

What purposes behind the institutionalization of diplomacy at supranational level? The EEAS. Paula Lamoso.

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The question about what motivates member states to pool/delegate sovereignty has always been at the forefront of the European Union (EU) scholar debates. The last institutional innovation brought by the Treaty of Lisbon - the European External Action Service (EEAS) - opens again this question. The fact that member states have decided to further the EU integration in the major intergovernmental policy area - Foreign Policy - leads me to re-visit the intergovernmental theories that have explained the EU process of integration, in short, Liberal Intergovernmentalism. Strictly following the premises of Liberal Intergovernmentalism member states would never agree to the creation of the EEAS (Moravcsik, A. & Nicolaïdis, K.: 1999; Moravcsik, A.: 1998). Mainly because the biggest member states of the EU have had different views: whereas Germany was fully engaged with the idea of creating the EEAS, two of the most relevant member states in Foreign Policy – the UK and France - were not fully convinced about it. Then, why the biggest member states of the EU finally agreed to the creation of the EEAS? This paper's first intuition is that EU institutions have also contributed to the creation of the EEAS (Aspinwall, M. & Schneider, G.: 2000; Raube, K.: 2012; Wisniewski, E.: 2013). Then, are member states the only ones that shape the final choices? Or can then be nuanced by the EU institutions?

This paper uses theory-testing process tracing¹ in the aim of proving if the three step model in which Liberal Intergovernmentalism is based also works in the particular case of the setting up of the EEAS: domestic preference formation, intergovernmental bargaining and institutional choice (Moravcsik, A.: 1998, 18). Liberal Intergovernmentalism stresses that the biggest member states are the ones who shape the final decision in any process of preference bargaining at supra-state level. However, the major contribution of this paper is that institutions matter. In so doing I rely on New Institutionalism, particularly, Rational Choice Institutionalism. This paper stresses that the Commission and the EU Parliament have played a major role in the process of

¹ Collier (2011, 823) stresses that process-tracing can be defined as 'the systematic examination of evidence selected and analyzed in light of research questions and hypotheses posed by the investigator' (Ulriksen, M.S. & Dadalauri, N. 2016, 224).

EEAS configuration as actors that have their own demands that could shape the final outcome by conditioning the strategies that member states follow in the pursuit of their domestic objectives (Pollack: 2005, 364).

Furthermore, this paper also aims to highlight a second meaning of institutions in which new institutionalism is embedded, institutions as a set of rules and norms that establish the rules of the game and therefore condition the final outcomes (Aspinwall, M. & Schneider, G.: 2000, 1-12). In this sense, the Convention and the Quadriologue, the institutional settings in which the EEAS configuration was bargained, were essential in achieving a final goal. Specifically, this research aims to explain if effectively the process of configuration of a supranational institution within the EU is mainly driven by the national preferences of the member states -specially the big ones – or if those choices can be nuanced by the demands of the EU institutions.

In so doing, I primarily analyze how the biggest member states of the EU: UK, France and Germany form their preferences and what the demands of the EU institutions, specifically, the Commission and the EU Parliament are. Then, I look at how both member states and EU institutions bargain their preferences/demands and the strategies and alliances that they pursue in order to achieve their desired outcome. The last step is to look at the final motivation that member states and EU institutions pursue in order to decide to create a new institutional body.

This paper' major premise is that member states decide to create supra-state institutions thinking about the benefits that they can bring to them. This means, the functions that the new body can perform in the member states' behalf (Koremenos, B.; Lipson, C.; Snidal, D.: 2001, 768; Hall, P.A and Taylor, R.C.R: 1996, 944-945). Finally, the information will be gathered mainly through semi-structured in-depth interviews to high-level member states and EU institutions representatives that were conducted between 2015 and 2018 as well as the analysis of official documents.

Preference Formation

In order to test if effectively Liberal Intergovernmentalism works regarding the setting up of the EEAS, during this first stage of the negotiations we should

find that the preferences of UK, France and Germany match with its historical preferences towards the EU integration process and particularly CFSP. In addition, I should also find that different domestic groups were involved in the formation of their domestic preferences. Finally, I will also elucidate what was the final motivation of member states in order to form their preferences. Moreover, this paper will also pay special attention to the demands of the EU institutions: the EU Commission and the EU Parliament.

Liberal Intergovernmentalism explains preference formation through liberal theory. This means that the domestic preferences are shaped regarding the position of the domestic groups of interest. However, as more uncertain are the groups of interest major grade of autonomy enjoys the government (Moravcsik, A.: 1993, 488). This is the case of Foreign Policy where the groups of interest are not as clear as in the process of economic integration over which Liberal Intergovernmentalism has been mostly applied. Nevertheless, it is possible to identify differences in the participation of the domestic actors regarding the process of national preference formation depending on the country that you look at due to divergences in their Constitutional framework.

The UK government consulted everyone who had an interest on the subject: the different ministers, government departments, diplomats and the national parliament.² Contrarily, in the case of France and Germany the participation of different actors in the configuration of the governmental position was restricted to the government and Chief of State.³ The autonomy of the governments of France and Germany is greater and for example the participation of the National Parliaments is on a non binding basis.⁴ The diplomatic corps can be understood as a relevant group of interest regarding the three cases,⁵ as they perceived the EEAS as their future.

