

1. LEGAL AND INSTITUTIONAL FRAMEWORK OF EUROPEAN DIPLOMACY

1.1 The concept "European diplomacy"

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1.3 Institutionalization of European diplomacy

1.1 The concept "European diplomacy"

European diplomacy refers to a coordinated foreign policy of the Member States of the European Union (EU), defined in the framework of the Common Foreign and Security Policy (CFSP). This area of politics, often called European diplomacy, has a wide field of activity. It covers all areas of foreign policy, including security and defense issues. The CFSP was created by the Maastricht Treaty in 1993, becoming a continuation of European political cooperation (EPC), thanks to which Member States had the opportunity to coordinate their foreign policy since the 1970s. The CFSP is supported by a special institutional framework in which national diplomats and EU officials jointly pursue policies based on the principle of consensus. The High Representative is the "face and voice" of the EU's foreign policy and is supported by the Brussels European External Action Service (EEAS), and about 140 EU delegations in third countries and international organizations assist the High Representative. Since foreign policy is usually the prerogative of sovereign states, the exceptional nature of the CFSP has long been a subject of study.

In order to clearly clarify the meaning of the term "European diplomacy" it should be divided into two parts - "European" and "diplomacy" and consider them separately.

First of all, what qualifies as European is a potentially endless debate, which can be slightly reduced if we enter the EU into the equation. As one experienced EU representative said: "If you come to a country and say: 'I am the Ambassador of France', everyone knows who an ambassador is and what France is. If you say: 'I am the head of the European Commission', they really have no idea what you are talking about."

A distinction should be made between the EU, its Member States and the European non-Member States, bearing in mind that European diplomatic practice necessarily crosses these demarcations. In this context, "European" means belonging to the European Union.

Secondly, the definition of diplomacy not always seems understandable. According to a British scholar, diplomat and Japanologist E. Satow, diplomacy is "the use of intellect and tact for maintaining official relations between the governments of independent states, sometimes also extending to their relations with vassal states". Surely, this reference shows the European quality of modern diplomacy, with its European and Christian origin, dating back to the Renaissance, as well as the emergence of a modern state system and the expansion of Europe. However, the origins of this practice should not compromise this practice.

It should be mentioned, that besides the states, modern definitions (which leave aside the vassal states of E. Satow) usually include other actors, from nongovernmental organizations (NGOs) to international organizations. As for actions, diplomacy is often equated with the art of negotiation and the implementation of government decisions by public servants.

Thus, European diplomatic practice can be understood as the embodied experience of a certain tradition of political representation, originating from centuries of state-building and warming on the European continent and beyond, or as a common repertoire of action by which some actors seek to distinguish themselves from others in global politics. In other words, European diplomacy is a common foreign policy that has been shaped by the European tradition, common history and a particular need. Today, all this is embodied in the EU CFSP.

The starting point for studying the EU's foreign policy is the conceptualization of the EU as an international actor. All places in international relations are usually occupied by sovereign states. Thus, a key issue for researchers is the question of what place the EU occupies in the system of international relations. And if the EU is considered as an actor, then what is the type of the EU? What are its goals and means? Before turning to these issues, it is important to give some information about the EU's foreign policy.

The EU diplomacy has a long history. After the European Defense Community (EDC) was not ratified by the French Parliament in 1954, and after abandoning the Fouchet Plan in the early 1960s, the Member States established the European Political Cooperation (EPC) in 1970. It was a modest attempt at foreign policy coordination. Initially, the EPC was separated from economic integration in the context of the European Community. Foreign ministers and diplomats sometimes had to meet for exchanging information on international politics and work on the reconciliation of opinions, as well as joint actions when it is possible and desirable. Over time, the frequency of these meetings and the volume of the agenda increased. The process also became institutionalized. Nevertheless, the EPC remained an informal intergovernmental discussion club until the establishment of the CFSP as the result of the signing the Maastricht Treaty in 1993.

