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**THE EVOLUTION OF THE EUROPEAN UNION'S
DIPLOMATIC SERVICE IN THE PRE-LISBON
PERIOD (1987 – 2009)***

This study aims to map the development of the European Union (EU)/European Community (EC) diplomatic service in the two decades leading up to the adoption of the Treaty of Lisbon, which established the European External Action Service as the current form of the EU diplomatic service. It describes the most important milestones in the development of the EU/EC diplomatic service from 1987 to 2009, especially the 1989 unification of the formal status of all European Commission delegations, the 1993 institutional unification of delegations management through the establishment of a special Directorate-General for the Administration of Delegations within the European Commission organisation structure, the 1993 strengthening of the role of the European Commission delegations in traditional diplomatic tasks of the political arena, which resulted mainly from their closer cooperation with national diplomatic representations of the EU member states, introduced by the Treaty on EU and, finally, the establishment of an EU High Representative for the CFSP – the unofficial ‘EU Minister of Foreign Affairs’ – in 1999.

Key words: delegations of the European Commission; diplomacy of the European Union; history of the diplomatic service of the European Union

Introduction

The diplomatic service of the European Union (EU) as an autonomous institution was officially established under the name ‘European External Action Service’ (EEAS) by the Treaty of Lisbon adopted on December 13, 2007 (entered into force on December 1, 2009). However, the very first ‘fragments’ of the diplomatic service of the EU began to appear in the 1950s as a specific kind of foreign representation: as so-called ‘information offices’, which were established by the European Coal and Steel Community in the U.S. and some other countries, and later as teams of so-called technical supervisors, which were sent to developing countries with a man-

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date from the European Economic Community in the 1960s. These representations, having at the beginning only little in common with diplomatic missions, gradually transformed into offices of a diplomatic nature in subsequent decades. Thereby, the system of foreign representation of the European Community (EC) gradually took the form of a true diplomatic service. However, the most important reforms shaping the pre-Lisbon form of the EU's diplomatic service were introduced in the period from the late 1980s until the adoption of the Treaty of Lisbon.

In academic literature, the diplomatic service of the EU/EC has been widely discussed in recent years. Many works focus on the organisation and functioning of the present EU's diplomatic service (EEAS) in general (e.g. Austermann 2014; Carta 2014; Karalus 2009), dealing with the legal background of its existence and operation (e.g. Petersen 2011) or analysing selected organisational or functional aspects, including the geographic and gender balance within its staff (e.g. Novotná 2014) and other matters.

However, only a few works deal with the evolution of the EU/EC diplomatic services in the pre-Lisbon period specifically. These include the works of Dimier (2014) and Dimier and McGeever (2006), which focus on the evolution of EC representation in developing countries. Especially noteworthy is *Taking Europe to the World* by Moran and Ponz Canto (2004), which maps almost the entire pre-Lisbon period of EC/EU diplomatic service from the 1950s to the beginning of the 21st century. However, this work does not provide a detailed mapping of the pre-Lisbon development of the EU/EC diplomatic service, because it was written for a popular rather than an academic audience.

The aim of the present study is to explain in detail how the diplomatic service of the European Communities was shaped in the two decades before the adoption of the Lisbon Treaty and to describe the most important reforms in the EC system of foreign representation in this period.

Methodologically, the study is based on the analysis and synthesis of relevant primary and secondary sources. The primary sources include particular historical documents of the EC, which were acquired by the author in the archives of EU institutions in Brussels. The secondary sources mainly include research articles published in scientific journals and monographs. The author has used original, authentic materials as much as possible, but has of course relied on other relevant sources as necessary.

The study is divided into several sections, each focusing on a specific period of the pre-Lisbon evolution of the diplomatic service of the EC/EU. The first maps the status quo in the late 1980s and the second the evolution of the diplomatic service of the EC in the same period. In the third and fourth section attention is paid to the reforms of the diplomatic service of the EC/EU in 1990s and at the beginning of the 21st century respectively.