Liberal Intergovernmentalism also stresses that the preferences of the member states are fixed and in harmony with the nation states domestic goals. In the case of the setting up of the EEAS this presumption was also correct. The UK was the most contrary to its creation whereas Germany was one of the drivers

² Interviewee 47, KJ_2016: Quotation: 47:1

³ Interviewee 64, NVO_2018: Quotation: 122:16; Interviewee 68, GF_2018: Quotation: 126:25; Interviewee 68, GF_2018: Quotation: 126:25

⁴ Interviewee 59, FD_2018: Quotation: 115:3; Interviewee 64, NVO_2018: Quotation: 122:16; Interviewee 71, MF_2018: Quotation: 129:7

⁵ Interviewee 63, ML_2018: Quotation: 120:22.

of this initiative. France was also reticent. Thus, during the Convention's negotiations the UK did not support a strong CFSP. The British government does not want the EU to speak for them abroad as a single voice.⁶ The UK does not want that its membership to the EU constrains its own Foreign Policy (Whithman, R. G.: 2016, 255). The major priority for the UK was to keep the Commission as much away as possible from the EEAS in terms of the autonomy of the service and the staff. In this sense, the UK Parliament warned that the EEAS should be a complement but never a substitute of the national diplomatic services.⁷ France supported an intergovernmental approach aiming to reinforce the role of the EU Council.⁸ One French red line was that the EEAS should not become an independent institution with legal personality, but to remain a simple administration.⁹ Finally, Germany, as one of its diplomat's highlights, was one of the drivers of the initiative.¹⁰ Germany favoured very much this idea of double hatting¹¹ and that the EEAS should be composed by staff coming from the Commission, the Council and the National diplomatic services.

At the time of the Quadrilogue negotiations, the major preoccupation of the biggest member states was to control this new service as much as possible. A clear red line for the UK that Germany also supported was that the EEAS should not have consular competences.¹² In addition to consular assistance, other two clear red lines for the UK, in words of an UK diplomat, were intelligence and defense.¹³ The major priority for France was to make sure that this new diplomatic body will serve the French interests.¹⁴ The three main areas of discussion during the Quadrilogue negotiations were related to staff, budget and control.

⁶ Interviewee 7, JK_2015: Quotation: 7:11

⁷Parliament.uk Select Committee on Foreign Affairs. Minutes of Evidence. *Letter to the Chairman of the Committee from the Minister for Europe*. <https://goo.gl/Su7zyM> Checked out by 22/06/17; paragraphs, 97 and 189.

⁸ Interviewee 69, FM_2018: Quotation: 127:13

⁹ Interviewee 62, PV_2015 & 2018: Quotation:119: 36

¹⁰ Interviewee 36, PSONTB_2016: Quotation: 36:1; Interviewee 34, OR_2016: Quotation: 34:1

¹¹ Working Group VII on External Action. *Task Force Future of the Union and institutional questions*. Meeting of 27 November 2002. Brussels, 28 November 2002 TF-AU/1 (2002) JFBR D/190480. Quotation: 77:4.

¹² Interviewee 44, CR_2016: Quotation: 44:21 and 44:2; Interviewee 68, GF_2018: Quotation: 126:3; Interviewee 71, MF_2018: Quotation: 129:11

¹³ Interviewee 44, CR_2016: Quotation: 44:2; and 44:5.

¹⁴ Interviewee 50, VP_2016: Quotation: 50:7

Staff

Brits supported very much the idea about having national diplomats within the EEAS who will be allowed to return to the Foreign and Commonwealth Office after some years. It is commonly agreed in Britain, as its diplomat's stress, the numerous benefits that having its people within the EEAS bring to the UK, such as: the great understanding of the British interests and the capacity to put them on the table.¹⁵ French diplomats also highlight that having its national diplomats within the EEAS was very important for France, including the heads of EU delegations.¹⁶ As a French diplomat ensures, the French administration has also seen the EEAS as an opportunity for national diplomats in finding proper jobs.¹⁷

Finally, it is commonly agreed among the German diplomats that Germany was mainly interested in getting the highest positions in the delegations of, for instance, China¹⁸ or Moscow¹⁹ due to they are very close to its national interests. Therefore, as one of its diplomats ensures Germany worked and lobbied very much to get them.²⁰ The German government, in words of one of its diplomats, pushed very much for one third of member states diplomats both in Brussels and in delegations.²¹ German diplomats ensure that this idea of sending national diplomats to the EEAS was also seen by Germany as a great opportunity for its younger diplomats. Having national diplomats within the EEAS would create a stronger link between this body and the national diplomatic services.²²

Budget

The British government argued that the external action of the EU needs to improve due to it costs a lot of money.²³ However, it was more a preoccupation about making the most with the available resources than a way of saving some

¹⁵ Interviewee 44, CR_2016: Quotation: 44:7 Interviewee 47, KJ_2016: Quotation: 47:25

¹⁶ Interviewee 11, EP_2018: Quotation: 11:26; Interviewee 32, LP_2016: Quotation: 32:27

¹⁷ Interviewee 11, EP_2018: Quotation: 11:27

¹⁸ Interviewee 68, GF_2018: Quotation: 126:42; Interviewee 64, NVO_2018: Quotation: 122:3; Interviewee 71, MF_2018: Quotation: 129:15

¹⁹ Interviewee 64, NVO_2018: Quotation: 122:3; Interviewee 71, MF_2018: Quotation: 129:15

²⁰ Interviewee 71, MF_2018: Quotation: 129:15

²¹ Interviewee 68, GF_2018: Quotation: 126:5

²² Interviewee 68, GF_2018: Quotation: 126:33; Interviewee 70, CK_2018: Quotation: 128:7