Thus, to explain the relative absence of the EU in foreign policy was not easy. For example, S. Hoffmann, an American political scientist, distinguished "low" and "high" policies in terms of a European project. Perhaps, economic integration was achievable, but cooperation in foreign policy and security "was another ball game". H. Bull, an Australian scholar, was skeptical about the prospects for European integration in foreign policy, arguing that "Europe" cannot be a subject in international affairs.

Thus, theorists of international relations and European integration could explain the slow pace of the EPC development, but they did not understand what the EU's foreign policy actually was. This led to a new approach. Instead of identifying actors in terms of the characteristics of states, several scholars tried to develop innovative criteria for "acting". For example, the former research Director

of the Swedish Institute of International Affairs G. Sjöstedt argued that Europe should be considered as an actor, if de facto it is so.

J. Jupille, an Associate Professor of the Department of Political Science at the University of Colorado, and J. Caporaso, Professor of the Department of Political Science at the University of Washington, proposed to revitalize the EU activity. The EU requires recognition as a member of international organizations or a participant in international negotiations. It must have the authority to act internationally, with legal competence to represent Member States. Through distinctive and independent institutions, it acquires autonomy from Member States. It must have cohesion in terms of its goals, tactics, procedures and results. Meeting these criteria presents a challenge for the EU, especially in the framework of the CFSP. Nevertheless, it is too important to measure the degree of the EU activity in different areas such as politics, regions and time.

When the EPC was renamed to the CFSP in 1993, it was widely recognized that, although the EU might not have been a full-fledged actor, it had a significant “presence” in international affairs. After the end of the Cold War and the collapse of the Soviet Union in 1991, European diplomacy continued to increase its credibility. Although the EU’s reaction to the civil wars in the former Yugoslavia was hardly impressive, the post-cold-war era was more conducive to the EU’s role in world politics. The EU’s foreign policy has also been strengthened by creating new institutions such as the High Representative in 1999. Therefore, the discussion was temporarily settled and turned to the real type of the EU actor.

The EU has traditionally been considered as “civilian force”, which was distinguished by its economic strength and relative military weakness. Thus, the EU was able to transform its economic weight into political goals due to its trade and development policy. Another example is the use of sanctions, which have become the favorite foreign policy tool of the EU. The civil power further gives priority to the settlement of international disputes by diplomatic means and attaches great importance to the international law. The civilian power term is exactly corresponded to the Bill of Europe, devoid of real military power.

The idea of civil authority, however, served as the starting point for the debates of the 2000s. Professor from the University of Bristol I. Manners emphasizes the fact that we must analyze not only the EU’s ability to use civilian and military instruments, but also its ability to form concepts of what is considered “normal” in international relations. From fundamental human rights to stable institutions, the EU tries to present its standards to the rest of the world. The theses “The Normative Power of Europe” states that the EU does it successfully. For I. Manners, the ability to force others to accept their norms is the greatest force. Different researchers developed a concept and studied it empirically. Other scientists suggested other terms, such as ethical strength, structural power, and market power. Some of them disputed the concept that the EU is a normal or realistic power and behaves like any other state.

Perhaps, the strongest criticism is that the normative power of Europe can be considered as a product of its time. The debate coincided with a debate in the United States over the invasion to Iraq in 2003, which led to considerable

transatlantic tensions. It has become fashionable in Brussels to depict the EU as the promotion of respected norms with the support of international law. This rhetoric was uncritically used by defenders of the EU's Regulatory Power as evidence of their thesis. In addition, the 1990s and 2000s were the Golden Age of the European integration.

To some extent, if the EU can be conceptualized as an international actor, this immediately raises the question of how the EU's foreign policy relates to the foreign policy of the nation-states. After all, in order for the EU to be an actor, a certain degree of autonomy is required from its Member States. It should be considered as a separate unit in the international system.

The researchers understand the Europeanization theory as the interaction between the EU foreign policy and foreign policy at the national level. It is also necessary to clarify whether the EU diplomacy complements, replaces or competes with national foreign policy.

