European Union External Action Structure: Beyond State and Intergovernmental Organisations Diplomacy

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Declaration

I hereby declare that this dissertation is my own original work.

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ABSTRACT

This dissertation analyses the organisation of the external action structures of the European Union. As an international actor which is beyond a state, but also different to traditional international organisations, the EU has created a "diplomatic constellation" in which diplomacy from member states is not substituted but complemented by EU external action.

This work analyses the process through which the EU has become such a special international actor, and how the dialectic between supranational and intergovernmental elements is useful to understand the nature and dynamics of that process.

EU´s multilateralism is exemplified *vis à vis* the United Nations to show how the EU is very different to traditional international organisations.

Finally, the dissertation focuses on the analysis of the three most important diplomatic structures created for the EU by the Lisbon Treaty: The High Representative/Vice-President of the Commission; the European External Action Service; and the EU Delegations.

Thus, this dissertation tries to show that the current EU external action structure is a truly innovative scheme (a "tertium genus" in relation to traditional "diplomatic services" from states and intergovernmental international organisations) that has tried to reconcile intergovernmental and supranational tensions related to the nature of the whole EU integration process.

LIST OF ABBREVIATIONS AND ACRONYMS

CARICOM- Caribbean Community

CSDP (Common Security and Defence Policy)

CFSP- Common Foreign and Security Policy

EU Institute for Security Studies (EUISS)

COREU- *Correspondance européenne*

CT- Treaty establishing a Constitution for Europe (Constitutional Treaty)

DG- Directorate General (of the European Commission)

EC- European Community

ECHO- DG for Civil Protection and Humanitarian Aid Operations (European Commission)

ECSC- European Coal and Steel Community

EDA- European Defence Agency

EEAS- European External Action Service

EEC- European Economic Community

EMU- Economic and Monetary Union

EU-European Union

EUISS-European Union Institute for Security Studies

Euratom -European Atomic Energy Community

GAERC- General Affairs and External Relations Council

HR- High Representative for Foreign Affairs and Security Policy

HR/VP- High Representative/Vice President of the Commission (Lisbon Treaty)

IGC- Intergovernmental Conference

IIOs- International Organisations

MFA- Ministry of Foreign Affairs

NATO-North Atlantic Treaty Organisation

PSC- Political and Security Committee

QMV- Qualified majority voting

RELEX- Directorate General for External Relations (European Commission)

SG/HR- High Representative/Secretary General (Amsterdam Treaty)

TEC- Rome Treaty establishing the European Economic Community

TEU- Treaty on European Union

TFEU-Treaty on the Functioning of the European Union

UK- United Kingdom (of Great Britain and Northern Ireland)

UN-United Nations

UNGA- United Nations General Assembly

UNSC- United Nations Security Council

US- United States (of America)

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1.-INTRODUCTION: PLAN AND OBJECTIVES OF THE DISSERTATION. METHODOLOGY. LITERATURE REVIEW.

This dissertation, in-part fulfillment of the studies leading to the MA degree in Contemporary Diplomacy from the University of Malta in collaboration with DiploFoundation, focuses on the study of the European Union (EU) as a new kind of supra-state diplomatic actor, which does not substitute the diplomacy of its member states.

In the research that has led to this work, I have analysed how the EU, as a (supranational) international legal person, has organised its external action structures as a "diplomatic constellation" in which diplomacy from member states is not substituted but complemented by EU external action.

In the next chapter of this work I will analyse how the so-called "Modern Diplomacy" post-Wesphalia, although based on the classical state-centered model, has evolved to encompass other different actors, beyond states, one of which is the European Union. The nature of the European integration process will be studied, as an actor which is beyond a state, but also different to traditional international organisations, and also through the concept of "actorness".

I will then focus on the functionalist and neo-functionalist explanations of the European integration process, and on how the dialectic between supranational and

intergovernmental elements is useful to understand the nature and dynamics of the European Union.

After an account, from a neo-functionalist spill-over point of view, on how the European integration process has been more and more involved in a need of external action, and how it has tried to respond to those growing needs of coherence with the corresponding evolution of treaty amendments, I will finally study the most important innovations brought by the current Lisbon Treaty in terms of diplomatic structures for the conduct of the EU´s external action.

The study of the EU´s multilateralism will be useful to understand how the EU is very different to traditional international organisations, and how it interacts with the United Nations as an example of that very special nature.

I will then focus on the analysis of the three most important diplomatic structures created for the EU by the Lisbon Treaty: The High Representative/Vice-President of the Commission; the European External Action Service; and the EU Delegations. Their competences and organisational mechanisms will be analysed, compared to "traditional" diplomatic services of States and "classical" intergovernmental international organisations (IIOs).

I will mainly focus on the EU´s innovative schemes and, through my research, I will aim to show how the EU has tried to reconcile, when organising these structures in charge of its external action, the underlying tensions between intergovernmental and supranational trends that have accompanied European integration.

Through this scheme, I will try to demonstrate, as my dissertation statement, that the EU external action structure, as designed after the Lisbon Treaty, is a truly innovative scheme (as a "tertium genus" in relation to traditional "diplomatic services" from states and intergovernmental international organisations) that has tried to reconcile intergovernmental and supranational tensions related to the nature of the whole EU integration process.

This hypothesis, in my opinion, is useful for the advancement of knowledge, not only from a purely theoretical point of view. It also has practical consequences for future research. If it is verified, it will mean that many concepts usually applied to traditional diplomatic institutions of states will have to be refined to understand how the EU external action structures function and, speaking about "hybrids" by analogy, will only be a temporary analytical solution. Furthermore, if the mix between intergovernmentalism and supranationalism in the design of those structures is established as an important variable for the results obtained, this perspective will also help to analyse current structures and their eventual evolution in the future.

From a methodological point of view, it has to be noted that this work is inserted in the field of Diplomatic Studies. As a Social Science, it is clear that falsifiability of hypotheses in this area is subject to the epistemological limits imposed by the impossibility of experimentation with most social phenomena under ceteris paribus conditions, as opposed to physical sciences. It is obvious that, unfortunately, we cannot go back in time to test different results of applying diverse proportions of intergovernmentalism and supranationalism to the process of EU integration and, specifically, to the external action structures created therein.

Within this scope, I have used a qualitative method for the research design of this study. The aim of this dissertation is to describe the external action structures of the EU as a new phenomenon that does not fit in previous categories of diplomatic services from states or international organisations. This requires a conceptual analysis which can hardly be reconducted to a quantitative method. (Although it has to be noted that, within a research with many more resources, this work could be expanded to cover, for example, the statistical incidence of measures identified as intergovernmental or supranational in EU legislation covering the area of study. This would be a use of quantitative methods to support the findings reached through the main orientation of the research, which would still have to be qualitative, as explained).

In any case, this research is clearly subject to many limitations in the tools available to me under that qualitative method. As diplomacy and its design is influenced by those who perform it, it may have been very useful to use qualitative research tools as interviews or questionnaires with some of the population involved in the design of EU external action structures, but this strategy has been impossible for obvious reasons (lack of availability of those persons for students at my level, and limited time and economic resources from my part).

Thus, in the design of my research, the main tool has been the use of written sources for a descriptive analysis of findings in the literature on the area of study, and for their eventual match with my hypothesis. This will be analysed in the literature review later in this chapter but, before that, I also have to mention two important analytical perspectives used throughout this dissertation.

The most important of them, as mentioned before, is the supranationalist vs. intergovernmental perspective in the analysis of the structures which are the object of this study. In the analysis of these external action structures, I have tried to identify supranational (federalist) elements (trying to integrate an "ever closer Union" with the pooling of sovereignty), and intergovernmentalist points of view (of member states which are zealous to share their sovereignty in areas close to the traditional core of the state, such as "high" external politics). According to the hypothesis of this work, tensions between those two perspectives may be among the causes that result in innovative solutions which are not exactly the same as those used by states or by traditional international organisations, but a tertium genus. In my research I have tried to identify these tensions in the design of the structures under study. Despite the dispersion of study perspectives which is quite common in constructivist and post-modernist points of view, I still find an analysis from the dualist perspective of supranationalism and intergovernmentalism as useful for the purpose of this study.

Another theoretical perspective in my analysis is the use of some elements of the agency-structure debate, taken from Foreign Policy Analysis. I believe that, apart from the design of institutional structures, the personality of the particular persons or collectives that perform the tasks related to those institutions is also very relevant, as will be seen mainly in the analysis of the High Representative, but also regarding the institutional origin of the different diplomats who staff the European External Action Service and the EU Delegations.

Once having designed the fundamentals of my research plan, one of the main difficulties in this study has been the selection of the relevant sources from the many available, as I will now explain in the review of the main literature that I have used.

My use of primary sources has been relatively limited by two factors. Those which are publicly available for researchers at my stage are mainly the relevant Treaties and legal documents. I have used them when necessary for the explanation of the evolution of the EU as an external actor, or for the explanation of the functioning of the structures which are studied. But, this being a dissertation for a Master of Arts in Contemporary Diplomacy, and not for a Master of Laws, I have tried to reduce the recourse to complex legal issues (which are very frequent in the EU, and would require a dissertation over the stipulated word limit) to the minimum essential. On the other hand, there are many other primary sources that are subject to the same limitations as the use of interviews or questionnaires, as they are not publicly available. From a critical point of view, it is often stressed ("democratic deficit debate") that many stages and procedures of decision-making in the EU are quite opaque, and the area of external action may be specially so. Many of them would probably clarify the rationale behind some decisions on the design of the structures we hereby study, and further research at a deeper level would be very useful.

Regarding secondary sources, it is obvious that I cannot condense in this short literature review all the perspectives of the vast literature available (and used) on the objects under study. Thus, I will briefly analyse here some of the main aspects of the different kind of works that have been studied for the elaboration of this dissertation, and that will be further developed in the next chapters. I will organise this review as it was conducted during my research, from the most general to the most specific.

General literature about Diplomacy (such as Berridge, 2010; Roberts, 2009 ; Rana 2011, or Cooper *et alii* 2013) usually deals with the European Union as a "strange international object" or regional integration organisation. It is usually seen as an

example of the growing number of actors in "Modern" Diplomacy and International Relations in general, but those works do not enter into much detail about the particular features of the EU or its external action.

The growing complexity of the European integration process has meant that there has been a need for the creation of European Union Studies as a particular area of study with many ramifications that have been useful for this study from several perspectives.

General legal studies on the EU (such as the seminal in that area Craig and De Búrca, 2008) offer an essential analysis of the fundamentals of the organisation of the EU and its predecessor Communities, and the extension of the principle of conferral. This extension, together with the neofunctionalist spill-over explanation of the process of European integration, is a good explanation on how the EU came into being, and how it accommodated the growing need of an external action of its own. In the last stages of the process for the moment (the failure of the Constitutional Treaty and the creation of the Lisbon Treaty), Piris (2010) offers an essential account of the legal intricacies of the process. From a critical point of view, it has to be stressed that these works are, of course, focused on their legal perspective, so they lack some insight in the supranational/intergovernmental debate, and details from the Diplomatic Studies perspective.

A good complement to the legal perspective of the evolution is offered by the historical point of view present in the works included in Dinan (2014) but, once again, the perspective is general and not specialised on the particular study subject of this dissertation.

Some other works (e.g. Hix and Hoyland, 2011) also analyse the EU as a whole, but from a political perspective, thus offering a broader view of the dynamics between the supranational (Community method) and intergovernmental trends, but the external action dynamics and structures are only briefly analysed.

Another particularly useful perspective is offered by Saurugger (2014) in her work focused on the analysis of theoretical approaches to European Integration. She provides an insightful analysis of theories used as the analytical framework of this dissertation, specially the intergovernmental/supranational debate but she sees that debate as too simplified, as compared to other perspectives related to governance, constructivism or sociology.

Another set of works (e.g. Hill *et alii*, 2017 ; Keukeleire and Delreux, 2014) studies the external action of the EU from an International Relations/Foreign Policy Analysis perspective. They are particularly focused on showing how the EU has become an international actor and its relevance as such. In that sense, they are a sort of reply from EU Studies to the general works in International Relations and Diplomacy that show the EU as an example of new international actors. In any case, more than analysing the institutional structures per se, they study their performance in different sectors, such as trade, economy, environment or other issues, as well as particular relationships between the EU and other international actors. Cameron (2012) also uses that perspective, but also preceded by a good analysis of what he calls the EU foreign policy machinery.

Finally, the particular structures designed by the Lisbon Treaty for the EU´s external action, which are analysed in this work, are analysed by several collections of articles that deal with them from very different points of view. This is probably caused by the fact that these structures are relatively recent, and more

time and research is needed for the production of more coherent and comprehensive studies on each of those institutions. Among those works, Müler and Rüger (2011) has been particularly useful on the High Representative for my research, as well as Balfour et alii (2015) or Spence and Bátora (2015) on the European External Action Service.