²³ Interviewee 46, HC_2016: Quotation: 46:9

money at national level or taking advantage of the EU budget. This idea was by also shared France²⁴ and Germany.²⁵ However, in words of one of its diplomats, Germany also had in mind to make the most of the Commission budget.²⁶

Control

As an UK diplomat stresses, the different actors found in the staffing process the best way to have a look and impact on the EEAS decisions and development. It also follows that having nation states staff inside the EEAS to whom provide paper positions is also a very efficient way of controlling the service.²⁷ France, as one of its diplomats ensures, was ready for setting up the EEAS, but they wanted to make sure that it was going to be controlled,²⁸ which means, as it is stressed by one of its diplomats, the necessity of reporting, acting on a mandate and working on the EU conclusions.²⁹ A French diplomat stresses that it took also place a huge debate about the pertinence of the working groups chaired by the rotating presidency or having someone from the EEAS. France played an important role in keeping the working groups chairs to the minimum for the EEAS.³⁰ Finally, as it is pointed out by one of its diplomats, France decided to mainly push in favour of keeping the chairs of the working groups primarily for the rotating presidency,³¹ which means, in the hands of the member states.

The general feeling within the German administration was that the EEAS should chair as many working groups as possible.³² As one of its diplomats affirms, Germany specially wanted the Political and Security Committee chaired by the EEAS, which will allow a permanent dialogue between the member states represented by their Political and Security Committee' ambassador and the EEAS.³³ As this thesis has already very much

²⁴ Interviewee 69, FM_2018: Quotation: 127:53; Interviewee 63, ML_2018: Quotation: 120:17

²⁵ Interviewee 68, GF_2018: Quotation: 126:7; Interviewee 70, CK_2018: Quotation: 128:16.

²⁶ Interviewee 37, PH_2016: Quotation: 37:11.

²⁷ Interviewee 45, FC_2017: Quotation: 45:9

²⁸ Interviewee 11, EP_2018: Quotation: 11:9

²⁹ Interviewee 33, NS_2016: Quotation: 33:11

³⁰ Interviewee 62, PV_2015 & 2018: Quotation: 119:69

³¹ Interviewee 59, FD_2018: Quotation: 115:23

³² Interviewee 70, CK_2018: Quotation: 128:14

³³ Interviewee 68, GF_2018: Quotation: 126:45

highlighted, in addition to the chairing of the working groups, having national diplomats in the highest positions of the EEAS is also, in words of a German diplomat, a great tool for control.³⁴

EU Institutions

EU Parliament

To reduce the number of voices speaking on behalf of the EU was one of the EU Parliament major priorities regarding CFSP.³⁵ The main requests from the EU Parliament were the following: “The participation of the EU in international organizations; the setting up of EU diplomatic representations; and to a lesser extent the creation of EU diplomatic corps, the creation of a college of European Diplomacy or the development of a bridging system between the external services of the Community and of the Member States”.³⁶ The position from the EU Parliament, as it is confirmed by one of its officials, did not change during the whole process, which means, since the Convention until the decision on the setting up of the EEAS was signed.³⁷

During the Quadrilogue negotiations, as an official from the EU Parliament confirms, budget and staff were the two key tools that the EU Parliament used in order to push for its demands. The EU budget and the statute of the civil servants depend on the approval from the EU Parliament.³⁸ The EU Parliament as well as the Commission stressed, in words of an EU Parliament official, that the budget of the EEAS should be part of the EU budget, which means that it is part of the Commission budget.³⁹ Regarding staff, the EU Parliament main requisite, as it is stressed by one of its officials, is that at least 60% of the EEAS staff should come from the EU staff. The objective was to limit the amount of member states diplomats within the EEAS to maximum 33%.⁴⁰ In

³⁴ Interviewee 71, MF_2018: Quotation: 129: 19

³⁵ Working Group VII on External Action. *Task Force Future of the Union and institutional questions*. Meeting of 29 October 2002. Brussels, 30 October 2002 TF-AU/1 (2002) JFBR D/190419. Quotation: 63:10.

³⁶ European Parliament. The Secretariat. Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy. Examination of the revised draft. Final Report circulated on 22 November. Brussels, 13 December 2002. Quotation: 85:1

³⁷ Interviewee 21, GQ_2015: Quotation: 21:1

³⁸ Interviewee 23, JF_2015: Quotation: 23:10

³⁹ Interviewee 20, EP_2015: Quotation: 20:27

⁴⁰ Interviewee 23, JF_2015: Quotation: 23:33

addition, a French diplomat highlights that as a way of control, the EU Parliament wanted some clear lines of accountability. Hence, they were hopping for the EEAS appointments to follow a similar process as it is established for the designation of EU commissioners, which means that they need a green light from the EU Parliament.⁴¹

Commission

At the time of the Convention the Commission stressed that in order to ensure the coherence and efficiency of the EU external action it should be necessary: a HR with right of initiative and the extension of qualified majority voting. In addition to that, all actions in this matter should be under the scrutiny of the EU Parliament, the money spent should be accountable to the EU Parliament, the court of auditors should be understood as a control mechanism and the HR should also be part of the Commission.⁴² One clear red line for the Commission in this sense was, in one of its official's word, that neither the EEAS nor the Commission should be forced into a hierarchy to the other one.⁴³

During the Quadrilogue negotiations, the strongest red line for the Commission, as it is stressed by one of its officials, was that the money has to be only with the Commission because it is the single accountable to the EU Parliament.⁴⁴ As one of its officials ensures, the Commission, and specifically Catherine Day, it's Secretary General and representative during the Quadrilogue negotiations, was strongly against the creation of the EEAS as an independent body out of the Commission. She understood this new EEAS as a way to intergovernmentalize the external action of the EU, a step back in the process of EU integration.⁴⁵ In words of one of its officials, the Commission wanted the EEAS within its structure.⁴⁶ From the Commission and the German diplomatic service it is confirmed that thematic desks such as