It is well known that a number of researchers began to use the Europeanization concept in the 1990s to study the impact of the European integration on Member States. Many of them focused on traditional EU regulatory policies such as transport, cohesion and environmental policies that need to be implemented at the national level. Although the effects of the Europeanization are considered weaker in foreign policy than in regulatory policy, this concept has proven useful in analyzing the relationship between the EU and national foreign policy. Member States are trying to use the EU's foreign policy to realize their own interests. At the same time, they are also subject to the European requirements.

One of the reasons for Member States participation in the EU's foreign policy is to achieve the "scale policy". Most Member States have limited capabilities and make it difficult to achieve international impact. Instead of pursuing a one-sided foreign policy, they may decide to act through the EU structures. The EU not only often gives Member States more leverage, but also protects them in the work with great powers. For instance, the Baltic countries prefer not to turn to Russia. In addition, when it comes to discussing human rights with China, Member States express their concerns through the EU, and not through the national channels of diplomacy. One way to look at the EU's foreign policy is to perceive the CFSP as a continuation of national foreign policy through various channels.

Researchers working in the tradition of "Europeanization" analyze the extent to which Member States succeed in predicting their national interests at the EU level. The use of the EU's foreign policy as a "multiplier of influence" is played out in different ways. Thus, for the President of France, de Gaulle, the very essence of Europe, which became the "third power" during the Cold War, was that France continued to influence in world affairs. At the micro level, Belgium may try to influence the EU's policy in the Democratic Republic of Congo. The idea of a national prediction in the scientific literature is beyond doubt. It is well known that Member States act through international appropriate institutions.

A more contested proposal is whether we also see the Europeanization of the national foreign policy, i.e. whether Member States have adapted their national foreign policy as a result of the EU membership and participation in the EU's

foreign policy. Analyzing the processes of national adaptation, we can distinguish changes in terms of norms and identity, procedures, and substance. It is worth discussing them separately. By participating in the EU's foreign policy-making and its implementation, foreign ministers and national diplomats familiarize themselves with the EU's policies, as well as with the practices and interests of other Member States. This may affect their perception and external political identity. Socialization between elites does not mean that they immediately discard national interests, but they can develop better understanding of other Member States and internalize the European norms of behavior and thinking.

Participation in the CFSP also led to the emergence of new institutional structures. Member States have entire teams of diplomats in Brussels and in national capitals involved in the EU's foreign policy. This is important. For example, K. Pomorska, Affiliated Research Fellow of the European Centre at the Department of Politics and International Studies (POLIS) at University of Cambridge, shows that participation in the CFSP became the driving force of modernization for the Polish Ministry of Foreign Affairs, since it joined the EU in 2004. Finally, we can define the "Europeanization" of the national foreign policy. In a comparative study of 10 different Member States, R. Wong, Associate Professor of the Political Science Department at the National University of Singapore, and C. Hill, Sir Patrick Sheehy Professorship of International Relations at Cambridge University, found that the European policies of all Member States, even the most reluctant, are affected by Europeanization. They cite, for example, the neutral Member States that have had to rethink their foreign policy. In addition, participation in the CFSP expanded the scope of national foreign policy. Thus, Spain suddenly had to worry about the Western Balkans. At the same time, R. Wong and C. Hill also show that countries set limits on how far they want to go.

The picture suggested by the "Europeanization scientists" is mixed. There is clear evidence that a national foreign policy depends on the EU's foreign policy. However, the impact of "Europeanization" varies between Member States and subject areas. It is clear that the Europeanization of national foreign policy is not a linear process of increasing convergence. The direction of national foreign policy is shaped by the European integration, as well as by many other factors, which makes it difficult to adopt certain conclusions.

The concept of Europeanization helps us understand the interaction between national diplomacy and the EU diplomacy. However, it is equally important to consider the positioning of the EU's foreign policy against national foreign policy. Does it replace, complement or compete with the national foreign policy of the Member States? Although this question is often not been asked, it largely implies most of the analytical and political practice of the EU's foreign policy. Moreover, it is important to think about the consistency between what Brussels says and what the national capitals do.