The status quo in the late 1980s

In the late 1980s, the EC had its own system of foreign representation: the network of so-called 'Delegations of the European Commission'. In 1986, a total of eighty-six delegations of

the European Commission (hereafter, 'the Commission') operated in the world – eighty-two of them were accredited to foreign countries and four of them to international organisations. All these delegations could be divided into two different groups. The first consisted of delegations accredited to developing countries under the authority of the Commission's Directorate-General for Development (DG VIII). These delegations did not have diplomatic status and performed mainly technical (that is, non-political) functions. The members of their staffs did not possess the legal status of civil servants (or officers) of the EC, because they were formally employed by the European Agency for Cooperation – a non-governmental organisation under Belgian law¹. The second group of the Commission's delegations consisted of those accredited to developed countries and to international organisations. These delegations performed relatively more 'traditional' diplomatic functions under the authority of the Commission's Directorate-General for External Relations (DG I) and enjoyed diplomatic privileges and immunities. Their staff members had the status of civil servants of the EC, and were therefore a regular part of the bureaucratic structure of the Commission (Carta 2014, p. 37-38). Significantly, each of these delegations was managed almost autonomously and independently by the appropriate Directorate-General, which would apply its own rules. Thus, there were in fact two separate 'diplomatic services' of the Commission, managed by different directorates-general and consisting of different types of delegations.

The evolution in the late 1980s

One of the most important reforms of the Commission's system of foreign representation in the late 1980s was the 1987 approval of the 10th Amendment to Staff Regulations of the EC. On that basis, the Commission's Delegates in developing countries – until that time formally holding the position of EAC employees – were granted the status of Commission officials (Karalus 2009, p. 113). The next important change to the Commission's foreign representations was introduced in 1989 as a result of the fourth Lomé Convention entering into force. This treaty, signed by the EC and the developing countries, granted all the Commission's delegations managed by DG VIII a diplomatic status. With this new status, the Commission delegations in developing countries acquired diplomatic privileges and immunities, similar in extent to those of states' diplomatic missions (Dimier and McGeever 2006, p. 498). Consequently, from 1989 on, all Commission's delegations in the world possessed diplomatic status.

Granting an official, diplomatic status to the Commission's delegations in developing countries nearly eliminated the former significant differences between the Commission's delegations managed by DG I and DG VIII, contributing to a unification of their foreign representations and therefore to a greater

¹ Although the European Agency for Cooperation was formally separate from the institutional structure of the EC, it was financed and controlled by the Commission.

internal homogeneity of their network. Thanks to these reforms, the system of foreign representations of the Commission began to markedly resemble a regular diplomatic service in the late 1980s.

Another important step toward the establishment of regular diplomatic service by the EC was the 1989 creation of a new Directorate for the Administration of the Delegations within the Commission's Directorate-General for Administration (DG IX), which took over the administrative management of all the Commission's delegations. This was the first step towards a unified system of management for the Commission's foreign representations and towards the removal of the existing dualistic system of the Commission's delegation management, within which the DG I and DG VIII both managed 'their' own networks of representations independently.²

Evolution in the 1990s

In the early 1990s, after the fall of the bipolar arrangement of the world and the breakup of the Soviet Union, an important expansion of the Commission's delegations network began to take place, especially in the post-socialist countries of Central and Eastern Europe.³ As many of these countries started to draw upon EC financial resources, provided through various specialised funds (such as PHARE⁴), the task of the Commission's delegations in these states became, inter alia, to supervise the implementation of the projects that were co-financed by these European funds (Moran and Ponz Canto 2004, p. 40; Austermann 2014, p. 46). In some countries that expressed interest in future EC membership (like, for instance, Czechoslovakia, Poland or Hungary), the Commission's delegations were also tasked with observing the course of political and economic reforms, as well as the implementation process of the *acquis communautaire*. These delegations would subsequently inform the Commission of the progress achieved and the particular state's overall preparedness for entry into the EC.

In 1992, following the Commission's first delegations in the post-socialist states, a total of one hundred and eleven Commission representations were operating in the world. Of these, one hundred and seven were delegations and four were information offices (Le Parlement Européen 1992).