⁴¹ Interviewee 15, PV_2015 & 2018: Quotation: 119:67

⁴² European Parliament. The Secretariat. Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy. Meeting 15 October 2002. Brussels, 21 October 2002. Quotation: 65:9

⁴³ Interviewee 10, WS_2016: Quotation: 10:16

⁴⁴ Interviewee 9, PC_2015: Quotation: 9:20

⁴⁵ Interviewee 4, BMC_2015: Quotation: 4:3

⁴⁶ Interviewee 9, PC_2015: Quotation: 9:16

development, near or trade were also object of great discussions⁴⁷ due to the Commission wanted to keep them being part of the Commission. EU institutions' representatives also confirm that staff was a difficult negotiation for the Commission due to it was very resistant to transfer their people to this new body.⁴⁸ Finally, another preoccupation was how the instructions will be given to the delegations, if the EEAS would manage the whole delegation including giving instructions to the Commission people and how to manage the budget responsibility within the delegations.⁴⁹

Supra-state bargaining

The second stage that Liberal Intergovernmentalism establishes in the process of institutional building is intergovernmental bargaining (Moravcsik, A.: 1998, 20). So far, Treaty change has always been bargained through intergovernmental conferences where member states were almost the single ones allowed to take part. In the case of the EEAS the preference bargaining at supra-state level took place in two innovative institutional settings: the Convention and the Quadrilogue. Within them, not only member states but also EU institutions were actors with its own demands that sit at the same bargaining table and, therefore, this paper expects, EU institutions could shape the strategies that member states follow in the pursuit of their domestic preferences. This paper also aims to prove that the Convention and the Quadrilogue were also relevant as sets of rules and norms that drove the discussions and shaped the outcomes.

The Convention on the Future of Europe was composed by the member states representatives but also by the EU institutions, national parliaments and the representatives of the candidate countries who were allowed to participate in the negotiations without being able to prevent any consensus that might result among the Member States.⁵⁰ The EU Council appointed Mr. Valery Giscard d'Estaing as Chairman of the Convention and Mr. Giuliano Amato and Mr.

⁴⁷ Interviewee 38, TO_2016: Quotation: 38:17; Interviewee 5, CL_2015: Quotation: 5:13

⁴⁸ Interviewee 2, PS_2016: Quotation: 2:19; Interviewee 7, JK_2015: Quotation: 7:17; Interviewee 25, SG_2015: Quotation: 25:16

⁴⁹ Interviewee 2, PS_2016: Quotation: 2:18

⁵⁰ Presidency Conclusions European Council Meeting in Laeken 14 and 15 December 2001. DOC/01/18. Europea.eu; pp, 24. Checked out on 30 October 2018.

Jean-Luc Dehaene as Vice-Chairmen, who were the drivers of the negotiations helped by the Praesidium.

Contrarily to an intergovernmental conference, the Convention working method is characterized by being a deliberative process whose discussions were mainly driven by the Praesidium and its chairman. The Praesidium is an organ within the EU Convention in charge of providing the ground elements and ideas in order to launch the debates, which means, contributing with an initial working basis for the Convention debates. The working of the Convention was divided in three phases: first of all a listening phase, then the different issues raised were analyzed in an analytical phase and finally, the workings finished with a drafting phase (Crum, B.: 2004).

During the listening phase, there were debates about documents drafted by the secretary about fundamental topics that were left opened in the Nice intergovernmental conference. The next step was the analytical phase. At this stage the different working groups started making proposals. Finally, during the writing phase, those working groups proposed different articles based on the consensus achieved.⁵¹ The Secretariat of the Convention was a permanent body based in Brussels whose main commitment was to provide assistance to all members of the Convention regarding the different aspects under exam. In short, preparing discussion documents for the Convention, drafting reflection papers, and drawing up syntheses of the debates. Among its main duties it was also to assist the Chairman and the two vice-chairmen as well as the Praesidium.⁵²

Both member states and EU institutions followed different strategies to find compromises and to build alliances in order to achieve its preferences / demands. In words of officials from the Secretary General of the Council, what was truly discussed at the time of the Convention was the creation of the post of the Ministry of Foreign Affairs.⁵³ The EEAS was part of the package deal. The positions from the different countries regarding the setting up of the EEAS were quite divergent but at the end, they had to reach a compromise. The UK was completely opposed to the idea of extending qualified majority voting to Foreign Policy and they were neither convinced about the creation of the

⁵¹ Interviewee 24, MJ_2015: Quotation: 24:25

⁵² European Convention Webpage: <https://goo.gl/gA3qsc>

⁵³ Interviewee 57, TB&AB_2015: Quotation: 57:11

EEAS. However, the UK supported the creation of the post of the permanent President of the EU Council. Considering this situation, a German diplomat confirms that Germany decided to give up on its preference for the extension of qualified majority voting on external action, in order to make the UK agree on the creation of the EEAS. Germany thought that perhaps the member states were not ready to introduce qualified majority voting in Foreign Policy yet, so, they agreed to assume this cost in their preferences in order to reinforce the institutional architecture of the EU external action.⁵⁴