Few would argue that the EU diplomacy completely replaces national diplomacy, but this should not prevent from considering this as a theoretical possibility.

For example, in federal countries, foreign policy and defense are often organized exclusively at the federal level. This served as a model for European federalists in the 1950s, who proposed plans for the doomed EU. The European Constitution of 2004, which was not ratified, introduced the post of High Representative, essentially the EU Foreign Minister. Even after the ambitious title was canceled in the Lisbon Treaty of 2007, some Member States still felt it necessary to include remarks that the CFSP “would not affect the existing legal framework, responsibilities and powers of each Member State regarding drafting and conducting its foreign policy”. They were worried about the possibility that the EU foreign policy would force out national foreign policy.

Looking beyond the abstract “constitutional” debate and looking at daily practice, it is clear that the EU’s foreign policy greatly complements the national foreign policy. The EU’s foreign policy has provided Member States with a forum for exchanging information and opinions as well as coordinating their national positions to achieve greater influence at the international level. The High Representative, the European External Action Service, and about 140 EU delegations also largely fulfill additional functions. Foreign ministers may not seek dozens of mediation meetings between Serbia and Kosovo, which makes the High Representative’s participation useful. The EU delegations around the world also tried not to compete with national Embassies and rather tried to supplement their work.

As has been said, it is not difficult to find examples in which the EU institutions competed with national actors for external representation, visibility and access. The bureaucratic political literature does emphasize the need for the High Representative and the European External Action Service to justify themselves, but this may lead to step on the “territory” of the Member States. Equally important is the possibility that Member States may ignore the EU’s foreign policy objectives when they interact bilaterally with third states and international organizations. This raises the overwhelming question of coherence between the EU and national foreign policy. Despite the efforts of Brussels and the national capitals to build the common foreign policy, there are separate contradictions between them. The CFSP is an area of policy in which Member States seek to remain safe.

The relationship between the EU and national foreign policy is crucial. Member States can act through the EU to gain more influence at the international level. At the same time, the CFSP is putting pressure on Member States to adjust their national foreign policy. Although the EU’s foreign policy often complements national foreign policy, it can also replace and challenge countries' efforts. This fact calls into question coherence of actions. Finally, it is appropriate to pay attention to the management of the European diplomacy. The unique policy development method, by which the EU Member States and institutions coordinate, define and implement the CFSP, influences on the policy outcomes. Thus, the EU’s foreign policy mechanism plays an important role in understanding the role of the EU as an international entity and its relations with the national foreign policy of states.

1.2 Legal Framework of the CFSP

The European foreign policy is mainly studied from a political point of view. This is not surprising, given the fact that this policy area was not part of the original treaty of the European Community and was developed only on the basis of political documents. At the time of the creation of the EU and its Common Foreign and Security Policy (CFSP), the Maastricht Treaty of 1993 established legal norms and began to shape the European foreign policy. However, the legal aspect of the EU's foreign policy was not clear to everyone.

The CFSP takes its official legal start from the signing of the Maastricht Treaty in 1993, which consisted of the creation of the EU based on three pillars. One of these three pillars of the EU was the Common Foreign and Security Policy, which, according to the provisions of the Treaty on the Creation of the European Union, was carried out according to the intergovernmental decision-making method, unlike the customs policy and the common market, decisions on which were made according to the "community method". However, the prerequisites for the formation of the common foreign policy existed before 1992.

1950-60s were marked by the active economic integration of Europe; however attempts to define the common foreign policy remained. Thus, the Rome Treaty of 1957 consolidated the declarative goals of the community, which consisted in solidarity with the former colonies and dependent territories, as well as respect for their desire to flourish. The provisions of the Treaty of Rome called on other European countries for integration. 1970s proved to be very successful in creating the common foreign policy. Despite the failure of the European Defense Community (EDC) and the European Political Community (EPC) projects in 1952, the foreign ministers at the Hague Summit of 1969 again raised the issue of foreign policy cooperation on the agenda. The report of E. Davignon, a Belgian politician, businessman, and former vice-president of the European Commission, made a considerable contribution to the development and success of the summit outcome. According to this document, it is recommended to create the common intergovernmental consultative mechanism through which Member States could achieve "ambitious policies". Thus, the outcome of the session of the Ministers for Foreign Affairs in Luxembourg was the creation and establishment of the European political cooperation (EPC). It was a mechanism for the exchange of information and political consultations at the level of foreign ministers.