In 1993, important changes in the organisation and operation of the network of the Commission's foreign representations occurred when the Treaty on European Union (or Maastricht Treaty) entered into force. One was the creation of the new Directorate-General IA (DG IA)

² In addition to DG I and DG VIII, the Commission's Directorate-General for Information (DG X) also participated in the management of some offices abroad, namely so-called 'information offices'.

³ The first Commission's delegations in post-socialist states of Central Europe opened in 1990 in Warsaw and in Budapest (European Parliament 1989).

⁴ The programme PHARE (a name originating as an abbreviation of 'Poland and Hungary Assistance for the Restructuring of the Economy') was launched by the 1989 Decision of the Council of Ministers of the EC No. 3906/89 and served as the EC's chief financial tool to support an economic transformation of the democratic states of Central and Eastern Europe (European Parliament 1998).

within the Commission's organisation structure, which took over the administrative management of all foreign representations of the Commission from the Directorate for the Administration of the Delegations that has previously existed in DG IX. At the same time, a special Department for the Administration of Delegations was created within this new directorate-general, which was to deal with all the delegations' logistics and staffing matters (Karalus 2009, p. 114-115). Further changes concerned the Commission's delegations themselves, which were explicitly named for the first time in the Treaty on EU and thus gained legislative enactment in EU primary law. Furthermore, the cooperation between the Commission's delegations and the diplomatic representations of EU member states was also strengthened in third states and within international organisations and conferences. This cooperation was defined explicitly in the article J.6 of the Treaty on EU, which stated that 'the diplomatic and consular missions of the Member States and the Commission Delegations in third countries and international conferences, and their representations to international organizations, shall cooperate in ensuring that the common positions and common measures adopted by the Council are complied with and implemented' (Treaty on European Union 1992). In practice, this cooperation between Commission's delegations and national diplomatic representations of EU member states was realised through the participation of the head of the Commission's delegation in coordination meetings led by the heads of EU member states' diplomatic representations in third countries (Carta 2014, p. 39). Unlike in the European Political Cooperation period, when the heads of delegations were not allowed to participate in negotiations about political issues, they could now attend these meetings even when they concerned sensitive political questions. The Commission's delegations also started drafting political reports together with the EU Member States diplomatic representations and playing more active role in coordination of preparation of joint political statements of the EU in relation to the host state or international organization concerned (Austermann 2014, p. 46). However, the presentation of these joint statements of the EU remained the responsibility of the diplomatic or permanent mission of the EU member state holding the presidency, and not the Commission's delegation.

In 1994, the 'External Service of the European Commission' was created under the auspices of DG IA, establishing the first 'European' diplomatic service – although only in the form of a virtual institution existing within the Commission's organisational structure. This newly created service was subordinated to the Commissioner for External Relations (Dimier 2007, p. 129).

In relation to the growing number of diplomatic tasks that the Commission's delegations provided in the mid-1990s – and also the adoption of the Maastricht Treaty – the requirements placed on the diplomatic staff of the Commission's External Service naturally changed as well. For the efficient fulfilment of their mission, the staff also needed an increasing amount of 'traditional' diplomatic knowledge and experience, which was lacking in many of the Commission's officials that participated in the EU's external relations. This was especially true for specific experience from missions abroad, that is, from work in delegations. For this reason, in 1996 the Commission proposed the principle of the obligation to serve abroad, and began to apply it a year

later. According to this principle, every official in a management position in certain Commission directorates-general that participated in external relations (the so-called RELEX family⁵ of directorates-general) had to undergo at least one mission at a Commission delegation within the prescribed period of time (European Parliament 2001).

In 1996, the Commission also began to optimise its network of foreign representations, which was referred to as the 'regionalisation of delegations'. The essence of this organisational reform was the transformation of a part of the Commission's delegations, selected in advance, into so-called 'regional delegations', each of which became the management headquarters for the activities of the External Service of the Commission within a certain geographical region. Besides the state where the particular regional delegation was seated, the head of such a regional delegation was accredited to other states as a non-resident head of delegation. In these other states, the concurrently existing delegation was either wholly dissolved or its staff was reduced to a much smaller representation, now officially called an 'office'. Each of these offices was subordinate to the particular regional delegation, and headed by an official who did not have the title 'head of delegation' but rather 'chargé d'affaires'⁶ (Commission 2001).