As a German diplomat points out, one of the major preferences from France was to create the post of the long-term president of the European Council in order to bring more stability to the work of the EU Council. However, it follows that Germany was not very convinced about it due to they thought that by creating the permanent post of the president of the European Council the Commission will be weakened.⁵⁵ Nevertheless, as a German diplomat confirms, Germany was ready to accept this French requisite but only in case France agrees on the German request that the EU Commission president should be elected by the EU Parliament.⁵⁶

The German strategy, as it is stressed by one of its diplomats, was to work very closely with the EU institutions and France as its allies and then with the UK in order to reach a compromise.⁵⁷ Germany had also to convince the Commission and the EU Parliament as they would prefer to create this Ministry of Foreign Affairs and the diplomatic service, the EEAS, inside the institutional structure of the EU, primarily inside the Commission. However they had to agree on the terms established by the EU member states as it would be the only way to strengthen the EU as a whole, which was their major priority. The package deal here was that the UK was ready to accept the French requirement of creating the permanent post of the EU Council, to what Germany had already agreed in order to have France on board in the creation of the EEAS. Then major concessions were given to the UK as it was the most contrary actor. Therefore, as a German diplomat stresses, this is why Germany decided to give up on the extension of Qualified Majority Voting in

⁵⁴ Interviewee 38, TO_2016; Quotation: 38:8

⁵⁵ Interviewee 38, TO_2016; Quotation: 38:10

⁵⁶ Contribution Franco-Allemande a la Convention Europeenne sur l'architecture institutionnelle de l'union; Paris et Berlin, le 15 Janvier 2003; <https://goo.gl/pGP65u> Checked out on 30 October 2018; Participant 38, personal communication 2016

⁵⁷ Interviewee 35, AD_2016; Quotation: 35:5

order to make UK agree on the creation of the EEAS.⁵⁸ One official from the EU Parliament emphasizes that Elmar Brok (EU Parliament representative) and Germany worked very closely.⁵⁹

The chairman of the external action group, Dehaene, as it is perceived by one researcher, played a very relevant role in facilitating this idea about the EEAS.⁶⁰ A member of the Convention Secretariat and a researcher point out that Dehaene and Brok were the key figures behind the creation of the EEAS.⁶¹ From the perspective of a French diplomat, the EU Parliament and specially Brok thought that this was a great opportunity for the EU Parliament to have an anchor in Foreign Policy.⁶² After long arguments Chairman Dehaene wrote the conclusions highlighting that, there was a broad agreement about the principle of one administration, one budget (except for military issues) and one external EU representation.⁶³ The creation of the EEAS was one element of the package deal that led to the reinforcement of the CFSP and external action institutional framework. At the time of the Convention, as it is stressed by officials from the Secretary General of the Council, there were only outlined the broad elements related to the institutional placement – neither inside the Commission nor inside the EU Council⁶⁴ - and staff composition, which should necessarily include EU national diplomats.⁶⁵ The discussion regarding its specific design was open for further discussions until the Lisbon Treaty was signed.

Quadrilogue

Even though the negotiations about the setting up of the EEAS already started during the Swedish presidency in Summer-Autumn 2009, it was not until January 2010 - under the Spanish presidency - that the Quadrilogue negotiations began. As one member of the Ashton cabinet ensures, the Quadrilogue was a unique institutional setting of decision making because for

⁵⁸ Interviewee 38, TO_2016; Quotation: 38:8

⁵⁹ Interviewee 20, EP_2015; Quotation: 20:25

⁶⁰ Interviewee 49, BC_2016; Quotation: 49:30

⁶¹ Interviewee 49, BC_2016; Quotation: 49:20; Interviewee 60; GM_2018; Quotation: 116:30

⁶² Interviewee 15, PV_2015 & 2018; Quotation: 119:84

⁶³ Working Group VII on External Action. Task Force Future of the Union and institutional questions. Meeting of 27 November 2002. Brussels, 28 November 2002 TF-AU/1 (2002) JFBR D/190480. Quotation: 78:36.

⁶⁴ Interviewee 57, TB&AB_2015; Quotation: 57:53

⁶⁵ Interviewee 57, TB&AB_2015; Quotation: 57:8

the first time the Commission, the Council Secretariat, the EU Parliament with the three rapporteurs, and the HR/VP were sit at the same bargaining table.⁶⁶

One official from the Ashton cabinet confirms that the Spanish Presidency played a major role during the Quadrilogue negotiations as they were in charge of both chairing the discussions and coordinating the different positions. The role of the Spanish Presidency was similar to the one of the chairman of the Convention. The EEAS was the major institutional priority for the Spanish Presidency. They wanted to achieve an agreement on its decision.⁶⁷ The role of the Spanish Presidency was not to fight for a specific item but to be the ones that reached a compromise. One of its diplomats insists on the fact that they wanted to become it a success and they worked very hard for achieving it.⁶⁸ Nation states diplomats and one official from the Commission confirms that the decision was entirely negotiated within the COREPER where member states representatives leaded the discussions: the Ambassador permanent representative usually prepared by the Antici.⁶⁹ Officials from the Secretary General of the Council emphasize that the Ministers did not have any real interest.⁷⁰

As an UK diplomat highlights, the discussions during the Quadrilogue were bidirectional between the EU member states and the EU institutions.⁷¹ The interests of the EU institutions and the member states were mostly divergent, as an example, the member states wanted as many diplomats as possible within the EEAS, whereas the EU institutions wanted to limit its number as much as possible. Both member states and EU institutions wanted control over the EEAS. In addition, as it is perceived by one official from the Commission, the EU Parliament wanted the HR/VP being accountable to it.⁷² This includes the consultation on main aspects and basic choices of CFSP. The EU Parliament is also allowed to request a hearing to the new heads of delegation before their appointment.⁷³ The member states worked together in