These books have also been complemented in my research by an extensive search of academic journal articles which are referenced in the next chapters of this work. For reasons of word limits, I cannot enter into much more detail in the analysis of each of the referenced works, and their most relevant ideas will be analysed at each of the following parts of the dissertation.

In any case, the only mention of how the products of research in the object of study are organised, may act as evidence of the preliminary conclusion of my work. From my modest point of view, there is a need for literature that systematically compares the institutions and structures created by the European Union with those traditionally present in states and traditional international organisations, especially in the area of external action and diplomacy, as a way to understand the nature of these new institutions and structures.

As stated in the description of the design of my research, it may also be useful to analyse how the supranationalist and intergovernmentalist trends which are present in the whole European integration process help to define these structures.

Taking into account all the limitations of my research, this dissertation modestly intends to integrate all these factors to show that the EU external action structure designed in the Lisbon Treaty (through the reconciliation of intergovernmental and supranational trends), is an innovative "*tertium genus*" in relation to traditional

"diplomatic services" from states and intergovernmental international organisations. This is the statement that I will try to develop in the following chapters of this work.

2.-THE EUROPEAN UNION AS AN ACTOR IN MODERN DIPLOMACY: NATURE AND EVOLUTION.

2.1.- "Modern Diplomacy" beyond nation-states.

Diplomacy, as a complex and polysemic concept, has been the object of a myriad of studies. In the broadest sense it has been used as synonymous with the Foreign or External Policy[1] of a certain polity but, if we focus on the most classical definitions of the concept, following Berridge and LLoyd (2012 : 97), for instance, it can be understood as "the conduct of relations between sovereign states through the medium of officials based at home or abroad, the latter being members of their state´s diplomatic service or temporary diplomats". Rather than on substantive contents of the concept that would link it to the analysis of a complete foreign policy, this operational definition focuses on the relational and structural aspects of Diplomacy which will be the focus of the study of this dissertation in relation to the European Union (EU).

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[1] Roberts (2009 : 3) points out that "*while diplomacy is properly the conduct or execution of foreign policy, it is sometimes confused with foreign policy itself. But foreign policy is formulated by government, not by diplomats*".

Thus, in this chapter I will analyse how the European Union fits in the relational part of this definition as an international subject, while the next chapters will be devoted to the structural aspect of the EU´s Diplomacy, studying how the Lisbon Treaty has organised the diplomatic service of the Union at this stage of the European integration process, which, as we will see, constitutes a singular experience in the World.

Diplomacy has probably existed, in its most elementary forms, from the inception of regular communication among the first human collectives (Hamilton and Langhorne, 2011 : 7), but the traditional form which it has acquired as a set of rules of norms standardizing relations between sovereign states is a product of the Westphalian state order, of which Diplomacy is one of the major features.

Scholars (e.g. Cooper *et alii*, 2013 : 6) have coined the term "Modern Diplomacy" to encompass the many changes that traditional Westphalian Diplomacy, along with International Relations, have gone through after the First World War and, even more rapidly and deeply, after the end of the Cold War and the inception of the 21st Century. Among these, we can mention an expansion into more sectors of public policy, and not only the traditional High Politics; the blurring of the distinction among domestic, bilateral, regional and global activities due to globalization; the techniques, modes and types of Diplomacy, and the machinery and apparatus through which it is conducted; and, what is most important for our purposes in this chapter, a great expansion of the numbers and types of actors

(not only states, but also regional and international organisations, as well as multinational corporations and firms).

In this last regard, the EU, as the current incarnation of the European integration process which started after the end of World War II, and as an international subject or actor, has become an important challenge to the assumption of Westphalian Diplomacy as an institution for states (as implied in Berridge´s definition) (Bátora, 2005 : 44). To ascertain the extent of this affirmation, it is important, at this stage, to make a brief – if simplified, due to the extension requirements of this work- of the nature of the EU, and its implications for its peculiar conditions as an actor in this "Modern Diplomacy".

2.2.- The nature of the European integration process: Beyond a state and a traditional international organisation. Actorness.

The nature of the EU (or its precedent Communities in earlier stages of the European regional integration process) has also been the object of myriad academic works. For the purpose of our study and for the sake of clarity and simplification, it may be useful to compare it to other political systems so as to better understand its basic features.

The EU is not a federal state, at least at this stage[2] of the European integration process, based on the aim of an "*ever closer union*" which has been established since the beginning of the process. The multilevel and decentralised decision-making process in the EU at this stage is different to the idea of the nation-state as a sovereign territorially contiguous entity which is hierarchically governed (Diez *et alii*, 2011, 118). The EU is composed of several nation-states as its member-states, and lacks a proper European people as the sovereign basis of that "would-be" federal union of states and as the source of a Constitution based on that sovereignty (as the concept of European citizenship derives from the condition of national of a member state). The 2004 experience of the failure of the intention to create a "Treaty establishing a Constitution for Europe" (or "Constitutional Treaty" for the EU, which, despite its name, was not a true Constitution of a Federal union of states, but another international treaty in the process of European integration) was quite revealing of this affirmation. The Constitutional Treaty did not express a will to create a Westphalia-style federal state, but only another step in the "ever closer union", as stated in its preamble. In any case, concerns about the erosion of member states´ sovereignty (among others), prompted the rejection of the Treaty through the French and Dutch 2005 referenda (Blair, 2010 : 95). Symbols (Saurugger, 2014 : 198) are important for states (as Anderson has explained in

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[2] Although, of course, there are many federalist movements which advocate the creation of a sort of federal United States of Europe, in such a way that the Union should be a federal state in-the-making. Among these, some organisations (inspired by Kantian theories and the example of the federalist movement of Hamilton, Jay and Madison) can trace their origins to the beginning of the integration process, such as the Union of European Federalists, inspired by the 1941 *Ventotene Manifesto*, written by Altiero Spinelli and Ernesto Rossi (Albertini, 2017 : 147). Some politicians, as the spokesman of ALDE (the Alliance of Liberals and Democrats of Europe at the European Parliament) also consider that it is urgent to reach a more perfect (federal) union, taking into account the huge challenges Europe faces (Verhofstadt, 2017).

his concept of "*imagined communities*" as one the sources of nation states). The inclusion of some of such symbols in the Constitutional Treaty (Foreign Minister as we will later analyse , the Charter of Rights as an integral part of the treaty, or the official establishment of the anthem, flag or Day of Europe) , even if not intended to create a federal state, apparently prompted the rejection of the Treaty altogether. The fact that the Lisbon Treaty collected most of the institutional innovations of the Constitutional Treaty (Saurugger, 2014 : 188), but devoid of controversial symbolic additions, is in my opinion an evidence that, at this stage, the EU cannot be seen as a state in the making: As we have mentioned, there is not a true European people or *demos*, as such, from which sovereignty emanates, and indirect emanation from member states as legitimation is also curtailed by the principles of conferral and subsidiarity (which also exist in federal states), but which, in the current case of the EU have only been used to provide some competences linked to traditional statehood attributes (such as the common currency and independent European Bank; or *ius legationis*), but not to other "*hard politics*" areas (common defence or exclusive foreign policy, both of which are usually in charge of the federation in federal states, which does not seem to be the case for the EU in the near future). The provision of article 50 TEU allowing member states to leave the Union is also not common in states (except for the right of self-determination in the Soviet or Yugoslav Constitutions, with the commonly known catastrophic effects of the dissolution of both federations).

On the other hand, the European integration process has led to much more than a simple traditional intergovernmental international organisation. It has a legal

order of its own (EU Law) with primacy and direct effect (according to rulings of the European Court of Justice such as *Costa vs ENEL* and *Van Gen den Loos*), which becomes the *acquis communautaire*, or the set of legal rules that all prospective member states have to fulfil when joining the Union (Rittberger, 2014 : 328). It has some supranational structures (such as the European Commission, not made up of representatives of states, but by members who act as the "guardian of the treaties" in the interest of the Union; the European Parliament, or the aforementioned European Court of Justice, which can adjudicate cases with authority over the sovereign member states). The EU also has some exclusive competences (which means that the pooling of sovereignty is almost complete in areas like the Common Agriculture Policy or External Trade), and decision procedures with an increasingly frequent resort to majority voting in the Council (the institution in which the interests of member states are represented through weighed voting according to the population of member states, which goes beyond the common International Law rule of the sovereign equality of states).

Some scholars, unsatisfied with the findings of the comparison of the nature of the EU with nation-states and traditional intergovernmental international organisations, endorse the constructivist theory according to which the EU is currently a "*tertium genus, sui generis hybrid* " (Dinan : 2010, 151) polity, or a process with "*multi-level governance structures*" (Aalberts, 2004) and supranational features that clearly distinguish it from intergovernmental international organisations, but that are not currently creating a "*supra-state*" to completely replace member states through an exclusive European sovereignty.

Taking into account the difficulties to sort out the problems created by the rejection of the Constitutional Treaty (even if it was not a real Constitution of a state in the making), it seems quite unlikely that the nature of the EU will change in the near future, and it will certainly need further study.

Apart from the aforementioned comparative perspective to inquire about the nature and role of the EU in current International Relations, the concept of "*actorness*" (e.g. Bretherton and Vogler, 2006, or Hill, 1993 : 308) has also been created, in short, as measuring the ability to influence the conduct of other international actors. Actorness can be quite meaningless in absolute terms (so a good measure could be comparison with EU´s member states - whose ability to influence the ever complex world by themselves individually is declining, and that has become one of the most important causes for European integration - or with other relevant actors - as Zielonka (2011:197), does with the US, Russia and China, terming all of them "*empires in denial*" despite their obvious differences in several factors).

That said, the assessment of EU´s actorness as global relevance or irrelevance also depends on the theoretical approach used. From a Realist/Neorealist perspective, stressing balance of power politics, military forces and a traditional concept of security (Buzan, 2007), scholars underline a perceived weakness of the EU as a "hard power". As such, they stress the lack of coherence of the EU´s Common Foreign, Security and Defence Policies, and its intergovernmental design linked to unanimity requirements, which results in the lack of a clear common EU

position encompassing the positions of all member states. The traditional reliance on the NATO/US defence umbrella and feeble military expenditure (despite some recent efforts for common geostrategic deployments) arguably result in the common image of the EU as an "economic giant and political/military dwarf" (Zielonka 2011:291). Such views use examples as the role of the EU in the Middle East conflict, or the failure to solve important crises as the 1990s Balkan wars or the current immigration crisis, mainly linked to the failed Arab Spring (and especially the Syrian civil war).

A totally different perspective stems from liberal theories, which depict the EU, from a "soft power" point of view, as probably the most important international advocator of multilateralism and other fundamental values such as (mostly) free trade, rule of law and International Law regimes, human rights, development and environmental sustainability (even if that fits more adequately a "small power" kind of actorness, as Toje (2008 : 200) maintains). To that end, following "Democratic peace theories" (Doyle : 1995) , the EU is mainly responsible for the prolonged period of peace, democratisation, economic growth and human development that the continent has enjoyed for the last 60 years. If that alone discards "global irrelevance" claims, the way in which the EU advocates the extension of such principles to the rest of the world is also very relevant in global terms. As a united trade actor, the EU still accounts for a very important share of world imports and exports of goods and services -and, through multilateral negotiations and bilateral agreements for the access to its common market, its role in setting standards in quality, labour rights and environmental or health

safety requirements is paramount-. Together with its member states, it is the main donor of development aid in the World (which is usually linked to political conditionality to improve democratic and social conditions of receptors, as opposed to more lenient powers such as China). It is still one of the main advocates of global measures to counter climate change and promote environmental sustainability. Above all, it may arguably be seen as one of the most important promoters of human rights, democracy and the rule of law (not only to its close neighbours, through the successive enlargement rounds and the expansion of the *acquis communautaire*, but also through its participation in international fora with its international legal personality - after Lisbon -, e.g. as an observer in the UN). Under this perspective, it is quite unrealistic to describe the EU as "globally irrelevant", when seen as a soft or "*normative power*" (as some constructivists, like Missiroli (2017) define it), which spreads its influence through persuasion under a "human security" view (Bain, 2006), rather than by military coercion.

In any case, the EU is currently involved in a serious dilemma: Populist internal threats (Le Pen) may even cause its mid-term disintegration but, if that is surpassed, external threats like Brexit and Trump´s unilateral and protectionist stance may result in a more cohesive EU, which could also possibly deepen its integration and involvement (and influence as such) in the traditional area of "hard" international politics.

2.3.- A theoretical perspective to explain the European integration process: Intergovernmentalists vs. Supranationalists. Functionalism and Neo-Functionalism

Irrespective of the approach used to characterize the current status of the EU as an actor in International Relations, it is also necessary to take into account the most important theoretical perspectives that try to explain European integration as a process in which member states have decided and agreed to abandon parts of their national sovereignty to pool them with others (Saurugger, 2014 : 1).