After 1996, the activity of the External Service of the Commission was supplemented by the European Union Special Representatives (EU SR), also known as European Union Special Envoys. In performing their activities, the EU SR were subordinate to the Council of the EU, which also approved their mandate. This mandate also determined the tasks of the EU SR, which normally included representing the EU in the process of solving international conflicts and/or monitoring the political-security situation in a particular state or region in which the EU had a special interest. The Italian diplomat Aldo Ajello became the first of the EU SR in history, appointed by the EU Council to the Grand Lakes region in Africa (Costa Reis et al. 2019, p. 10).

Another important impact on the institutional system of the EU diplomacy came from the Treaty of Amsterdam, which entered into force in 1999. This not only enacted the function of the EU SR into EU primary law,⁷ but even more significantly created the post of the High Representative of the EU for the Common Foreign and Security Policy (High Representative of the EU), who was entrusted, among other things, with the task to lead a 'political dialogue with third parties' on behalf of the EU (Treaty of Amsterdam 1997), and ergo realise diplomatic negotiations with states outside the EU and within international organisations. The creation of the post of High Representative of the EU also impacted the activities of the Commission's delegations. These del-

⁵ The *RELEX family* is the term used since 1996 for the directorates-general of the European Commission that contribute to the realisation of European Commission external relations (Carta 2014). Besides the European Commission Directorate-General for External Relations (DG RELEX), this included the Directorate-Generals for Development (DG DEV), Enlargement (DG ELARG), Trade (DG TRADE), EuropeAid Co-Operation Office (AIDCO) and the Humanitarian Aid Office (ECHO).

⁶ Here a certain parallel can be seen with the diplomatic practice of states, where a diplomatic mission with a non-resident head of mission (e.g. seated in some neighbouring state) may be headed by a chargé d'affaires.

⁷ The special EU representative is also mentioned in Article J.8 (5) of the Treaty of Amsterdam, which states that 'The Council may, whenever it deems it necessary, appoint a special representative...' (Treaty of Amsterdam 1997).

egations started to provide the High Representative of the EU with various support and assistance services. These services were deemed necessary for the performance of the High Representative's tasks, such as helping with the organisation and logistics of numerous working visits or sending analytical reports about political situations in third states and events taking place within international organisations. As a result, the Commission's delegations were more frequently involved in issues of high politics, which led to the expansion of the portfolio of their political-diplomatic tasks. Thanks to the provision of assistance to the High Representative of the EU,⁸ who did not belong to the Commission's institutional structure, the Commission's delegations were increasingly perceived as representing the whole EU rather than representing only one of its institutions (European Commission) – so much so that in practice they began to be informally called 'EU Delegations', and their heads were referred to as 'EU Ambassadors' (Austermann 2014, p. 47).

In 2000, the Commission launched another reform of its External Service, which triggered the process of the so-called 'deconcentration' of powers, by which some powers were transferred from Commission headquarters in Brussels to delegations. The aim of this reform was – in the interest of increasing the speed, and therefore the overall efficiency, of decision-making processes within the Commission's External Service – to divide powers between the headquarters and the delegations of Commission in such a manner that 'anything that can be better managed and decided [by the Delegations] on the spot, close to what is happening on the ground, should not be managed or decided in Brussels' (Commission 2001). The result of the process of the 'deconcentration' of powers was the strengthening of the autonomy of the individual Commission's delegations, especially in the area of EU project management. In addition – as, understandably, the transfer of powers from the headquarters to the delegations had to be accompanied by corresponding transfers of staff⁹ – the 'deconcentration' also led to a large increase in the overall number of staff at the Commission's delegations abroad.¹⁰

Evolution at the beginning of 21st century

In 2001, the Commission had one hundred and twenty-eight delegations in the world, out of which one hundred and twenty-three were accredited to third states and five to international organisations (Commission 2001). In practice, these delegations assisted with a number of tasks, most significantly:

⁸ A similar service was provided by the Commission's delegations to the representatives of other EU institutions, such as European Parliament members, during their business trips abroad.