⁶⁶ Interviewee 1, JM_2016: 1:14

⁶⁷ Interviewee 1, JM_2016: 1:3; Interviewee 66, CB_2018: Quotation: 124:17

⁶⁸ Interviewee 66, CB_2018: Quotation: 124:17

⁶⁹ Interviewee 68, GF_2018: Quotation: 126:32; Interviewee 46, HC_2016: Quotation: 46:19; Interviewee 7, JK_2015: Quotation: 7:1

⁷⁰ Interviewee 57, TB&AB_2015: Quotation: 57:26

⁷¹ Interviewee 47, KJ_2016: Quotation: 47:38

⁷² Interviewee 7, JK_2015: Quotation: 7:22

⁷³ Draft declaration by the High Representative on political accountability. Official Journal of the European Union. 2010/C 210/01

order to limit the impact of the EU institutions and particularly the EU Parliament.

The EU Parliament got to impact the preferences from the member states. Its main objective, as it is stressed by one of its officials, was to restrict the power of the member states into the EEAS. From the beginning of the negotiations the EU Parliament was very keen to ensure that the budget of the EEAS was full part of the EU budget, and therefore the EEAS is part of the Commission budget. As one EU Parliament official confirms, even though the EEAS budget is placed in a different chapter, all the procedures that apply over the Commission budget apply also over the EEAS budget. The same applies to the budgetary control element of all the functioning of the service.⁷⁴

In terms of staff, the EU Parliament wanted to limit the presence of national diplomats into the EEAS by making sure that the staff coming from the EU institutions will be at least of 60% of the total amount of the EEAS staff.⁷⁵ In words of an EU Parliament official, this was one of the major discussions during the negotiations.⁷⁶ In this sense, one diplomat from France perceived that the EU civil servants wanted to have the guarantees that the people that will come from outside will not deprive them from their dream positions.⁷⁷

In the case of the Commission, as it is stressed from one of its officials, its best resource in order to impact the negotiations was to know how the internal procedures work. In addition, they also reinforced the fact that they were the ones in charge of the external action competence and the HR is also VP of the Commission regarding the external action area.⁷⁸ The strategy of the EU institutions, particularly the EU Parliament and the Commission was to work together in areas that were of common interest, for instance on EEAS budgetary control. Since the EEAS budget is part of the EU budget, this means that automatically is part of the Commission budget and directly accountable to the EU Parliament.

⁷⁴ Participant 20, EP_2015: Quotation: 20:29; EU Parliament, draft report on the draft Council decision establishing the organisation and functioning of the European External Action Service (08029/2010 – C7-0090/2010 – 2010/0816(NLE)); ATLAS.TI quotation; 131:2.

⁷⁵ EU Parliament, draft report on the draft Council decision establishing the organisation and functioning of the European External Action Service (08029/2010 – C7-0090/2010 – 2010/0816(NLE)); Quotation; 131:4

⁷⁶ Interviewee 23, JF_2015: Quotation: 23:10

⁷⁷ Interviewee 11, EP_2018: Quotation: 11:30

⁷⁸ Interviewee 5, CHL_2015: Quotation: 5:16

Institutional choice

Institutional choice is the last step that Liberal Intergovernmentalism stresses in the process of institutional building at supra-state level (Moravcsik, A.: 1998, 20). This thesis is based on the Liberal Intergovernmentalism and Rational Choice Institutionalism functionalist thinking that claims that the decision about setting up the EEAS is based on the benefits that creating such institutional body bring to the member states. In addition, Liberal Intergovernmentalism explains institutional choice by stressing the EU member states purpose of ensuring the credibility of what has been agreed thinking about possible future opposition (Moravcsik, A.: 1998, 73). In the case of Rational Choice Institutionalism the main aim is to reduce the transaction costs (Epstein & O'Halloran, 1999; Huber & Shipan, 2002). Finally, the major preoccupation for both member states and EU institutions was to establish mechanisms of control (Shepsle, 2006).

Big Member States' Advantages

Although Germany is a big member state in the EU, in words of German diplomats, its interests would be better promoted in the today's globalized world through a stronger voice. The EU has common interests that need to be protected together because a single country is unable to defend them. That is why Germany was ready to share its sovereignty in the field of Foreign Policy. For them it was not a zero sum game but a positive sum game.⁷⁹ In the case of France, they also understood the EEAS as an opportunity to upgrade the political dimension of the EU Foreign Policy. In addition, they were among those proposing the HR as foreign minister, which will provoke that the position of the HR was very much linked to the position of the European Council.

As it is perceived by one researcher, France saw in the strengthening of the CFSP a clear advantage but over which the member states must have a clear control.⁸⁰ Even the UK found several benefits about strengthening the CFSP such as pooling resources and expertise. The UK understood the new CFSP

⁷⁹ Interviewee 38, TO_2016: Quotation: 38:14 ; Interviewee 35, AD_2016: Quotation: 35:13

⁸⁰ Interviewee 51, GG_2016: Quotation: 51:9

instruments as a way of multiplying its influence in the global stage.⁸¹ Another advantage highlighted by one of the UK diplomats is that the EU can play a more neutral role in some parts of the world where the EU member states might have a deep interest. Therefore, under some circumstances it might be more efficient to act as the EU than going member states directly.⁸²