After World War II, European unity became a real necessity, due to the various pressing challenges the continent faced: From a (geo)political point of view, World War II atrocities urged to avoid the repetition of the mistakes of the Versailles Treaty after World War I, which led to a second world conflict. The main challenge was to achieve peace and stability in the continent, against internal threats, as an aggressive resurgence of Germany (perceived by some, like France), and external threats like Soviet expansionism in Eastern Europe (Iron Curtain and Cold War). Processes of decolonization and military failures (Suez Crisis) also highlighted the diminished role of Europe in the new bipolar world. All these factors, as perceived threats, acted as incentives for Western liberal states to spark a regional integration process.

The aforementioned political consequences of the war in the economic realm were also relevant to trigger European integration. The fast recovery of devastated

economies was one of the main challenges, to avoid the threat of a lasting depression which could result in political turmoil like in the interwar years and, ultimately, in new conflicts. The US were ready to help with the reconstruction of European economies through the Marshall Plan, favouring the creation of a single regional interlocutor (Asbeek Brusse , 2014 : 97) organised along capitalist liberal lines, as a partner of the Americans in the ideological struggle against the planned economy Communist model. That threat also acted as an incentive to the integration process initiated through the creation of the European Coal and Steel Community (ECSC) in 1951 (through the Paris Treaty, pooling commodities used for wars) and the European Economic Community (EEC) and Euratom -the European Atomic Energy Community- in 1957 (Rome Treaty).

The incentives that those threats created, were the vehicle through which different methodological and ideological stances were advocated to reach the set goals. Two main positions were paramount during those decades (and have remained ever since as underlying attitudes of two views of the differing approach to European integration):

"Intergovernmentalists" (e.g. Pollack, 2014 :10) advocate integration through an international organisation in which member states, jealous of their sovereignty, would be determined to retain control and remain the main actors in the EU, with veto powers and unanimity votes required (examples of that trend in the initial times of European integration were the failure of the European Defence and Political Communities in 1951, probably because they affected too much and too

early the sovereign core of member states ; De Gaulle´s 1965 "*empty chair crisis*", when the first cases of qualified-majority voting were introduced, and which resulted in the 1966 Luxembourg Compromise whereby discussions should continue to reach unanimity when a member state considered that important national interests were at stake (Craig and De Búrca, 2008 : 7) ; institutions governed by a clearer intergovernmentalist rationale, as the Council of Ministers, in which member states are represented).

On the other hand, "Supranationalists" advocate the cession of areas of state sovereignty to common institutions for the pursuit of common goals, creating new allegiances from the Europeans, and the acceptance of majority voting to sacrifice narrow state interests in favour of common aims. (examples are: institutions with a more supranational logic, like the Commission – with important trusteeship powers (Sandholtz and Stone Sweet, 2014 : 23) which make it not only the "guardian of the treaties", but also an important entrepreneur and the political force most committed to integration (Craig and De Búrca, 2008 : 40) , Parliament, or European Court of Justice ; the "Community -now Union- method" (Parsons , 2014, according to which, only the Commission can make proposals for legislation, and it is, in short, for the Council to decide, with an increasing resort to qualified majority voting and co-legislative role for the European Parliament) which did not reach, during the first decades of integration, fields such as monetary union, external relations, security and defence or home and justice affairs, traditionally closer to the core of state sovereignty, and thus had to wait for later stages of the "ever closer union" process).

Even if the supranationalism-intergovernmentalism dichotomy has been questioned (Craig and De Búrca, 2008 : 3), it may still be useful for the analysis of two of the most important driving forces in tension in the institutional design of the European integration process, and, as stated in the methodological introduction, it will be the main approach in this work. In any case, it has to be acknowledged that the main critics of this dichotomy see the EU as an example of multi-level or network governance (Bache and Flinders, 2004), in which attention has to be paid to a broader (Schneider and Aspinwall, 2001) range of actors and institutions (including, for instance, subnational or private entities) involved at different stages in law-making and policy-making in the EU.

Apart from those theories which aim at explaining the institutional features of the EU, another set of theories is also very relevant from a teleological point of view, to understand how the integration process has evolved over time to include wider areas of policy-making. According to Functionalism the three initial Communities tried to tackle particular issues (coal and steel; nuclear, or the broader EEC), under the assumption that promoting functional cooperation among states in such issues would get them involved in peaceful cooperative ventures, mostly managed by rational technocrats who would not owe allegiance to member states but to the functionally specific organisation, and would deter them from an aggressive settlement of disputes over scarce resources (Craig and De Búrca, 2008 : 2).

Neo-Functionalism (mainly elaborated by Haas, 1964) adds to the functionalist assumptions the hope that success derived from the collaboration in non-controversial, technical sectors, would make political and economic elites aware of the mutually beneficial effects, and they would become involved so as to produce a spill-over for collaboration in further areas of greater political salience, which would mean an increase of Community institutions´ ability to deal with such politically charged and sensitive issues, while member states would be ready to pool some of their powers for the purpose of common benefits.

It is mainly through this theoretical tool of (neo)functionalist spill-over that we can explain how European integration has evolved (Keukeleire and Delreux, 2014 : 35) from a primarily economic project to a reality in which there is a substantive, not only internally political, but also foreign policy dimension, as we are studying in this dissertation.

2.4.-Spill-over in action: From economic external action to the creation of a Common Foreign and Security Policy.

Since the European Economic Community (EEC) started mainly as a customs union with a common customs tariff, it only had a purely economic competence in external affairs (Piris, 2010 : 238) . The progressive liberalisation of internal trade through the use of the internal competence of the Communities to create an internal market (with the development of the basic freedoms of movement of goods, services, capital and persons) meant that correlative external competences

had to be conferred on the EC to prevent member states from hindering the development of that internal market through an eventual adoption of international agreements on matters under the remit of EU rules. The original EEC Rome Treaty (TEC) already gave international legal personality to the EEC (article 281 TEC), and contained three articles (131 to 133) on the common commercial policy and external trade policy, which was considered an essentially exclusive competence of the Community. Thus, the TEC provided in its article 300 for the conclusion by the EEC of international agreements in that area, which would be binding not only on Community institutions, but also on member states.

The original institutional framework of the EEC, both for the adoption of trade legislation and the conclusion of international agreements in that area was outlined in article 113 TEC : The Commission negotiated on behalf of the EEC and externally represented it and, following the so-called Community method, drafted proposals for action by the Council (which back then usually acted with no obligation to consult the European Parliament, and according to qualified majority voting on these issues).

The spill-over effect of economic issues derived from the creation of the internal market gradually added new areas of involvement for the Communities, which had their counterpart in the creation of new areas of external involvement, mainly through the addition or amendment of Treaty provisions. Among others, we can mention the introduction by the Single European Act of external relations provisions in chapters regulating new specific policy areas in which new powers

were conferred on the EEC, such as research or environment (articles 170 and 174 TEC). The creation of development cooperation as a new economic external tool and the single currency in the Maastricht Treaty was reflected in new provisions on the external consequences of the latter (111 TEC) and on the former (articles 177 to181 TEC). More recently, the Nice Treaty has included provisions (mainly, article 181 A TEC) related to the economic, financial and technical cooperation with third countries, as an important "soft-power" tool.

The principle of conferral (contained in the original articles 5 and 7 TEC) is a fundamental principle of the European integration process. Under that principle, the Communities (and now the Union) "can only act within the limits of the competences conferred upon it in the Treaties to attain the objectives set out therein. Competences not conferred upon the Communities/Union in the Treaties remain with the member states". But this principle has been extensively interpreted by the European Court of Justice, in the sense that, in cases that the Treaties do not provide for express external competence, the Communities could have an implied competence to conclude an international agreement when it was necessary to implement an express internal competence (Craig and De Búrca, 2008 : 80). This understanding of implied powers has acted as a judicial stimulus for the widening of external action related to areas of mutual Community interest, especially those linked to the initial goal of the creation of a common internal market and its "low politics" economic ramifications, about which member states were ready to make greater concessions with a supranational perspective. External action of the EEC along these areas meant that, even if not so intended, the

Communities have gradually increased their "actorness" (Allen and Smith, 1990) as a fundamental trade and normative international subject, and created expectations of deeper involvement in international affairs among other actors which saw the EEC as a major power (at least in economic terms) (Keukeleire and Delreux, 2014 :42).

Despite that demand, regarding what are traditionally considered "High Politics", the political and defence dimensions of external action were not contemplated in the economically focused 1957 Rome Treaty. In the bipolar world of the Cold War, the transatlantic linkage through the North Atlantic Treaty Organisation (NATO) was seen by most member states as the most suitable instrument to defend Western Europe from the Soviet bloc and to keep Germany deeply integrated in the common European integration cause (Keukeleire and Delreux, 2014 :42). In this context, attempts to create a European Defence Community with an associated European Defence Community had failed in 1954, and later attempts such as the "Fouchet Plan" which involved further co-operation in political and defence areas also failed in 1962. It was only during the 1970s that, after the so-called Davignon-Report (adopted in October 1970 by the Foreign Ministers of the then six member states), a "European political co-operation" mechanism was created. It involved an intergovernmental capacity apart from the Communities institutions for mutual consultation on major international issues, and it was accompanied in 1973 by the creation of a network for the exchange of encrypted telegrams among member states (COREU, or *Correspondance européenne*).

The first enactment of these new trends on the Treaties was the introduction in the 1986 Single European Act of article 30, which provided for the endeavour of member states to jointly formulate and implement a European foreign policy, specifically by the creation of the instrument of "common positions" which would act as points of reference for the external policies of member states. The intergovernmentalist approach of these initiatives was clearly shown in the fact that this co-operation was developed in special meetings of the foreign ministers of the member states, assisted by seconded national diplomats which formed a small Secretariat under the direction of the state holding the six-monthly rotating Presidency of the Council.

Enlargement, German reunification and the end of the Cold War acted as an important incentive for the leap forward introduced in this area by the entry into force in 1993 of the Treaty on the European Union Maastricht Treaty. New opportunities in the international environment brought upon by those changes of context, optimism about European integration, and a growing need for "actorness" to match the economic power of the Union, caused the formulation in the Treaty of a formal Common Foreign and Security Policy (CFSP) of the Union (as a second "pillar" of an intergovernmental nature, along with a third pillar of the same nature on the co-operation on Justice and Home Affairs, and a first clearly supranational pillar along the Community methods). Under these provisions, the Council (as the institution which more clearly represents the interests of member states as such), was given the power to adopt by unanimity binding legal acts for the states, in the form of "common positions" and "joint actions". The intergovernmental structures

which previously served the former "political co-operation" were integrated into the working groups and the General Secretariat of the Council, whose rotating six-month Presidency led the CFSP. Although the Parliament only had the right to be regularly informed on the development of the Union´s foreign and security policies, it had to be consulted by the rotating Presidency of the Council on basic choices and fundamental aspects of the CFSP and the European Court of Justice was empowered, through article 47 of the EU Treaty, to control that CFSP acts did not encroach on the European Community (EC, denomination that substituted the former EEC, as such, widening the scope of the Community beyond purely economic issues).

The return of the scourge of war in the Balkans that destroyed Yugoslavia amid atrocities that Europe had not witnessed since the end of World War 2, and the fact that the growing number of member states were not able to coordinate their external policies properly and had to rely once again on US intervention to fix European problems, clearly showed the need for further action regarding co-ordination and effectiveness of the EU´s external action (Bickerton, 2011). For that purpose, the 1997 Amsterdam Treaty created the post of High Representative for the CFSP, to assist the Council in CFSP matters, particularly through the formulation, preparation and implementation of policy decisions. As we will analyse in the relevant part of the next chapter, the first holder of the office was the experienced and proactive former Secretary-General of NATO and Spanish Foreign Minister Javier Solana from 1999 to 2004 (and reappointed in 2004 for another five years term). This fact probably helped to instil in the Union a new mood

regarding external action, which was clearly stated in the first European Security Strategy that he submitted to the European Council in December 2003. This important document indicated that "the challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from member states and other instruments", and that "Diplomatic efforts, development, trade and environmental policies, should follow the same agenda".

In 2001, the Nice Treaty was adopted with the main purpose (Piris, 2010 : 9) to adapt the institutions to accommodate the future enlargement of the EU to twelve new member states (25 on 1 May 2004 and 27 on 1 January 2007), especially by adapting the weight of the votes of member states in the Council and by intending to limit the size of the Commission.

Regarding the external action dimension of the Union, there was a sense that the EU was far from being perceived as a coherent actor (Henning, 2011 : 19), due to shortcomings of structural and institutional nature, such as a lack of leadership with continuity which implied difficulties about speaking to the rest of the world with one voice (or at least with a coherent one), or inefficient decision-making structures.