In 1975, the Prime Minister of Belgium L. Tindemans proposed the merger of the European Political Community (EPC) and the European Economic Community (EEC). In his speech, he called on the representatives of Member States not to be afraid of the processes of merging and uniting political integration. He also called for the creation of the common defense and foreign policy. However, this idea was reflected only with the adoption of the Single European Act (SEA).

After integrating the EPC system into the community system, a number of summits were held to establish the relationships of the organizations existing at that time. Thus, in 1992, the Petersberg Declaration was adopted, defining the relations of the EU, NATO and the Western European Union (WEU). It expanded the powers of the WEU in the areas of defense, humanitarian aid, rescue

operations, etc. Later, at the 1999 Cologne Summit, the WEU officially entered the EU system.

Until 1992, the EPC was essentially the body coordinating the Union's foreign policy. The 1992 Maastricht Treaty replaced the EPC with the EU's Common Foreign and Security Policy and established it as one of the three community pillars. The basic principles of the CFSP proclaimed the protection of values in accordance with the UN Charter, ensuring security of both the Union and the international, increasing the role of the EU structures in conducting foreign policy, creating the post of High Representative for the Common Foreign and Security Policy. Although the Maastricht Treaty in its provisions decided on the role of the EU and the authorities in determining the Union's foreign policy, the CFSP still was not regulated in accordance with the legal system of unification, as decisions were made on the basis of the intergovernmental method.

In 1997, the Amsterdam Treaty was signed, which decided on reforms in some areas of the EU's activities, including the CFSP, in order to achieve efficiency and effectiveness in the work of the Union. In the field of the CFSP, methods and mechanisms of general policy were elaborated and expanded. Thus, the CFSP not only defined the principles and main directions of activity, but also made decisions on a common strategy.

Such "common strategies" were adopted by the European Council in relation to countries and regions. For example, there are common strategies in relations with Russia (1999), states of the Mediterranean Sea (2000), Central Asia (2007), etc. According to the provisions of the Amsterdam Treaty, Member States have the right to refrain from participating in activities and actions taken by the CFSP [Article J.4]. The post of High Representative of the EU CFSP was established [Article J.8]. To assist the High Representative, an additional foreign policy planning body was created.

The Policy Planning and Early Warning Unit (PPEWU) was also established and led by the High Representative of the CFSP. One of the important decisions under this treaty was the introduction of the principle of a "qualified majority" [Article F.1]. This was introduced in order to bypass the veto of some participants who could slow down the process of taking or making decisions. The right to conclude international treaties on behalf of the entire EU was vested in the European Council, whose decisions were adopted by unanimity, taking into account the recommendations of the State Chair.

The next stage in the development of the juridical base was the summit of the Prime Ministers of France and Great Britain J. Chirac and T. Blair in 1998, following which the United Kingdom changed its position on the CFSP and opened the way for cooperation and integration of the Western European system into the European Union. At the summit in Cologne (1999), the European Security and Defense Policy was launched. The High Representative for the CFSP was responsible for its operation. In accordance with these decisions, the EU Military Committee and the EU Military Headquarter were created, and by 2003 it was planned to create a fifty-thousand-strong EU army. As we know, this issue is under discussion, as in the European circles it is still disputed its necessity with the

existence of NATO. [7] The 2003 Treaty of Nice introduced additional changes to streamline the decision-making process and instructed the Political and Security Committee (PSC). The PSC was created as a result of a Council decision in January 2001 in order to exercise political control and strategic direction for crisis management operations. After the failure of the draft EU Constitution in 2005, its key institutional provisions were revised in another Reform Treaty, signed in Lisbon on October 19, 2007.