Several interviews agreed on the fact that member states understand the EEAS as another tool in their hands.⁸³ As one member of the Ashton cabinet stresses, even the most reticent felt that there was a role for the EEAS to play as a complement to their national services.⁸⁴ The major benefit from the creation of the EEAS is to gain more power in the EU global arena, to speak with one message even though through different voices. In so doing, several Convention representatives agreed on the fact that the EU delegations are a great asset. Member states saw in the change from Commission delegations to EU delegations one of the biggest advantages of the EEAS.⁸⁵

Another great innovation that the EU delegations brought was the possibility of the member states to have an impact even if small on the development funds. As it is confirmed by one Commission official, despite the fact that the decisions about money are in the hands of the Commission, programming is in the hands of the EEAS.⁸⁶ This means that the EEAS can be able to impact on where the funds are invested. In words of an UK diplomat, the EU development funds are also a great diplomatic tool, even for the big member states.⁸⁷ Finally, another great advantage for the member states, especially the big, in the creation of the EEAS - apart from the strength that 28 member states can bring - is that having the EEAS allows the member states to have a neutral interlocutor able to drive international “conflicts” on the member states behalf. As one French diplomat stresses, this is particularly useful in the case of the ex-colonies.⁸⁸

⁸¹ Interviewee 44, CR_2016: Quotation: 44:1

⁸² Interviewee 47, KJ_2016: Quotation: 47:23

⁸³ Interviewee 15, PV_2015 & 2018: Quotation: 15:30; Interviewee 33, NS_2016: Quotation: 33:8; Interviewee 69, personal communication 2018; Interviewee 68, FM_2018: Quotation: 127:51; Interviewee 70, CK_2018: 128: 12

⁸⁴ Interviewee 1, JM_2016: Quotation:1:10 & 1:11

⁸⁵ Interviewee 55, LS_2015: Quotation: 55:15; Interviewee 7, JK_2015: Quotation: 7:6; Interviewee 11, EP_2018: Quotation: 11:14; Interviewee 54, JC_2015: Quotation: 54:6

⁸⁶ Interviewee 3, JL_2016: Quotation: 3:3

⁸⁷ Interviewee 45, FC_2017: Quotation: 45:24

⁸⁸ Interviewee 32, LP_2016: Quotation: 32:22

Credibility of commitments and transaction costs

To ensure the credibility of what has been agreed was especially relevant taking into account the uncertainty of the global world and the future great enlargement of the EU in 2004. In addition, only by creating a strong and united EU, member states will be able to ensure their capacity to deal with the current and future global challenges.⁸⁹ Ensuring what has been agreed was also essential for the EU institutions, especially regarding the final design of the EEAS. Thus, limiting the member states presence in the EEAS and binding its accountability in terms of budget were essential for the EU institutions to agree on the final deal.

The creation of the EEAS is also essential in achieving a more structured and long term CFSP able to reduce the costs of ruling the system.⁹⁰ As a Seconded National Expert points out this process was going to be more problematic after the great enlargement of 2004. That is why member states and EU institutions decided that it was the right time to reinforce the EU instruments in CFSP and external action. It was necessary to create a more strength institutional structure able to work on a long term scale and able to bring a common view from the 28 member states. The EEAS is a powerful tool of convergence between the member states point of view.⁹¹ As it is stressed by one EU Parliament official, the institutional divisions and the pillar division between the Commission and the Council were an obstacle to a more effective EU Foreign Policy.⁹²

Control

The creation of a supra-state body not only brings benefits but also costs. In order to overcome those costs member states and EU institutions establish mechanism of control. In this sense, one of the very first and most intense debates during the EEAS negotiations was about the institutional placement of the EEAS. The battle was between keeping the EEAS more community or intergovernmental. Having the EEAS inside the EU institutional architecture

⁸⁹ Convención Europea. Resumen de la sesión plenaria. Bruselas 11 y 12 de julio de 2002. EU CONV 200/02. Bruselas 16 de julio de 2002.

⁹⁰ Interviewee 17, PSH_2015: Quotation: 17:11

⁹¹ Interviewee 17, PSH_2015: Quotation: 17:6

⁹² Interviewee 21, GQ_2015: Quotation: 21:5

was a preference from the EU institutions but also a red line for the member states which wanted to keep the CFSP intergovernmental. Finally, member states and EU institutions agreed to create an autonomous body in the middle of the Commission and the Council.⁹³

During the Quadrilogue negotiations the interests of the member states pretty much converged and were confronted with the demands from the EU institutions. In a nutshell, the major discussions were essentially about how to control this new diplomatic body: through staff, budget and also through some specific mechanism of ex-ante and ex-post control. In terms of staff member states fought for as much national diplomats in the EEAS as possible, whereas the EU institutions wanted to limit their presence. Regarding budget the member states wanted to ensure the EEAS autonomy whereas the EU institutions wanted to control the budget and guarantee EU Parliament supervision. Finally, both member states and EU institutions wanted to closely follow the work of the EEAS in order to keep it to tight control. In so doing they introduced specific procedures of control.

Controlling the new diplomatic body as much as possible was, in the words of a German diplomat, the common purpose of both EU institutions and member states. The principal ex ante control that member states established is that the decision making procedure is still unanimity, hence, there is not so much that the EEAS can do without the consent of the member states.⁹⁴ As one official from the EU Parliament confirms member states wanted to make sure that the CFSP decision making is not comunitarized.⁹⁵

Appointing member states diplomats to fulfil the highest positions of the EEAS is also a powerful ex-ante control mechanism. However, as it is stressed by one German diplomat, member states were still concern about how far the EEAS could go in the exercise of its competences.⁹⁶ That is why they also apply ex-post control mechanisms. In so doing, in words of an UK diplomat, the chairing of the working groups were object of very intense negotiations about whether they should be chaired by the rotating presidency or by a

⁹³ COUNCIL DECISION of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU).