Thus, in December 2001, the European Council, on the proposal of the Belgian Prime Minister (and European federalist) Verhofstadt, adopted the Laeken Declaration, according to which (quoted in Piris, 2010 : 12) " the Union needs to

become more democratic, more transparent and more efficient", and should resolve "three basic challenges": "How to bring citizens closer to the European design, how to organise the European political area in an enlarged Union, and how to develop the Union into a stabilising factor and model in the new multipolar world" . Considering the usual system of an Intergovernmental Conference (IGC) to amend the treaties too secretive and elitist (but unavoidable according to those same treaties), the European Council decided that the next IGC should be preceded by a convention involving democratically elected representatives of Member States, chaired by the former French President Valéry Giscard d´Estaing. The Convention included public debates from February 2002 to July 2003, which resulted in the draft of the Constitutional Treaty that was later approved in the corresponding IGC in June 2004. The Constitutional Treaty tried to replace all the existing treaties by one with a EU with a single personality, and proposed to abolish the three pillar structure. In any case, despite its name (Treaty establishing a Constitution for Europe), it was still a treaty agreed among sovereign states, and did not give the European Union the power to become sovereign and define the extent of its own powers, which still depended on the decision of member states according with the principle of conferral (Piris, 2010 : 22). In any case, the symbolic use of words with a very supranational load, such as "Constitution" or "laws", or the proposal for the creation of a "Foreign Minister", as well as provisions regarding the symbols of the Union (flag, anthem, Europe day) would cause a "psychological shock which proved to be politically much larger than the legal nature and substantive content of the Constitutional Treaty" (Piris, 2010 : 23).

The Constitutional Treaty required the ratification of all member states to enter into force but, while some states ratified it through their national Parliaments, four others organised referenda in 2005, two of which were positive (Spain and Luxembourg), but two negative (France, 29 May 2005, and the Netherlands, 1 June 2005). This caused a huge shock and the ratification process was suspended by seven other members (Czech Republic, Denmark, Ireland, Poland, Portugal, Sweden and the UK.

3.- THE DIPLOMATIC STRUCTURES OF THE EUROPEAN UNION AFTER THE LISBON TREATY; BRIDGING SUPRANATIONALISM AND INTERGOVERNMENTALISM.

3.1- The design of new structures for the external action of the European Union: From the failure of the Constitutional Treaty to the Lisbon Treaty.

Despite the failure of the ratification of the Constitutional Treaty, according to Piris (2010: 25) "most of the heads of state or government were convinced that it was politically necessary to strengthen the EU and to democratise further its decision-making process, and, in order to do that, to negotiate and adopt a new treaty as soon as possible", so as to avoid the deepening of the climate of distrust and crisis in the EU. As a result, an IGC was convened in 2007 which, despite maintaining most of the designs created by the Constitutional Treaty, deprived them of the wording that symbolically linked it to "constitutionalisation" or to any evocation of a possible transformation of the EU into a sort of federal state (thus deleting the words "minister" (substituting the Union Minister for Foreign Affairs by a High Representative of the Union for Foreign Affairs and Security Policy"), "law", "flag" or "anthem").

Despite that, the ratification of the Lisbon Treaty also had to overcome some obstacles, as after a negative referendum in Ireland (12 June 2008), the European Council had to make a statement on 11 and 12 December 2008 on the concerns

of the Irish People on the Lisbon Treaty to get a yes vote at a second Irish referendum on 2 October 2009.

Thus, after the 27 ratifications of the then member states, the Lisbon Treaty entered into force on 1 December 2009.

Regarding specifically the area of study of this dissertation, the Lisbon Treaty has introduced relevant changes to the institutional design of the EU foreign policy (especially if we adopt a broad view of what we understand by "institutional"- encompassing, not only organs, but also their functioning- and "foreign policy" as wider "external action". Sjursen (2011 : 108) acknowledges the "difficulty establishing clear distinctions between foreign and security policy (…) and all other aspects of EU global activities"). It has also to be noted that many of the changes come from the failed Constitutional Treaty (CT), as already pointed out, after being deprived of symbolic elements which could evoke the eventual transformation of the EU into a state (such as the words "minister" or "ministry") and build on the 2001 Laeken Declaration aim to make the Union more present in the world.

The Lisbon Treaty formally abolishes the pillar structure, although the Common Foreign and Security Policy (CFSP) is still subject to specific rules and procedures (24TEU) , with mostly intergovernmental decision-making processes, a limited role for the Parliament and the Commission, and unanimity as the usual rule (softened by the new "passerelle-clause" that enables member states in the Council to use QMV (qualified majority voting) to predefined areas of the CFSP if the European Council agreed beforehand). Authors like Sjursen (2011 : 1079) argue, in any case, that "a move beyond intergovernmentalism has taken place" .

As we will demonstrate below, some of the most important changes introduced by the Lisbon Treaty regarding the EU´s external action structures are the following:

The Treaty grants legal personality to the EU itself - and not the former Communities - (47 TEU), which means a more visible global status and improved international legal accountability (and also an enhanced position in the multilateralist point of view of the Union).

A new High Representative for Foreign Affairs and Security Policy (HR) (and not Foreign Minister as in the CT) is created (18, 27 TEU), with a "triple-hat" (House of Commons, 2008) as Vice-President of the Commission, Commissioner of External Relations and chairperson of the new Foreign Affairs Council (which is divided from the General Affairs Council with which it formed the GAERC before Lisbon-16(6) TEU. Her special position, as will be analysed in detail, is pivotal in the new institutional design of external action.

The Lisbon Treaty also creates the European External Action Service (EEAS) (27(3)TEU) to assist the action of the HR, working in cooperation with the diplomatic services of the member states, which will be analysed in more detail, together with the unified EU Delegations.

3.2- Commitment of the European Union to multilateralism and different manifestations.

It may be affirmed that the multilateralist view that has governed the international role of the European integration process since its inception, has been renewed in the current role of the European Union (EU). This can be analysed regarding its manifestation in the participation of the European Union in different multilateral

fora, but becomes especially clear if we focus on the current role of the EU in the two main organs of the United Nations (UN), as the epitome of multilateralism -or the "Parliament of Humankind" (Kennedy : 2007) : The UN General Assembly (UNGA) and the UN Security Council (UNSC).

The European integration process has envisaged from its inception (as a mirror of its own nature), a multilateral view for a liberal regime of world governance (Wouters *et alii,* 2016).

One of the main manifestations of multilateralism is the participation of the EU in international fora of that nature, such as multilateral international organisations. Such participation is, in any case, constrained by a double fact: Its intensity usually depends on the nature of the powers/competences conferred on the EU and on the fact that "statism", although changing with globalisation, has been the main norm in international relations for many decades after World War II, as we have seen earlier.

As such, EU participation may range from full member status (as in the World Trade Organisation, linked to the exclusive competence on trade), to a mere role of coordination through an observer status (in areas more linked to sovereignty which states are reluctant to relinquish, with consequences both in the internal design of the EU - increased intergovernmentalism in common foreign and security issues- , but also in the international environment - as the UN only accept states as full members).

Despite these caveats, the EU is committed to the principles and goals of the UN (e.g. art 3 TEU explicitly mentions respect for the principles of the United Nations Charter).

According to Emerson *et alii* (2011) "The EU has some chance, if it organises itself properly, to have a significant say in global affairs; the member states acting individually and with different discourses have little or no chance of being effective at the level of strategic significance".

The 2016 EU Global Strategy for Foreign and Security Policy stresses that the EU is committed to a global order based on international law, including the principles of the UN Charter, which translates into an aspiration to transform rather than simply preserve the existing system. To that end, it has pursued a path to achieve greater visibility, coherence and effectiveness (or functionality) in its common action in the UN, thus acting as a provider of added value to the foreign policies of its member states. This path has very different but relevant manifestations in the two main organs of the UN, the General Assembly (UNGA) and the Security Council (UNSC).

The (now) EU has had an observer status at the UNGA since 1974, at first, through the presence of the Commission (EEC). There were many external objections for an EU special observer status, especially raised by CARICOM members, as "the main reservation expressed over an EU upgrade has been over who else would seek to exploit a precedent granted to the EU". These objections were raised even if the case for upgrading the status of the EU in the UNGA is robust, as it has substantial state-like institutional features, and has operational responsibilities for a very large number of UN activities, not being comparable to any other international entity. EU internal objections against an upgraded status were also present (for instance, UK concerns about the effect on their national role in the UN). Despite all those objections, the EU has achieved a special observer status at the UNGA through Resolution A/RES/65/276 (May 2011), which means, among

others, the right to speak in debates among representatives of major groups, the right of reply, to raise points of order and to circulate documents (but not voting rights).

This has been enhanced by the preparation of the necessary diplomatic structures through the Lisbon Treaty (international legal personality for the whole EU, creation of the roles of President of the Council, High Representative, as well as the European External Action Service –EEAS- and the EU delegations). Despite the symbolism and the visibility that the enhanced observer status at the UNGA has meant for the EU, this has also caused a paradox. Previously, ordinary representation used to be carried out by the member state holding the Presidency of the Council. This had the advantages emanating from its full member status of the UNGA, especially in relation to procedural specificities, providing the possibility of amending proposals. Furthermore, since the EU is not a member of the UN but only an observer, it can only intervene after all the UN member states have had their say (Guimaraes, 2015). In such instances, an EU member state holding the Presidency would be ready to enhance the resources of its permanent representation to the UN to carry the load of their added functions, while now it relies on the overloaded EU Delegation to the UN. In any case, this Delegation with its new tasks has been fast catching up with their duties, and acting as a new element of coordination and adding value to the diplomatic activities of the EU regarding the UN (Laatikainen, 2015).

The position of the EU vis à vis the UNSC is less relevant. While acknowledging the UNSC´s importance as the main international authority with binding powers on security issues, it is also the focus of the harshest general critiques about the need for UN reform (Gareis and Varwick, 2005). Its composition and the question of the five permanent members´veto powers is criticised as perpetuating the image of

the victors of World War II, without reflecting the evolving nature of international relations. Moreover, the rationale for the veto powers themselves is difficult to sustain under any democratic account of international relations, and more related to a Realist "concert of powers" perspective.

Under any of the multiple proposals for UNSC reform, third countries have considered that EU member states are overrepresented in the UNSC in terms of the current demographic decline of Europe in the World (with the UK and France as permanent members, but also Germany demanding a similar position). The prospect of Brexit will eliminate the question of the merging of the two permanent seats into an EU seat (Spongenberg, 2006), but it will also open some possibilities of coordination of its different member states. Advantage could also be taken of the visibility provided by the fact that, although the EU is not even an observer at the UNSC, the High Representative can attend its meetings to express common positions of EU member states on the UNSC agenda. Furthermore, art. 34 TEU requires member states who are members of the UNSC to defend the positions and interests of the EU. In a remarkable display of EU unity, Italy and the Netherlands agreed on 28 July 2016 to split the two-year term with Italy taking its non-permanent seat in 2017, and the Netherlands in 2018.

The European Union must be ready to uphold its traditional commitment (as mandated by the Treaties) to multilateralism and a liberal international regime, with its ultimate incarnation in the United Nations, especially in these times of change and turmoil, to provide a measure of certainty to international relations (as opposed to a possible turn to a certain degree of unilateralism by the US Administration, to which other powers could retaliate). The internal shock caused by Brexit, can also be seen as an opportunity to be seized to develop the coherence and cohesion of the EU´s international role.

For the EU to enhance its role as advocator of multilateralism in the main organs of the United Nations (as the main almost-universal multilateral forum) the following prospects may be envisaged for the next future.

While promoting the much-needed UN reform process to renew the organisation and adjust it to changing circumstances, the EU may have to take a pragmatic stance, due to the unlikely prospect of such reforms in the mid-term.

The EU will continue its participation in the UNGA under its new enhanced observer status (which is unlikely to change fundamentally in the short-term, while the EU does not become a state, and states are the only full members of the EU). It should promote its visibility as a trusted partner for third states to advance the progress in the achievement of the UN´s goals, and prove its added value for the EU´s member states as a multiplicator of their common interests. To that end, rather than being obsessed with achieving a "single voice", it should strive for coherence in the multiple voices that form the EU´s diplomatic constellation. By showing its utility for international multilateral governance, the EU will likely be able to get a steady enhancement of its prerogatives as observer, as it has done so far.

Although the main responsibilities to support that role regarding the UNGA should depend on the new figures created by the Lisbon Treaty (President of the European Council, High Representative, EEAS and EU Delegation to the UN), if the EU´s member states are not ready to provide more resources and funds to such structures, there should be a close collaboration from the diplomatic structures of member states (especially those in the informal "trio" of the Presidency of the Council, based on pre-Lisbon experience).

Regarding the UNSC, the EU will have to adjust to its formally inexistent presence in the main world security organ. Brexit will probably act, paradoxically, as a catalyst to boost ever increasing calls for the reform of UNSC (as criticisms of "overrepresentation for the EU", which could have been addressed by a merged UK-France permanent seat for the EU, may now turn into a further calling into question of the rationale for a UK veto-holder P5 status).