One of the main points of Article 47 of the Treaty of Lisbon (Treaty on European Union) granted legal personality to the European Union. This made it possible to conclude international agreements and join international organizations. It also eliminated the pre-existing structure of the three pillars in order to streamline the structure, strengthen coherence and improve the efficiency of the EU actions.

Legal personality has allowed the Union to become a member of international organizations, but the EU membership in international organizations is still the exception rather than the rule with its status. The EU is a full member of international organizations in areas where it has exclusive competence (for example, in the WTO and in most international fisheries organizations), while in other cases (primarily the UN), after the entry into force of the Lisbon Treaty, it received expanded observer status, which allowed to more actively participate in the work of the UN bodies, agencies and programs, primarily the UN General Assembly (UNGA). The adoption of resolution 65/276 on the conditions for the EU participation in the work of the General Assembly on May 3, 2011, aimed at allowing the EU to increase its efficiency, clearly defined the conditions for its participation in the UN and its work. This expanded observer status in international forums allows the EU institutions to increase their visibility in these forums, help establish institutional agendas and more effectively pursue the EU political interests. Full EU membership in the UN will require amendments to the UN Charter. The EU is also a full member of the G20, representing both the Union as a whole and its Member States, which are not G20 members themselves.

The European External Action Service (EEAS) was created after the entry into force of the Treaty on European Union (TEU) on December 1, 2010, and it was assumed that it would perform the functions of the EU diplomatic service under the guidance of the High Representative of the CFSP, which was appointed to the post of Vice-President of the European Commission (Article 17 TEU). The key task in the early stages of its creation was the formation of a cohesive institutional culture. After the entry into force of the Treaty of Lisbon, the former delegations of the Commission became delegations of the EU, fulfilling a wide range of foreign policy functions. They are viewed by many as the “success story” of the EEAS and the Treaty of Lisbon. The European Parliament is seen as a beneficiary of the Lisbon Treaty, including its provisions relating to CFSP issues. Since the Treaty entered into force, the EP has sought to provide adequate interpretation of the relevant provisions of the Treaty, prompting the former High Representative of the CFSP / Vice-President of the European Commission, Catherine Ashton to issue a document known as a political accountability

declaration in 2010, which lists concrete measures for the implementation of the relevant provisions. Article 36 of the TEU requires the High Representative to regularly consult with the Parliament on the main aspects and decisions of the CFSP and inform the Parliament on policy development, requiring that the opinions of the EP be “duly taken into account”.

The EP’s right to receive information and advice on the Common Foreign and Security Policy (CFSP)/ the Common Security and Defence Policy (CSDP) has been further strengthened by the aforementioned Declaration Political Accountability (2010) which inter alia, includes the following measures that need to be implemented:

- Strengthening the status of “joint consultation meetings”, which allow an appointed group of deputies to meet with representatives of the Political and Security Committee of the Council, the European External Action Service (EEAS) and the Commission to discuss the planned and current civilian missions of the European Security and Defence Policy (ESDP);

- Approval of the right of the “special committee” of the Parliament to have access to confidential information related to the CFSP and CSDP issues. This right is based on an inter-institutional agreement of 2002;

- allowing exchanges of views with heads of missions, heads of delegations and other high-ranking EU officials at Parliamentary Committee meetings and hearings;

- instruct the High Representative to appear before Parliament at least twice a year to report on the current status of the CFSP / ESDP and to answer questions.