⁹⁴ Interviewee 34, OR_2016: Quotation: 34:15

⁹⁵ Interviewee 21, GQ_2015: Quotation: 21:40

⁹⁶ Interviewee 38, TO_2016: Quotation: 38:18

permanent chair in the hands of the EEAS.⁹⁷ Here France, as it is stressed by one of its diplomats, was especially interested in limiting the number of working groups chaired by the EEAS.⁹⁸

Finally, France accepted – not without resistance - that the EEAS chairs the Political and Security Committee and geographical working groups.⁹⁹ Germany thought that only in case the Political and Security Committee is chaired by the EEAS, it would be possible to add more coherence and efficiency into the EU external policymaking.¹⁰⁰ The final agreement regarding working groups was, in the words of a Secretary General of the Council official, that the Foreign Affairs Council will be presided by the HR/VP, COREPER will be presided by the rotating presidency and RELEX and the Political and Security Committee will be presided by the EEAS.¹⁰¹ Finally, as it is stressed by EU Parliament officials, accountability was also essential in their demands.¹⁰² The EU Parliament wanted, in words of one of its officials, that the heads of EU delegation pass a hearing before they are appointed.¹⁰³ Finally, the EU Parliament has not power of decision over the EU delegation ambassador nominations. Nevertheless, the HR/VP regarding its role as Vice-president of the Commission is politically accountable the EU Parliament. The EU Parliament has also control on budget.

Conclusion

This thesis aimed to explain why big member states have created a supra-state diplomatic institution by testing the three-step model in which Liberal Intergovernmentalism is based: domestic preference formation, intergovernmental bargaining and institutional choice. In addition, since the main claim of this paper is that institutions matter, I added the premises of Rational Choice Institutionalism approach in order to emphasize that the EU institutions are also important actors with its own demands that are able to condition the strategies that member states follow in the pursuit of their

⁹⁷ Interviewee 44, CHR_2016: Quotation: 44:6

⁹⁸ Interviewee 59, FD_2018: Quotation: 115:23; Interviewee 15, PV_2015 & 2018: Quotation: 119:69

⁹⁹ Interviewee 15, PV_2015 & 2018: Quotation: 119:69 & Quotation: 119:70

¹⁰⁰ Interviewee 68, GF_2018: Quotation: 126:29

¹⁰¹ Interviewee 57, TB&AB_2015: Quotation: 57:61

¹⁰² Interviewee 20, EP_2015: Quotation: 20:28; Interviewee 23, JF_2015: Quotation: 23:15

¹⁰³ Interviewee 20, EP_2015: Quotation: 20:37

domestic preferences, shaping final outcomes. Furthermore this paper also stresses a second meaning of institutions in which new institutionalism is based, institutions as sets of rules and norms that drive the negotiations and can inform final outcomes. The institutional settings in which the EEAS was bargained: the Convention and the Quadrilogue were determinant in achieving a final deal.

The main contribution of this paper relies in the second step of the process of institutional building in which Liberal Intergovernmentalism is based, intergovernmental bargaining. This paper main conclusion is that Liberal Intergovernmentalism needs to be renewed by stressing that not only member states are the relevant actors during grand bargain negotiations, institutions also matter. During the setting up of the EEAS the EU institutions were actors that had their own demands and were able to bargain them at the same table as the member states. This paper also emphasizes that the Convention and the Quadrilogue were unique institutional settings that allowed EU institutions to take part in the negotiations. At the same time, the Secretary of the Convention and the Chairmen of the Working groups as well as the Spanish Presidency during the Quadrilogue negotiations had the power of presenting the available choices and drawing the conclusions, influencing the final outcome. Therefore, since grand bargain negotiations are not only restricted to member states, I decided to change the name of the second step of Liberal Intergovernmentalism from intergovernmental bargaining to supra-state bargaining

Regarding the first step of the process of institutional building Liberal Intergovernmentalism stresses that member states follow a process of domestic preference formation. Liberal Intergovernmentalism explains this first step through liberal theory highlighting that different groups of interest condition the demands of the government. This paper concludes that Foreign Policy is an area close to the sovereignty of member states and therefore the participation of groups of interest is more limited. Overall Foreign Policy preference formation is a governmental process. Nevertheless there are differences depending on the autonomy of the country that you look at. On the other hand, this paper concludes that economic interests were not the ones that encouraged member states to create the EEAS but their will of enhancing the CFSP. In this case, geopolitical goals overstep the economic ones.

The last contribution of this paper, but not least, regards the last step in the process of institutions building stressed by Liberal Intergovernmentalism, institutional choice. Here this paper confirms its mayor assumption that member states and EU institutions agree to the creation of a new supra-state body thinking about the functions that it will perform in their behalf. Furthermore member states and EU institutions found in the creation of the EEAS a perfect structure that both facilitates interaction and ensures future compliance of what has been agreed, especially thinking about the great enlargement and the possible changes in the pro-integration attitude of governments. However, this paper concludes that what mostly mattered for member states and EU institutions was to establish mechanism of control. In so doing member states found in the staffing of the EEAS the perfect way of keeping an eye on it at the same time that they could provide their own insights. In the case of the EU institutions, they used budget as a way to retain the EEAS accountable to them. Finally, they could also limit the presence of member states diplomats inside the EEAS.

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