While equally recognizing the difficulties to reach any short-term agreement for UNSC reform, the EU should also adopt a pragmatic point of view in the organ, and seize the opportunity that the existence of a French Administration under President Macron, which seems to be engaged in the deepening of the EU´s integration, brings. EU visibility should be enhanced by using the mechanism of a frequent attendance by the High Representative to the UNSC to present common positions, and coordination among France and the other non-permanent member of the EU in the UNSC should be also promoted, in the line of the same principle applied to the UNGA ("several mouths but one voice" , in the sense of a same message that may show the added value of the participation of the EU) (Gstöhl, 2012).

The EU, in any case, will have to be realistic and pragmatic. To continue acting as one of the main advocators of the liberal and multilateralist international regime espoused by the UN, it will have to solve internal dissensions among contending views in this time of international uncertainties, so that its external dimension can be shown as a reflection of internal cohesion and not as a simple façade. To that extent, all efforts must be especially made to turn the Brexit blow into a window of opportunity for enhanced cohesion.

It must be acknowledged, in any case, that this will quite probably be a slow process, "as world-orders do not change overnight", so the EU must be ready to be patient for outcomes and firmly hold to its long-term commitment to multilateralism (acting in the transformation that Langenhove terms "from multilateralism 1.0. to multilateralism 2.0", characterised by the emergence of network thinking and practices in international relations, and as a change-agent in the UN System), for the sake of the advancement of the goals shared with the UN.

3.3.- The High Representative of the EU.

The figure of the High Representative of the EU has been created as one of the responses to the perceived necessity to enhance the visibility and coherence of the Union´s external action in an increasingly complex world.

In examining this new figure, mention will shortly be made the institutional and personal perspectives in order to analyse the performance of that official, as it reflects on the institutional configuration of the High Representative under the provisions of the Amsterdam Treaty, and under the Lisbon Treaty, but also on how the personal performance of the post was affected by the character of the person who held it (Solana in the first case, and Ashton and Mogherini later).

3.3.A).- The need for a High Representative

The anecdote about Kissinger enquiring who he would have to phone to speak to the European Union is, if probably apocryphal, at least a very graphical sign of the need of a relevant "face" to represent the European Union in its external policies, and to provide it with a minimum degree of coherence and visibility which will ultimately result in its greater effectiveness.

As Smith points out (2015 : 18), the EU and its predecessors have been "doing diplomacy" for a long time, traceable to the early days of the European integration project. However, as previously explained, while this process has progressed, the role of the EU as a diplomatic actor has been enhanced through the new roles that have been added to its initial "market power", with expanding roles as a political, security and normative actor. The EU´s pursuit of status and interests in these areas has brought with it a growing demand for the development of the EU´s diplomacy and diplomatic practices, but also for the creation of a more unified "voice" to increase the coherence and effectiveness of a hybrid and multi-level, multi-stakeholder diplomacy which expresses the peculiarities of the EU nature. These include the combining of supranational and member states´ interests; intergovernmental procedures in this area with the Community method for other areas with involving external policy relevance; and institutions as the Commission or the Council which are closer in each case to one or the other.

Scholars such as Cameron (2012 : 20) probably exaggerated when writing that "to describe the EU´s external representation - as a "strange superpower"- as confusing, would be a huge understatement. If it was an individual, the CFSP would have long been enclosed in a psychiatric ward with doctors assessing how it could have survived so long with such a deeply split personality. Its schizophrenia was programmed in the pillar system set up at Maastricht and was further complicated by the addition at Amsterdam of the post of Secretary General/High Representative for the CFSP".

Despite the exaggeration, it may act as a powerful image of the complicated nature of the EU´s hybrid, multi-level diplomacy, but the figure of the High Representative

that, according to Cameron, adds further complication, is really one of the main creations to provide the EU´s diplomatic system with coherence and effectiveness.

In the other parts of this subchapter we will analyse how the creation of the figure of the High Representative (in its two institutional versions of the High Representative/Secretary General of the Amsterdam Treaty, and the current High Representative/Vice President of the Commission of the Lisbon Treaty) has contributed to that goal of a more coherent and effective EU external policy, and also how the particular circumstances and personality of each of the persons who have performed that position have left an imprint on its functioning.

3.3.B)- Institutions and persons. The theoretical "structure-agency" debate.

Although we cannot make a very deep analysis of the issue in this short subchapter, Hill (2003 : 25), among many other scholars, mentions that one of the most "interesting but inaccessible debates in social science during recent years has concerned the relationship between `agency´ and `structure´". He inquires whether agents (or entities capable of decisions and actions in any given context) are mostly shaped by structures (environments in which those agents operate, among others, institutions) or vice versa. This debate has been especially relevant in the academic area of Foreign Policy Analysis and, as we will see, it is also an important perspective from which we can judge the relevance of the personality of the holder of a post as that of High Representative under the different institutional configurations (before and after the Lisbon Treaty).

From a theoretical point of view, mainly "neo-institutionalists" (Brhlíková, 2010) argue that institutions matter, that institutional conditions form the interests,

preferences, priorities and identities of actors, and that the institutionalization of EU´s foreign policy has developed over the last decades, among others, by the introduction of the office of the High Representative as a response to the so-called "Kissinger´s demand".   As such, the configuration of that institution is very relevant to analyse its performance.

From another perspective, some other general theories on Foreign Policy Analysis (as Gerner, 1995 : 24) focus on the individual-level analysis of decision makers´ belief system or idiosyncratic personal attributes to explain their foreign policy choices. In the case under study of the High Representative, Marangoni (2012: 92), for instance, underlines that, in her opinion, diplomacy is an "*art intuitu personae*", as individuals and personalities are key to the process of representing and promoting one´s interest, while interacting with someone else´s interest, and the personal skills of a diplomat will help him/her move within a carefully designed institutional framework.

3.3.C).- The High Representative under the Amsterdam Treaty.

3.3.C).1.- Institutional design.

According to Keukeleire and Delreux (2014 : 51), the creation of the function of "Secretary General/High Representative of the CFSP-Common Foreign and Security Policy" (SG/HR), was the main qualitative change of the Amsterdam Treaty (as already noted) to address the need of a more robust and coherent foreign policy of the European Union from an institutional point of view.

The SG/HR position was designed to assist the Council and the Presidency to formulate, prepare and implement policy decisions, while supported by a newly created policy planning and early warning unit.

For the first time, CFSP would be supported by a permanent actor who would also "give face" to the EU foreign policy.

In any case, Marangoni (2012: 97) points out that the creation in Amsterdam of the post of HR/SG is a reflection of the will of the member states to reassert themselves as masters of the CFSP (especially the smaller ones, which would not have the resources to "resist the influence of an EU "superdiplomat" at the ministerial level"), thus creating a "chief with very few Indians, and very restricted resources", as Solana could not order the use of second-pillar instruments, as opposed to the Commissioner for External Relations, who controlled the first-pillar instruments.

Vanhoonacker and Pomorska (2016 : 50) also mention as the main flaws of the pre-Lisbon institutional system of the CFSP the lack of continuity of the rotation system, which also implied a lack of coherence and a relative lack of leadership from the part of such troika system.

Nevertheless, as we will see, most analysis on the personal role of Solana when using those limited resources, stress that "he raised the profile of the CFSP and of the High Representative by developing a "platform for policy shaping" while preventing the Commission from taking over the CFSP" (Hocking and Spence, 2005 : 28).

3.3.C).2.- Javier Solana as SG/HR.

The extent to which the innovation of the creation by the Amsterdam Treaty of the SG/HR (or "Mr. CFSP", as the post was colloquially termed - Cameron, 2012: 53) could make a difference on the way the EU´s foreign policy was projected to the rest of the world, was also dependent on the person who would be elected to perform its functions.

Several member states (Keukeleire and Delreux, 2014 : 51)favoured the election of a rather low-key figure for the new post. But the fact that the EU and its foreign policy credibility had been very badly affected by a Western Balkans debacle in Kosovo, probably affected the outcome of the 1999 Cologne European Council regarding the election of Javier Solana, the former Secretary General of NATO who had just led the Atlantic Alliance during its operations against Serbia. With such election, a message was sent that member states were serious about strengthening EU´s foreign and security capabilities and about providing them with a greater visibility and effectiveness.

Helwig (2015 : 90) points out that, in what he calls the "Solana method", during his 1999-2009 mandate, Solana managed to "use the modest institutional basis of the treaties to create an office for a high-profile EU foreign policy chief". On the "slim basis" of the primary task of assisting the rotating presidency in CFSP affairs, as the Secretary-General of the Council, he tried to upgrade the international profile of the EU and its development as a global actor through his "credo" of "legitimacy by action" (Gallach, 2011:11-16), thus claiming that legitimacy of EU foreign policy is more contingent on the output and results that the system produces, rather than on the institutions and procedures that create them. To compensate for the lack of resources of the position, Solana played on his personal

resources to consolidate the political capital of such new position (Marangoni, 2012 : 95).

Solana (Helwig, 2015: 90) managed to develop his high profile as HR/SG, among others, by getting from member states the tasks that they could not perform because of the limited scope of the six-month rotating presidency, either because they were too tedious and time consuming, or because their involvement with those tasks for such a short period of time would lack the necessary coherence and continuity. One clear example was the complex situation in the Balkans in the early 2000's, which required a permanent EU interlocutor for the negotiations with the parties involved. The fact that he also received the support from the Commissioner for External Relations (Chris Patten) in the EU´s Balkan Policy also had an important role in the success of Solana in that area).

Solana gained expertise from his diplomatic engagement in the Balkans, which also made him more credible and increased the trust member states deposited in him (Helwig, 2015: 91), as he was careful not to go beyond what he knew would be acceptable for the member states (especially the "Big Three"-Germany, France and UK). This allowed him to act proactively in the identification of opportunities to pursue new CFSP initiatives, by focusing on the management of member states´ interests and relations with them, even in the absence of a real formal power, and with a very small private office and Policy Planning Staff.

Helwig (2015, 91) mentions as his most important assets his expertise and the worldwide network of contacts he had acquired as the former NATO Secretary General and Spanish Foreign Minister. According to Helwig (2015 : 92) the key characteristic of the so called "Solana method" was his preference for informal over formal networks, which also applied to his administrative leadership style, as

he managed the Brussels administration through a close network of civil servants and thinkers with privileged access. Some of his achievements in the field include playing an active part in the Middle East peace process, and in the resolution of the conflicts in the former Yugoslavia, or the launching of Operation Artemis - the EU´s peacekeeping deployment to the Democratic Republic of Congo in 2003, as the first EU mission that took place outside of NATO assistance, as Hendrickson *et alii* (2007 : 35-42) analyse - as well as the drafting and negotiation of a "European Security Strategy" (unanimously approved by the EU foreign ministers in 2003), and the establishment of EU security policies which differed from the Bush administration´s `pre-emptive strike´security doctrine (Hix and Hoyland, 2011 : 315).

Despite these assets, Helwig (2015 : 91) also recognises that proactivism without resources, as a consequence of the institutional configuration of the post, also had an important downside, as the office-holder, lacking institutional competences and sufficient resources, and too dependent on informal connections with member states, finally revealed that there was a need for a reform of institutionalised cooperation to enhance the EU´s foreign policy. This was required to address the concerns of small member states about the fact that Solana´s informal networks put the Big Three in an advantageous position through contact groups which they feared could turn into "directoires" and undermine the newly created CFSP. That was the case, for example, of the October 2003 negotiations with Iran for the suspension of its nuclear programme, which were conducted by the foreign ministers of France, Germany and the UK - excluding the Italian presidency and Solana, whose function would be to assist such presidency -, in a form of "triple unilateralism" which was unsustainable for the development of a true EU foreign policy.

These organisational and performance shortcomings finally convinced most member states of the need of an overhaul of the EU structures in charge of its foreign policy, as envisaged in the failed Constitutional Treaty and in its "replication" in the Lisbon Treaty (although devoid of any symbolic images that could evoke the EU as a federal state in the making), as we will see next.

3.3.D).- The High Representative under the Lisbon Treaty.

3.3.D).1.- Institutional design.

The aim to make the EU "more present in the world", as requested by the European Council in the 2001 Laeken Declaration needed new institutional tools to "take a major qualitative step forward in the field of external affairs", which were dealt with in the 2002-3 "Constitutional Convention" and the 2003-4 Intergovernmental Conference (IGC) (Piris, 2010 : 238).

The 2002-3 Convention developed the idea of merging the roles performed by the SG/HR and the Commissioner for External Affairs into the new figure of the "Union Minister for Foreign Affairs" (García Soriano, 2004: 959). Although the failure of the Constitutional Treaty meant that, as previously mentioned, the 2007 IGC mandate "abandoned this symbolically charged title, together with the other symbolically charged terminology, such as `Constitution´, `law´, and the EU symbols (flag, anthem and motto)", the substance of the envisaged functions has nevertheless been kept (Piris, 2010 : 243). Pleszka (2010: 90) also stresses that "the provisions are almost identical: Out of the 41 articles of the Lisbon Treaty that mention the HR or are of consequence to her function, as many as 37 are identical word for word with the provisions of the proposed Constitution". The Lisbon Treaty finally created (Keukeleire and Delreux, 2014 : 77) "an ingenious system to merge

the responsibilities, instruments and approaches of the Commission, Council and member states into a multi-faceted - but nevertheless common, coherent and effective - EU foreign policy", while simultaneously formally abolishing the pillar-system (now implicit regarding the Foreign Affairs and Security Policy, according to Henning, 2011 : 88).

