:

- **Institutional Setup:** Commission and Parliament demand a strong connection of the EFS to the Commission and are supported by the Secretary-General on this issue. The Parliament aims to strengthen its (now rather weak) grip on Foreign and Security Policy. The Member States support an agency separate from Commission and Council which leans close to the existing working structures dealing with Foreign Policies in the Council. Even a totally independent structure like the current Translation Service is discussed.
- **Funding:** if the EFS is integrated into the Commission, he would have to be financed from the Budget of the Commission as well. If there is no institutional integration into the Commission, the Council would have to establish a separate budget for the EFS. In any case, the budget size will most likely not differ much from the budget of the External Service of the Commission.
- **Institutional Reforms:** up to now the presidency of the Council rotates through the member states every six month. The Constitutional Treaty will create a Council presidency with the electoral period of the 30 months. It is unclear how such a change will shape the work of the European Foreign Service. Up to now the Councils working groups on Foreign Affairs are chaired by a representative from the presiding member state. Especially the small member states want to keep that position to gain or keep influence on the common foreign and security policy.
- **Policy Areas:** undisputedly the EFS will concentrate on issues from the CFSP. Yet many other policy areas overlap with the CFSP, like the Terrorism Prevention (from the field of Internal Affairs) or Trade Policies (from the field of Economic Affairs). It is to be expected that the Commission will still handle these policy areas if mandated by the Council, but the EFS will assist in the coordination of these policies.
- **Relation to Diplomatic Service of Member States:** At the moment, the Diplomatic Services of the Member States still carry out a number of important functions. It is unclear whether in the long run the EFS will take over some of these functions, such as the issue of visas.

- **Control:** it remains unclear how the EFS can be effectively and efficiently controlled by the Parliament. The scope and power of parliamentary control of institutions which implement foreign and security policies in the Member States is very diverse.
- **Personnel:** at the moment it is also unclear what will happen with the Commissioner for External Relations. The current incumbent, Mrs. Ferrero-Waldner from Austria would need a new portfolio. If Solana, a Spanish citizen, becomes European Foreign Minister, his compatriot Almunia would have to resign from the Commission

Especially after the negative French and Dutch votes on the Constitutional Treaty the implementation of the Foreign Service remains unknown. Yet even if the Constitutional Treaty is not ratified, Member States, Parliament and Commission agree on establishing the EFS through an Interinstitutional Agreement. In that case a transition period of 2007 to 2009 will be followed by an implementation period from 2009 on. Thus the New European Foreign Minister and the European Foreign Service will most likely start to work alongside the newly elected Commission.

Conclusive Remarks

Compared to the size of the Diplomatic Services of the Member States, the future European Foreign Service will be relatively small and its budget comparably low. Nevertheless it should not be underestimated.

The concrete implementation of the Service will determine the power of the European Foreign Ministers. The various disputes show that there is a need to re-balance the power structure of the European institution. Especially the parliament is gaining influence and has recently 'shown its muscles', for instance when rejecting the agreement on the EU Financial Framework for 2007-2013 in January 2006. The compromise on the European Foreign Service will indicate how the power has shifted between the institutions.

To establish the EFS through an Interinstitutional Agreement would be the most practical solution, but also the most problematic. Establishing the EFS 'through the backdoor' would seriously damage its capacity to act as a coordinative body – given the scope of its tasks the citizens need to be involved and ratification of the treaty is indispensable.

For the member states a European Foreign Service could provide an opportunity to establish a more coherent foreign policy and save resources that could be spent otherwise. If, for instance, the issuing of Visas is executed by the EFS, then the national embassies could focus more on the political, cultural and economic ties between the Member States and third countries. Especially for small countries the EFS would mean a real added value.

The advantages for the larger member states are not as clear. For Germany an EFS would provide an opportunity to influence France and UK's politics in the Security Council. Yet it is unlikely that in a case of dispute, Britain and France would base their position on the German position.

So what does the EFS provide to the big member states? No doubt the proportion of diplomats from these three member states inside the EFS will be high. Working in the EFS will be radically different from working in national Diplomatic Services. The 'EU-Embassies' will receive different information and have different contacts abroad than the National Diplomatic Services. If the big (and the small) member states adequately

train the diplomats working in the EFS, ensure their connection to the national Diplomatic Services and commit themselves to a real information flow, the EFS could provide a perspective that none of the national Services can provide.

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During his studies and his volunteer work in European Youth Organizations, he developed an interest in European Affairs. In particular he focused on Public Affairs Management of Regional Representations and NGOs in Brussels, but he also covered topics such as Public Affairs Management in the Chemical Industry. He has worked at the Representation of the Free State of Bavaria in Brussels.

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