⁹ In the first phase of 'deconcentration' in 2001 and 2002, 40 and 110 officials, respectively, were transferred to the Commission's delegations (Commission 2001).

¹⁰ On average, 20 officials worked at one Commission delegation in 2000, whereas in 2008 this number was approximately double that (Austermann 2014).

- a) The presentation and explanation of EU policies to the government and public of the host state or to the international organisation
- b) Holding talks on EU joint policy issues for the government of the host state or certain bodies of the international organisation
- c) The observation and analysis of the governmental policies and situation of the host state, or monitoring current events in the international organisation concerned
- d) Providing organisational and logistic support to Commission officials and representatives of other EU institutions during their working visits in the host state or in the international organisation's headquarters
- e) Managing projects financed by EU funds and implemented in the host state (Commission 2001)

The Commission's delegations also assisted the diplomatic representations of EU member states, which often used them as a source of information and expert opinions. If the presidency of the EU Council was held by one of the small member states, the Commission delegation also helped this state's diplomatic representation with the 'presidency agenda'; for example, by preparing materials for its speeches or its negotiations with the head of a mission (Austermann 2014, p. 48).

In 2003 the Commission decided that all its representations in third states would be officially designated as 'Delegations of the European Commission'. This decision led to the renaming of ten representations, which until then had each officially operated as an 'office of the European Commission'¹¹ or a 'representation of the European Commission' (Commission 2003).¹² But this renaming did not apply to the four bilateral Commission's representations, which operated in various non-state (non-sovereign) entities,¹³ or the Commission's representations at international organisations, which maintained their original specific official designations.

Conclusion

Although the form the EU diplomatic service took prior to the 2007 adoption of the Treaty of Lisbon resulted from five decades of developments, it was largely shaped by specific reforms carried out in the second half of the 1980s and the 1990s. These reforms included the adoption of new staff regulations in 1987, which granted the status of EC officials to employees of Commission delegations in developing states, and the fourth Lomé Convention entering into force

¹¹ These included the European Commission representations in Djibouti, Gambia, Guatemala, Liberia, Surinam, Swaziland, Ecuador, the Solomon Islands, and Vanuatu.

¹² It was the European Commission representation in Turkey that acted under this official name.

¹³ These were the European Commission representations in: New Caledonia (an overseas territory of France); Hong Kong (an administrative region of China); the West Bank and Gaza (an unofficial representation at the Palestinian National Authority); and Taiwan (a state not recognised by the EU member states, officially considered part of China).

in 1989, by which the Commission delegations in developing countries received full diplomatic status. The result of these reforms was that all Commission delegations now had the same position, and from a formal and legal viewpoint were thus placed on virtually the same level as sovereign states' diplomatic missions. Another important reform was the 1993 creation of the special Directorate-General for the Administration of Delegations (DG IA) within the Commission's organisational structure, which unified the management of all delegations under a single Commission organisational unit, thereby eliminating the existing dualistic system of management, which was atypical for diplomatic services.

Institutional reforms following the Treaties of Maastricht and Amsterdam also had an important influence on the system of EC foreign representations. The former, entering into force in 1993, involved the Commission's delegations in the implementation of the newly constituted EU CFSP, which strengthened their political mandate and expanded their role in traditional diplomatic tasks in the political arena. The other treaty, which entered into force in 1999, established the post of the High Representative of the EU for CFSP – a *quasi*-Minister of Foreign Affairs of the EU – to whom the Commission's delegations began to provide assistance in the field of high politics, which resulted in an even greater strengthening of the delegations' political profile. Thanks to all these reforms, by the end of the 20th century, the system of EC foreign representations had acquired the character of a true diplomatic service, and thus could become the backbone of the future European External Action Service established by the Treaty of Lisbon.

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