The Treaty created a "High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission" (HR/VP), as a function designed to bridge the Council and the Commission at the EU foreign policy political level. On the operational and diplomatic level, the role of the HR/VP, was designed to be assisted, among other structures, by the also newly designed European External Action Service (EEAS) and its EU Delegations, which were envisaged to overcome the lack of formal resources that Solana suffered as the HR/SG, and also to bridge differences between the Council and the Commission at their own level.

According to article 18 of the Treaty on the European Union (TEU), the HR/VP is mainly endowed as an individual with three functions.

As HR for Foreign Affairs and Security Policy, the HR/VP is responsible for the conduct of the CFSP (Common Foreign and Security Policy) and the CSDP (Common Security and Defence Policy), and for the contribution to the development of those policies mandated by the Council. As such, this includes the tasks previously carried out by Solana as SG/HR, plus chairing the boards of the European Defence Agency (EDA), the EU Satellite Centre and the EU Institute for Security Studies (EUISS) (Balfour, 2015 : 35).

Presiding over the EU´s Foreign Affairs Council (except when discussing trade issues, when it is chaired by the rotating presidency).

Being one of the Vice-Presidents of the Commission, responsible for the Commission´s external relations and for the coordination of other aspects of the EU´s external action.

These multiple functions performed at two EU institutions have commonly earned the HR/VP the "title" of "double/triple hatted" (Rangel de Mesquita, 2011 : 257) , as the main rationale of the new post (Keukeleire and Delreux, 2014 : 78) would be bridging two institutions (the Commission and the Council), but also the two kinds of interests, policy-making methods and centres of gravity of EU foreign policy (Supranational and national interests; Community and intergovernmental methods; and external and internal dimensions of internal policies and CFSP/CSDP, respectively).

While the role of the HR/VP in the Commission is vaguely described in art. 18(4) TEU as to "ensure the consistency of the Union´s external action" and "to be responsible within the Commission for responsibilities incumbent on it in external actions and for coordinating other aspects of the Union´s external action" other functions of the HR are extensively described under Treaty provisions related to CFSP and CSDP, which may be grouped as follows (Keukeleire and Delreux, 2014 : 78):

1).- Decision-making: The HR presides over the Foreign Affairs Council (27 TEU), and can submit CFSP and CSDP proposals and initiatives to the Council (30 and 42(2) TEU). The HR also consults and informs regularly the European Parliament (EP) (36 TEU) and takes part in the work of the European Council (15 (2) TEU).

2).-Implementation of CFSP decisions adopted by the Council and the European Council (26 (3) and 27 (1) TEU), also coordinating activities with national ministries of foreign affairs (MFA) when EU common approaches are defined. The HR, in contact with the Political and Security Committee (PSC) coordinates the military and civilian aspects of CSDP missions (43 TEU).

3)- External representation: According with art. 27(2) TEU, the HR/VP represents the EU in matters related to the CFSP, expresses the EU´s position in international conferences and organisations, and conducts political dialogues with third parties on behalf of the EU. While the HR organises the coordination of member states in international organisations and conferences (34 TEU), the EU´s representation on CFSP issues at the level of heads of state and governments devolves on the President of the European Council.

4).- Assisting the Council and the Commission to ensure consistency between the different areas of the EU´s external action and member states´ compliance with the principles of the CFSP (26 (2) and 24(3) TEU).

This multitude of functions and tasks can be evaluated (Keukeleire and Delreux, 2014 : 79) as empowering the HR/VP with many resources that Solana lacked to propel the EU´s foreign policy, but was also the object of some critical preliminary assessments from the point of view of its institutional design. Although the potential of the HR/VP to ensure coherence is substantial, the wide range of duties placed on a single person raised doubts whether she would be managerially able to effectively ensure that coherence to the standard required, even if the EEAS is set up to assist her with that task (Quinn, 2012: 55)

Some concerns were raised on how the different institutional logics of the Commission and the Council, as well as the Community and intergovernmental methods could be united in one person. Some scholars even talked of "schizophrenia" (Crowe, 2005 : 2) in accountability and loyalty to the Council and the Commission, when chairing the Foreign Affairs Council, for instance. Being a member of the Commission excludes receiving instructions from states, but the CFSP/CSDP has to be carried out by the HR as mandated by the Council. In any case, some scholars (Dashwood *et aiil* 2011 : 55) point out that the Council finally sits on top of the Commission at the final stage of decision making by the Foreign Affairs Council. As such, the capacity of the HR/VP to act mostly depends on the instructions received from the Council. This means that it is also dependent on the ability of member states to previously agree on the position of the EU or on the actions needed, as well as on the support by the necessary resources of all kinds (which is affected by the problematic decision making and budget constraints in the area of CFSP and CSDP).

The role of the HR/VP is also affected by the fact that other EU actors, as the Presidents of the Commission and the European Council, the rotating presidency of the Council, as well as other commissioners with portfolios with an external dimension, member states and their different relevant ministers and heads of state and government, are still relevant to the EU´s foreign policy. This still underlines the continued challenge of the need of coordination (even if more formalised than in Solana´s time), complicating the role of the HR/VP and reducing its freedom of manoeuvre.

3.3.D).2.- Catherine Ashton as HR/VP.

The appointment of an inexperienced and rather unknown Catherine Ashton as the first HR/VP "rather than strengthening the potential of the function, amplified the limitations and structural defects of this function" (Keukeleire and Delreux, 2014 : 80). Being a former leader of the UK´s House of Lords, with barely one year of experience as EU Commissioner for Trade, her appointment in 2010 was interpreted by some (Howorth, 2011 : 305-309) as a sign of a lack of ambition for the EU´s foreign policy in general and for the new position of the HR/VP.

Keukeleire and Delreux (2014 : 81) add that the distribution of other commissioner portfolios with foreign implications (such as trade, development, enlargement or humanitarian aid) in the Barroso Commission further reduced the formal role of the HR/VP as the Vice President responsible for external relations, depriving her, and the EEAS, of the corresponding financial, material and human resources concentrated on the corresponding DGs .

Commentators used to Solana´s proactive and energetic action (even if he had lacked the newly created resources), criticised those institutional obstacles. Furthermore, from an "agency" analysis point of view, they added criticisms to the personality of Catherine Ashton, "with many references to her allegedly unenergetic and uninspiring actions, limited leadership qualities, absence or late reactions to several crises" (Keukeleire and Delreux, 2014 : 81), and a "preferred role as facilitator rather than as a leader" (Vanhoonacker and Pomorska, 2016 : 60) which eroded her standing. This meant that Ashton mostly interpreted her role (and the EEAS´s) as that of working on behalf of the EU member states and to serve the Council. Her alleged "reluctance to act as a policy entrepreneur", which coincided with the minimalist view of the UK - which appointed her - resulted in a

2011 critical assessment from 12 foreign ministers, including France´s and Germany´s.

In Ashton´s performance defence, it has also been stressed that the many "hats" of the HR/VP (as well as turning her from "triple hatted" to "triple hated", as ironically pointed out by Helwig and Rüger, 2014) have led to conflicting priorities that are impossible for one individual to reconcile, forcing her to miss crucial meetings, with the aggravated fact that the Treaty does not provide for a direct deputy who could assist her (Bergen and von Ondarza, 2013 : 2)

While lacking the personal capital of Solana, Ashton´s position in the new design of the HR/VP post was more demanding and diverse, and one of her most important accomplishments was the ability to launch the EEAS on 1 December 2010, which, after a transitional period, offers the new HR/VP a "fully fledged diplomatic service at her disposal to shape her position" (Marangoni, 2012 : 103). This results in an important asset for the new HR/VP, as a diplomatic service of around 3,400 staff, consisting of the Brussels headquarters and more than 140 Union Delegations in third states and at international organisations (after the transformation of the former Commission delegations) (Vanhoonacker and Pomorska, 2016 : 51). According to Drieskens and van Schaik (2010), reaching an agreement on the EEAS by summer 2010 deserved a "Guinness record for speed", even if the 2013 EEAS Review met with little enthusiasm (Helwig, 2015: 96).

Despite the criticisms and obstacles she had to face in focusing on the necessary initial arrangements for the implementation of the new EU foreign policy structures, Ashton achieved at least two more successes of EU diplomacy (Keukeleire and Delreux, 2014 : 170): The compromise reached in 2012 between Serbia and Kosovo on the participation of the latter in regional fora in the Western

Balkans and on the cooperative management of crossing points between them, was reached through frequent personal contacts between Ashton and other EU diplomats and the Serbian and Kosovar leaders. Ashton was also able to use the leverage of an extended toolbox- related, among other issues, to the promise of candidate status for Serbia. A second success was the announcement by Ashton that Iran had finally answered an earlier proposal from the EU and the 5+1 powers (US, Russia, China, France, UK and Germany) to resume talks on the nuclear issue, with the acknowledgement by the other actors of the leading role played by the HR/VP.

3.3.D).3.– Federica Mogherini as HR/VP.

After the experience of Ashton´s "quiet diplomacy" (Helwig, 2015 : 96) and her fundamentally different approach to Solana´s (focusing on institutions and processes, instead of politics and sitting in the back seat instead of driving the agenda), Italy´s Foreign Minister Federica Mogherini was appointed in 2014 and is the current HR/VP. According to Helwig (2015: 96) her appointment was based on the need for a strong personality (to signal the EU´s unity in foreign policy following the 2014 Ukraine crisis and worsening relations with Russia) and a compromise over parallel EU appointments, largely driven by EU internal factors. Mogherini was criticised for lacking experience, since she had only served as foreign minister for six months. Germany and Italy had reservations about the consequences that could be caused on the evolving situation with Russia by the eventual nomination of a hardliner as Sikorski, and Poland had already secured the nomination of Donald Tusk as the new European Council President, so Mogherini´s nomination succeeded.

Although criticised for an allegedly Russia-friendly bias, she demonstrated, within days of her appointment, that such criticisms were misguided, by stating that "Putin has never respected the commitments he made in several situations".

The appointment of Mogherini was seen by others (Shapiro and Alcaro, 2014) as an opportunity to meet high expectations, as her "lack of defined policy positions on most issues will allow her to reflect consensus when it exists and to rely on the EEAS, which Ashton so assiduously built, to implement policies. This might make her an affective bridge builder between member states that disagree and also allows her to be more supportive than someone with a more established profile when vanguard groups of interested states want to move forward on specific issues on their own. And with the support of skilled advisers from the EEAS, Mogherini can be the high representative the EU needs".

Furthermore, from an institutional point of view, she has cultivated a stronger working relationship with the President of the European Commission, Jean Claude Juncker, than her predecessor. A sign of this has been the relocation of her headquarters to the Berlaymont Commission premises, where she chairs, on a monthly basis, a group of up to seven commissioners with portfolios affected by external relations (Helwig, 2015 : 99). Helwig also stresses that, although these new arrangements may revive her role as Commission Vice-President, such a shift of EU foreign policy-making towards the Commission may also risk alienating national foreign ministers of the member states.

Taking into account that Ashton´s term was mainly devoted to the turf wars caused by institutional changes and the creation of the EEAS, Berger and von Ondarza (2013 : 4) point out that Mogherini should be able to take on a more active leadership role in the EU foreign policy, by building on the achievements of

the establishment of the EEAS, with a less pronounced institutional focus (Helwig and Rüger, 2014). Helwig (2014) even stresses that Mogherini, as the "High Representative 3.0" has the opportunity to realize the as yet untapped potentials of the office. In his opinion, her two main tasks are "To define priority portfolios with the member states, in which she can raise the EU´s visibility more assertively; and to readjust the administrative structure in order to establish a close network of EU foreign policy elites, taking over the leadership of the Commission´s external relations and restoring the `ownership´ of the member states by increasing the coordination with the national administration".

It may still be too soon for a comprehensive judgement on whether the performance of Mogherini as the new HR/VP has met such high expectations but her more proactive role has been winning praise, among other things, for her role in the negotiation in 2015 of the Joint Comprehensive Plan of Action on the nuclear programme of Iran.

3.3.E).- Conclusions on the High Representative.

In conclusion, it can be said that the creation of the position of the High Representative of the European Union has had an important potential to increase the visibility and coherence of the external action of the Union ("speaking with one voice").

The transformation of the SG/HR of the Amsterdam Treaty into the HR/VP has also increased the institutional potentiality of that figure to contribute to the coherence and effectiveness of the EU´s external policy, especially with the provision of the assistance from the newly created European External Action Service that the former lacked, and which will be analysed in the next subchapter.