Although the Lisbon Treaty supported unanimity as a general decision-making rule for the CFSP, there are several cases in which a qualified majority vote (QMV) can be used. Article 31 of the TEU provides for four exceptions when the Council may act in accordance with the QMV, namely:

1. In making any decision determining the action or position of the Union on the basis of the European Council decision concerning strategic interests and objectives;

2. In making any decision defining the actions or position of the Union on the proposal submitted by the High Representative, following the specific request of the European Council, made on its own initiative or on the initiative of the High Representative;

3. In making any decision providing for a decision determining the action or position of the Union;

4. Upon appointment of a special representative in accordance with Article 33 TEU.

The treaty also introduced a special bridging clause (Article 31 TEU), according to which the European Council may allow the Council to use a qualified majority vote (QMV) in cases other than those mentioned above. Although these provisions have significant potential to stimulate the CFSP actions on sensitive political issues (so far quite often paralyzed by the requirement of unanimity), in practice the Council has not used this procedure to switch to QMV. Instead, it endorsed the political consensus reached by unanimity. In addition to the

exceptions provided for in Article 31.2 TEU, the QMV is also allowed in a limited number of other cases, primarily for the creation and financing of the initial fund of military and defense operations (Article 41.3 TEU). The contract also stipulates that the QMV will be used in decisions related to the European Defence Agency (EDA) on the basis of Article 45.2 of the TEU, which states that the Council by voting under a qualified majority decides on the Charter, the seat and the operating rules.

The establishment of the common defence policy, as provided for in Article 42.2 of the Treaty on the Functioning of the European Union (TFEU) still seems remote. Achieving this political goal entails overcoming a number of obstacles, primarily of a political nature. The key barriers to achieving this policy are: the lack of a proper command and control system for military operations of the CSDP (there is no permanent headquarter); inflexible financial rules; the failure of the EU Member States to create a start-up fund to speed up the deployment of the CSDP, and their lack of success in revising the Athens mechanism; as well as the lack of operational activities on key instruments provided for in the Lisbon Treaty to strengthen security and defense, including, inter alia, continued structured cooperation. At a broader level, strategies are often referred to as the gap between the CSDP and other EU policies as a serious impediment to the functioning of the CSDP.

One of the potentially most significant tools related to security and defence provided by the TEU is the Permanent Structured Cooperation (PESCO), proposed in Article 46 of this agreement. This system has not yet been implemented due to the political reservations of some of the EU Member States, which fear that this will lead to the creation of the European army and to the fragmentation of the EU or “two-speed Europe”. Therefore, Article 46 of the TEU, in conjunction with the thematic protocol, provides for a mechanism that allows those Member States that are willing and able to enter into mandatory defence obligations, while the European Defence Agency (EDA) plays a key role in coordinating the efforts of the participating States Members.

Article 44 of the TEU provides for a potentially useful, but hitherto unused, flexibility that can be applied in the areas of the CFSP and CSDP. According to this Article, the Council may delegate the tasks of the CSDP to a group (at least two) of the Member States that wish and have the necessary capacity to perform such a task.

Article 44 of the TEU is usually interpreted as a means for deploying flexible and rapid actions in the field of the CFSP and CSDP, which helps develop the EU's rapid response capabilities. Based on the already existing EU competencies, this does not entail the creation of a new category of the EU activities. Any EU action carried out in accordance with Article 44 still requires unanimity between Member States, but the operation will be planned and carried out by the executive states themselves (under the political control of the Political and Security Committee). Thus, the application of Article 44 will provide greater flexibility regarding participation and is likely to accelerate the speed of deployment. Some

preliminary discussions have begun in the Council regarding the terms and conditions for the use of this provision, but article 44 has not been used to date.

Article 42.7 TEU (mutual assistance reservation) provides that in the event of armed aggression on its territory, the attacked EU Member State may refer to this paragraph in order to request assistance from other Member States, which will then be required to provide assistance “by all means of their authority” in accordance with the UN Charter and in accordance with their obligations to NATO (Article 5 of the Atlantic Charter). The article also contains a point stating that the above provisions do not prejudice the “specifics of the security and defense policies of some Member States” (for example, the neutral status of any Member).

The Concept of Mutual Aid precedes the Treaty of Lisbon and has its origin in the Western European Union, and more specifically, in the Brussels Treaty of 1954, which provided for a mutual protection obligation. However, in the Lisbon Agreement, mutual assistance implies not only mutual protection: it entails both civilian and military assistance from other EU Member States.