We have also argued that, irrespective of the institutional arrangements, there is also a human factor that partially determines how those institutions act, as seen through the different performances of Solana, Ashton and Mogherini.

Thus, it remains to be seen what the evolution of the figure of the High Representative will be, depending on future reformulations of the post, as well as on the personal features of its holders. This is even more so now that a more assertive role for the EU as an international actor may be a possibility as a response to populism, Trump´s US unilateralism, and the opportunities opened by Brexit and by the arrival into power of leaders such as President Macron.

3.4.- The European External Action Service.

As we have seen, one of the most important creations of the Lisbon Treaty, from the point of view of diplomatic structures, is the European External Action Service (EEAS). Its relevance for the European integration process in terms of Diplomacy has been compared to that of the single currency in terms of Economy (Adler-Nissen (2105 : 17) , for instance, states that "There is little doubt that the EEAS is one of the EU´s most important inventions since the introduction of the single currency with the Economic and Monetary Union (EMU) in 1999.").

The only direct reference to the EEAS in the Lisbon Treaty is found in paragraph 3 of article 27 TEU, which, while regulating the High Representative, provides that: "3. In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as

well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission.*".*

On the other hand, Declaration 15 of the Lisbon Treaty, on Article 27 of the Treaty on European Union, also states that **"**The Conference declares that, as soon as the Treaty of Lisbon is signed, the Secretary-General of the Council, High Representative for the common foreign and security policy, the Commission and the Member States should begin preparatory work on the European External Action Service.".

In fact, as the creation of the EEAS had already been suggested during the drafting of the Constitutional Treaty, these consultations were held after the signing of the treaty (Henning, 2011: 94). The Commission and the Council presented a joint paper in 2005 on the negotiations for the determination of the legal status of the EEAS, according to which, there was a vague consensus on the creation of a "sui generis" structure, but this could not be developed in further detail due to the failure of the CT.

After the ratification of the Lisbon Treaty, new and more detailed debates followed regarding the organisation of the EEAS, which could be clearly aligned with supranational and intergovernmental points of view.

The European Parliament took the most supranational point of view, advocating the inclusion of the EEAS structures in the Commission, through an October 2009 report presented by the federalist MEP Elmar Brok (EPC/Egmont/CEPS, 2010). Paul

(2008 : 24). Analysing not only the adscription, but also the services the EEAS would include, it identified a rather supranational "maximalist" vision. It included RELEX, development and trade, among all the directorate generals of the Commission related to external relations, as well as the humanitarian aid and enlargement structures; from the Council, this maximalist vision also included its DG-E, as well as the military and crisis management structures. The Commission was alarmed by this maximalist vision because, although it meant that the EEAS would encompass most of the services related to the EU´s foreign policies, it could not be equalised to the fully supranationalist view that the Parliament advocated. It meant that some of the exclusive competences the Commisssion had been exercising would depend on a not fully communitarized body as the EEAS.

A minimalist view (Paul : 2008, 24), mostly advocated from an intergovernmentalist point of view (of some member states (Henning, 2011: 95) which preferred a small structure which could not be able to compete with their national diplomacies) advocated the inclusion in the structures of the EEAS of only part of the Commission´s DG RELEX with the Council´s Policy Unit.

To reach a compromise between both views, a High Level Group (mainly composed of representatives from the relevant DGs of the Commission, the General Secretariat of the Council, the Parliament and the Presidencies) was created to support the newly appointed HR/VP Catherine Ashton in the drafting of a proposal presented on March 25th 2010 to the General Affairs Council (HR/VP 2010 Draft Proposal). This proposal, which did not detail the scope of the integration of services, focused on avoiding duplications, and proposed the integration in EEAS of the financial instruments included in the areas of the neighbourhood policy and humanitarian and development aid. After negotiations with the Parliament and the Council, the final draft which was approved by the General Affairs Council on July

26th 2010 (Council of the European Union, 2010), so as to enable the EEAS to initiate its operation on January 1st 2011, had to be a compromise - as is usual in the European integration process- between the maximalist and minimalist views: From the (more supranationalist) Commission side, the EEAS included the former DG RELEX – except for the financial instruments staff - while the former DG Development was divided in such a way that the EEAS geographic directorates relating to Africa, the Caribbean and Pacific areas included the relevant personnel from that DG (while the Commission retains the authority on budget execution). What is more important from that perspective, is that Trade, EuropeAid (the Agency for International Cooperation and Development) and ECHO (the DG responsible for Civil Protection and Humanitarian Aid Operations) have been explicitly excluded from the competence of the EEAS and the High Representative (HR/VP), even if she retains some coordination powers regarding the relevant Commissioners as the Vicepresident (although from a *primus inter pares position*, as already seen).

From the (more intergovernmental) side of the Council, the EEAS includes the former Directorate-General E and its liaison offices, as well as the Policy Unit and crisis management structures of the CFSP departments.

Regarding the structure of the service, the EEAS is under the authority of the HRVP, article 2 of the Council Decision 11665/1/10 provides that the EEAS shall support the High Representative in fulfilling his/her mandates as outlined, notably, in Articles 18 and 27 TEU, to conduct the Common Foreign and Security Policy ('CFSP') of the European Union, including the Common Security and Defence Policy ('CSDP'), as mandated by the Council and to ensure the consistency of the Union's external action; in his/her capacity as President of the Foreign Affairs Council; and

in his/her capacity as Vice-President of the Commission regarding the responsibilities incumbent on it in external relations.

In order to avoid duplication and, to assist the President of the Council and the Commission in their respective external representation mandates that same provision states that he EEAS shall also assist the President of the European Council, the President of the Commission, and the Commission in the exercise of their respective functions in the area of external relations.

To run the EEAS the HR/VP is supported by an Executive Secretary General and three Deputy Secretary Generals[3] (for Economic and Global Issues; for Political Affairs/Political Director; and for CSDP and Crisis Response) and, as requested by the Parliament, a Director General for Budget and Administration is in charge of administrative and budgetary horizontal issues. Under those directive posts, the EEAS is organised in departments (Directorates-General) organised mainly according to geographical desks (which cover all the regions in the world, such as Africa, Americas, Asia-Pacific, Europe and Central-Asia, or the Middle East and North Africa), but also with some thematic departments which cover all the globe (such as Human rights, global and multilateral issues). A Department of Conflict prevention and security policy has also been created to merge the former crisis management mechanisms of the Council and the Commission (thus adding to the "*sui generis*" nature of the EEAS, as a bridge between intergovernmental and supranational structures), pursuant to the third paragraph of article 4.3.(a) of the Council Decision 11665/1/10, which states that the EEAS also includes "the crisis management and planning directorate, the civilian planning and conduct

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[3] EEAS HQ Organisation Chart as of 16th September 2017, available at
https://eeas.europa.eu/sites/eeas/files/2017-09-16_eeas_organisation_chart_0.pdf [last accessed 17th December 2017].

capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative, and which shall assist him/her in the task of conducting the Union's CFSP".

An important area in which the bridging of supranationalism and intergovernmentalism is clearer in the EEAS, is the organisation of personnel and budget. Regarding the latter, a compromise was reached between the aspiration of the Parliament for full control of the EEAS´s budget through its integration in the EU´s budget, and the position of most states, which demanded a separate budget: While the EEAS has a separate section in the general budget, the Commission is involved in its preparation and the Parliament has full scrutiny over it (article 8 of Council Decision 11665/1/10).

Since diplomacy is an activity in which the importance of personnel is paramount, the treaty itself (in article 27(3) of TEU) made clear that the EEAS "shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States". That provision is detailed by article 6 of Council Decision 11665/1/10, in such a way that, when the EEAS has reached its full capacity, staff seconded from Member States (for four to ten years) should represent at least one third of all EEAS staff at administrator level, while permanent officials of the Union (including national diplomats who have become EU permanent officials) should represent at least 60% of all EEAS staff at that level. To facilitate the recruitment of experienced personnel, article 6 of the aforementioned Council Decision also states that each Member State shall provide its officials, who have become temporary agents in the EEAS, with a guarantee of immediate reinstatement at the end of their period, and officials of the Union serving in the EEAS shall have

the right to apply for posts in their institution of origin on the same terms as internal applicants. It is also stressed that the staff of the EEAS shall carry out their duties and conduct themselves solely with the interests of the Union in mind, without seeking or taking instructions from any government, authority, organisation or person outside the EEAS or from any body or person other than the High Representative. Recruitment procedures to the EEAS (in which representatives of the Member States, the General Secretariat of the Council and of the Commission shall be involved) shall be based on merit with the objective of securing the services of staff of the highest standard of ability, efficiency and integrity, while ensuring adequate geographical and gender balance, and a meaningful presence of nationals from all Member States in the EEAS.

The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States, and officials of the Union and temporary agents coming from the diplomatic services of the Member States shall have the same rights and obligations and be treated equally, in particular as concerns their eligibility to assume all positions under equivalent conditions and the assignment of duties to perform in all areas of activities and policies implemented by the EEAS.

The Union Delegations, which we will analyse in the next subchapter, according to article 5 of the Council Decision 11665/1/10, also come under the structure of the EEAS, as they shall receive instructions from the High Representative and the EEAS (trough the Head of Delegation, who will also receive instructions from the Commission in areas where it exercises the powers conferred upon it by the Treaties, such as Trade, as we have mentioned, in accordance with Article 221(2) TFEU, also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation).

Regarding the overall relations of the EEAS with member states of the Union, Declarations 13 and 14 of the Lisbon Treaty clearly state that the creation of the office of HRVP and the establishment of the EEAS "do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations" and "will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a Member State's membership of the Security Council of the United Nations. The Conference also notes that the provisions covering the Common Foreign and Security Policy do not give new powers to the Commission to initiate decisions nor do they increase the role of the European Parliament. The Conference also recalls that the provisions governing the Common Security and Defence Policy do not prejudice the specific character of the security and defence policy of the Member States.".

Great efforts were thus made to stress that the EEAS was not intended to become a substitute for the diplomatic services of member states, but as a structure which would foster cooperation and coordination among them, especially through the close coordination of member states´ diplomatic missions and EU Delegations, as well as through the exchange of information among them (Jorgensen, 2015).

Having analysed the relevant organisational features of the EEAS, it has to be stressed that scholars do not agree on the nature of the service (Adler-Nissen, 2015 : 17) For instance, Duke (2002) defines it as a "quasi-diplomatic corps" of the EU. Bátora (2013), considering a definition of the EEAS as "sui generis" as void, sees the service as an "interstitial organisation", which emerges from various organisational fields (Commission, Council and Member States) and combines their

physical, informational, financial, legal and legitimacy resources. According to O´Sullivan (2011), as the Lisbon Treaty has introduced the broad concept of "external action", which encompasses more than diplomacy, but also the involvement in crisis management and development assistance, the EEAS draws organising models not only from national diplomatic services and foreign ministries, but also from defence ministries and crisis management agencies, so (Bátora, 2013: 611) it should be judged as an innovative and ambiguous "interstitial new diplomatic weapon", and not miscategorised by expecting it to act as traditional foreign ministries do (as with the "Mitralleuse Effect")[4].

The EEAS is not created as a European Diplomatic Service (or "Foreign Ministry of the European Union" as the CT termed it) under the supranationalist Community method, as the Commission or European federalists would have wished (Avery, 2005). It can be seen as a "hybrid" (between supranationalism -supporting the HRVP, among others, as VP of the Commission - and intergovernmentalism - facilitating consensus of member states), because diplomacy, defence and development are "under one roof" (Onestini, 2015 :84). Thus, one of the main challenges for an efficient functioning of the EEAS is the integration of the "epistemic communities" (Spence, 2015), with their different experiences, formed by the EEAS officials from the Commission, the Council Secretariat and the national diplomatic services. The creation of a "we group" (Spence, 2015 : 61) that avoids bureaucracy, turf wars, and self and national interests, is essential for the EEAS to deliver what the Lisbon Treaty created it for: Coordination between different policy areas as well as among EU institutions and member states in external action.

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[4] In the way that the French military did not fully comprehend the potential of the use machine-guns ("mitralleuses") which were used for decades, since their introduction in 1870, in the same way as traditional artillery guns, and placed behind the lines (Bátora, 2013).

Some empirical studies (e.g. Juncos and Pomorska, 2015 : 388) have reached the conclusion that, irrespective of the different epistemic communities of origin and, taking into account a strong identification with the EU (which is perceived as compatible with the identification with each one´s member state), there is a wide agreement among EEAS officials on the role the Service should play in supporting a stronger European voice in the world, by contributing to a more coherent, effective and legitimate European foreign policy. One of the ways that will prove useful to build the necessary *esprit de corps* between the different staff would be focusing on common training (as stressed in article 6 (12) of Council Decision 11665/1/10), probably through the creation, in the long run, of a college or academy of European diplomacy (as proposed, for instance, by Duke, 2015).

As stated by Furness (2010 : 1) the aim of the EEAS is to channel a complex, diversified process into a single administrative framework to foster coherence and efficiency in the EU´s external action, which constitutes a great challenge.

3.5.- European Union Delegations.

In the previous subchapters, we have analysed how the Lisbon Treaty has designed the HRV and the EEAS as the new central diplomatic structures of the EU with the essential aim of providing coherence, unity and, thus, effectiveness, to the external action of the Union. But it is also essential to the nature of external action that this coherence, unity and effectiveness is transmitted to the field in third states and international organisations where the EU external policies are implemented. As we have also mentioned, actorness, or the ability to influence other actors, requires the enhancement of visibility, and this has to be achieved through the representation of the EU in other actors, especially third states, but also international organisations, through active *ius legationis*.

Before the Lisbon Treaty, the European Commission had a network of delegations and offices in third states, as well as permanent representations to other international organisations for the implementation of the foreign perspective of the competences attributed by the treaties to the Commission. They had a very special, as Bruter (1999) remarks, although they were considered by diplomatic protocols as traditional embassies (regarding the Vienna Convention of 1961, and unlike the permanent representations of other international organisations, such as the UN, that, with the largest network among these, only has "information centres" and "offices" in several cities in the world), they did not represent a state or the Communities as a "super-state", but only the Commission as one of its institutions. Taking into account that, as we have seen, the Commission had competences on the supranationally communitarised areas related to trade, economic development and aid, humanitarian aid or scientific and technical cooperation, this meant that, despite the creation of the CFSP by the Maastricht Treaty in 1992, the Commission delegations had a very limited role on their own to convey "political" foreign policies (as opposed to the traditional role of Westphalian embassies).

By attributing a single legal personality to the EU as a whole, the Lisbon Treaty provides the Union with more visibility, and this had to be coupled by the creation of unified EU delegations, as a logical consequence.

Thus, article 221 TFEU provides that "1.- Union delegations in third countries and at international organisations shall represent the Union.

2.- Union delegations shall be placed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy. They shall act in close cooperation with Member States' diplomatic and consular missions.".

However, the treaty did not indicate whether the new EU Delegations would be integrated as a whole in the EEAS, in order to guarantee coherence and unity for the implementation of policies on site, as suggested, for instance, by Henning (2011 : 92).

In another example of the supranational/intergovernmental tension, the Commission still performs its functions according to its Community competences (for example, on trade or development) by posting its own representatives to the EU Delegation, who will receive their instructions directly from the corresponding Directorate-General of the Commission (article 5 (3) of Council Decision 1165/1/10).

On the other hand, all the competences falling under the remit of the EEAS (especially CFSP tasks, filling the "political" gap of external action that the previous Commission delegations had) will be carried out at the EU delegations by personnel affiliated to the EEAS.

Once again, as we studied in the subchapter related to the HR/VP, tensions and differences between the two ways of working (Commission supranationalist Community or Union method and more intergovernmentalist method for the tasks of the EEAS personnel affiliated with the Delegations), will have to be coordinated by the single figure of the Head of Delegation.

According to article 5 (2) of Council Decision 1165/1/10, "each Union Delegation shall be placed under the authority of a Head of Delegation.". He/she will have authority over all staff in the delegation, whatever their status (thus including the personnel also related to the Commission), and for all its activities. He/she will be accountable to the HR/VP for the overall management of the work of the delegation

and for ensuring the coordination of all actions of the Union. In his/her also double-hatted position, he/she will thus receive instructions not only from the HR/VP and the EEAS, but also from the Commission in areas where it exercises the powers conferred upon it by the Treaties. In these areas, the Commission, in accordance with Article 221(2) TFEU, can also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

This means that the position of the Head of Delegation is vital not only for the coordination of the staff of different origins in the delegation, but also pivotal for the coordination with missions from member states, which the delegation does not intend to substitute in any case, but assist and coordinate, in order to contribute to the EU´s external action (including not only the Union´s, but also its member states´) improval in coherence, visibility and effectiveness (Mahncke and Gstöl, 2012) in the receiving state.

Article 5 (9) of Council Decision 1165/1/10 provides that the Union delegations shall work in close cooperation and share information with the diplomatic services of the Member States.

EU Delegations are usually granted by host States and organisations privileges and immunities equivalent to those referred to in the Vienna Convention on Diplomatic Relations of 18 April 1961 (Wouters and Duquet, 2015). On its part the HR/VP, according to article 6 of Council Decision 1165/1/10 shall enter into the necessary arrangements with the host country, the international organisation, or the third country concerned so that Union delegations, their staff and their property are granted the corresponding privileges and immunities equivalent to those).

EU Delegations have to be clearly differentiated from other models present in diplomacy nowadays, such as joint embassies of States (Rana, 2011 : 145) (as the Embassy that Nordic European Countries share, for instance, in Berlin), although the premises of EU Delegations are sometimes also shared by some member states missions (e.g. the EU Delegation in Yemen, in which the Spanish Embassy was also placed), in order to improve security and reduce costs.

There are also some supranationalist proposals for the future, related to the possibility of EU Delegations to be involved in consular activities to assist Union citizens abroad (but that would have to be linked to a development of EU citizenship which is still a derivative of the citizenship of member states, which are responsible for those consular activities, even if there are provisions that ensure that any EU citizen will be granted consular protection from other member states in third countries where their own state does not have its own consular premises) (Fernandez Pasarin, 2015).

For the time being, apart from supporting member states in their diplomatic relations, upon request and in accordance with the third paragraph of Article 35 TEU, EU Delegations are only dutybound to support member states also in their role of providing consular protection to citizens of the Union in third countries on a resource-neutral basis (article 5 (10) of the Council Decision).

It can be concluded that EU Delegations will probably be a good instrument to improve the visibility of the EU´s external action, and the ability of the Union to increase its "actorness" and influence on the field, reaching with a tangible presence most States and international organisations in which EU interests are important. EU-wise, they will also serve the need to improve coherence among the actions of the Commission and the EEAS and cooperation with the respective

missions of member states without substituting the latter, but trying to provide a multiplying effect to the joint action of all those actors involved.

3.6.- Other arrangements and structures post-Lisbon with implications for the European Union´s diplomacy.

In this subchapter I will finally mention, only briefly, and in a more structured way, as a summary, some of the new general arrangements of the Lisbon Treaty which have important implications for the diplomacy (and external action in general) of the EU, and most of which have been incidentally mentioned during the previous paragraphs of this dissertation.

Firstly, we have already mentioned that the Lisbon Treaty brought with it the abolition (article 31 TEU) of the pillar structure of the European Union as created in the Maastricht Treaty (Henning, 2011 : 81). The spill-over effect of the advancement of supranational mostly economic communitarised competences (trade, single market with its four freedoms, monetary union) made member states aware of the need to increase cooperation in the area formerly called "Justice and Home Affairs", and the Lisbon Treaty made it mostly subject of the Union method, as a new Area of Justice, Security and Freedom.

We have seen that member states have not been ready to follow the same path with the CFSP (as zealous guardians of the external dimension of their sovereignty as linked to the traditional "high politics") and, although it is not formally an intergovernmental different pillar, it still remains a separate area apart from the supranational Union core, with specific decision making structures and procedures more intergovernmental in nature.

Nevertheless, some opportunities have been created for new spill-overs in this area, which, through intergovernmental cooperation, could create awareness of the usefulness of further cooperation in the areas involved, and eventually lead to their supranationalisation (following the example of the former Justice and Home Affairs area).

One of these opportunities is the provision contained in article 42 TEU encouraging member states willing and able to meet certain standards, to advance in military cooperation in defence policy, through the new tool of "Permanent Structured Cooperation". Another opportunity is the creation of the solidarity clause (article 188 TFEU) for a common reaction of member states against disasters and terrorist attacks, as well as a mutual assistance clause for defence (Article 28 (7) TEU).

From the institutional point of view that has been the main perspective of this work, it is also important to remind the creation of a full-time President of the European Council (article 15 TEU) with, among other tasks, the mission to internationally represent the EU - without prejudice to the powers of the HR/VP (article 15 (6) TEU) - (which, as mentioned, has been granted a single legal personality by article 47 TEU), at the level of heads of State and Government represented in the European Council (article 15 TEU). This has also meant the end of the "troika" six-month rotating Presidency of the Council, with some adverse effects (as we have seen regarding the role of the EU at the UNGA, based on the fact that it is not a state), which are balanced by the fact that the Union gains more visibility through a permanent European Council President. As we have analysed about the HR/VP through the agency-structure debate, personality of the incumbent person will also be important (as shown by the only two Presidents so far, the Belgian Hermann Van Rompuy, and the current President, the Pole Donald Tusk). Some late proposals on the reform of the Treaty have advocated a possible

merge of the presidencies of the Commission and the Council, but the very different supranational and intergovernmental natures of those posts may be a problem for the implementation of that proposal in the short run).

The European Council itself (encompassing heads of State and Government of the member states of the Union) is acknowledged for the first time as a formally full institution of the Union (article 13 (1) TEU) , in charge of defining the Union´s strategic interests, objectives and guidelines for CFSP.

We may say that all these arrangements are created with the common aim of providing the EU´s external action with more visibility and coherence, but still under the shape of arrangements which lean more on intergovernmentalism than on a full-fledged communitarisation.

4.- CONCLUSIONS.

The EU is a very specific example of a process of regional integration, which has been covering different stages without a particular design of the point at which it is intended to arrive.

Functionalism and neofunctionalism provide a good theoretical perspective to explain how the integration process which started as a mostly economic project has expanded to many other areas through the phenomenon of spill-over. One of these areas, which has been the object of this study, is the external dimension of the regional integration process. The EU has been progressively in the need of asserting its role in the world, as a way to sustain the other policies in which it has been involved through the pooling of sovereignty among its member states by the principle of conferral.

Thus, there has been a need to understand the EU as a new kind of international actor, mainly through its comparison with the more traditional nation-states and international organisations, which had been the most important actors that modelled Westphalian Diplomacy and Modern Diplomacy later on.

This way, the EU can be studied, as this short study has tried to do with its diplomatic structure, through the dual perspective of supranationalism (those features that favour a further pooling of sovereignty among member states) and intergovernmentalism (those other features that constrain the former, to a certain

extent, and through which member states are reluctant to pool more sovereignty when it is closer to the core of the traditional concept nation state).

From this dual perspective, this dissertation has tried to explain the structural design of the main diplomatic institutions created by the Lisbon Treaty in order to provide the EU, as an international actor, with more coherence, effectiveness and visibility in the conduct of its external action, which has to be coordinated with the external action of its integrating member states, which it does not intend to replace (at least at this stage of the integration process) - as a sort of federal supra-state.

We have tried to show, as it was intended in the dissertation statement, that the EU external action structure, as designed after the Lisbon Treaty, is a truly innovative scheme (as a "*tertium genus*" in relation to traditional "diplomatic services" from states and intergovernmental international organisations) that has tried to reconcile intergovernmental and supranational tensions related to the nature of the whole EU integration process.

In an effort to illustrate way to show the special nature of the EU in relation to international organisations as the United Nations, the multilateralist stance of the former through the example of its special position in the main organs of the latter (the UNGA and the UNSC) have been studied.

We have specially analysed the figure of the High Representative/Vice President of the Commission (as the main post which tries to reconcile both supranational and intergovernmental interests through its "multiple hatted nature", and which is not similar to a Foreign Minister in a state, but also has no correlatives of a similar nature in traditional intergovernmental organisations). We have also tried to acknowledge the fact that, apart from the importance of the institutional design of

the post, the personal character of the person who holds it has been of a paramount importance for its performance (using the perspective of agency in the agency structure-debate).

The same perspective has also been used for the study of the EEAS, which cannot be considered as exactly similar to the diplomatic service of nation states, and in which the dual tension between supranationalism and intergovernmentalism has also had to be reconciled. Particularly so, through the integration of staff with very different institutional origins, to form a community to serve the interests of the external action of the EU and collaborate with the diplomatic services of its member states, which it does not intend to substitute, but which it is mandated to assist in order to reach more coordination, visibility and efficiency.

Finally, the study of EU Delegations has also shown the differences between these and the traditional missions of nation-states, and how intergovernmental and supranational trends have been reconciled in their functioning.

Diplomacy is a field which is evolving very fast with the changing world of globalization. It is impossible to predict what the final result of the European integration process will be (if there is such a thing as final result, as counter-intuitive to the definition of an "ever closer union"). The certainties of the mindset through which more traditional actors, such as nation-states and international intergovernmental organisations, are studied, offer a temptation for the study of the new institutions created in the EU. In any case, we have tried to prove that the analysis of these institutions will need further studies to grasp their specific nature correctly (as a "*tertium genus*" beyond states and international organisations), and that these studies will have to be more integrated (something

that will probably happen when longer experience of the functioning of these new institutions will have been gained).

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