Article 222 of the Treaty on the Functioning of the European Union (point of solidarity) states that both the EU and its Member States must act together in a spirit of solidarity if the EU Member State becomes the object of a terrorist attack, natural or man-made disaster. This paragraph implies the use of both civil and military structures of the EU. Like a mutual assistance proposal, it can be initiated by the EU Member State that is subject to a terrorist attack or natural disaster. Although at the moment no EU Member State referred to the reservation of solidarity, some progress was made on paper when the Council, in a decision from June 24, 2014 explained the measures for its implementation. The Council’s decision stated that the Council should monitor the implementation of the solidarity provision, while at the same time setting out the broad mandate of action at the EU level, including the coordinating role of the High Representative in determining all relevant procedures. The same decision also provides for the role of the Presidium of the Council and the right of the Commission initiative in its areas of competence.

Article 41 of the TEU authorizes the Council to decide on the establishment of specific procedures for ensuring quick access to allocations in the EU budget for urgent financing of the CFSP/CSDP initiatives and, in particular, for preparatory activities for all actions referred to in Articles 42.1 and 43 of the TEU, always after consultation with the European Parliament. If these preparatory actions are not charged to the EU budget, they should be funded from an initial fund consisting of the contributions of the Member States. The initial fund has not yet been established, and current financial regulation is considered to be very inflexible with respect to the costs of the CFSP / CSDP. Moreover, lengthy procedures often delay the deployment of the mission and operations of the CFSP.

Thus, we see that the CFSP has a long history of formation and, therefore has a solid legal framework. The idea of forming a common foreign policy began to take shapes immediately after the World War II, despite the fact that it failed at the first stage. With the successful development of economic integration, the question on creating a common political structure again arose on the agenda, and it was

decided by the creation of the European political cooperation (EPC) in the early 1970s. The official beginning of the CFSP was given by the Maastricht Treaty, which declared the CFSP to be one of the three pillars of the European Union, defining its main goals, objectives and functions. The next treaty that reformed the CFSP system was the Treaty of Amsterdam, which established the post of EU High Representative for Foreign Affairs and Security Policy. Although the Nice Treaty made some changes to the work of the CFSP, its provisions were revised after the collapse of the draft EU Constitution by the Lisbon Treaty. All changes made by the Treaty of Lisbon to the Treaty on European Union are today the main legal basis not only of the CFSP, but also of the entire European Union. The EU has obtained legal personality under this agreement, which is very important for unification, characterized by a high level of integration. It is also considered to be the most important because the provisions of the treaty concerned virtually every area of the CFSP and CSDP, starting with the EU membership in international organizations and ending with the principles of the CFSP and the mutual assistance of Member States in various situations. The study of the legal framework is an essential step in analyzing the actions of the European diplomacy in conflict resolving.

1.3 Institutionalization of European diplomacy

The European Union is a political actor, unique in its kind. Sovereignty, as well as the motive for foreign policy action, is shared between Member States and various institutional players. At the same time, on the one hand, each of the Member States has its own foreign policy priorities. On the other hand, the European Union itself speaks with one voice when communicating with third countries and at multilateral summits. There is no other international organization in the world in which so many players would interact at different levels of government as in the EU, as a result of which the process of making foreign policy decisions in the EU is very complex.

Since the EU is not a state, it lacks centralized power and its own state institutions, while its foreign policy reflects, in particular, the general features of the functioning of its specific (supranational) institutions. The institutionalization of the EU diplomacy is based on the foreign policy functions of its main institutions: the European Council, the EU Council of Ministers, the European Commission, the European Parliament, the EU Court, the European External Action Service (EEAS), the EU Special Representatives.

The European Council meets several times a year and consists of the heads of the national executive. Its meetings are also attended by the President of the European Council (currently Donald Tusk), the President of the European Commission (Jean-Claude Juncker) and the head of the European Central Bank (Mario Draghi). The President of the European Council prepares its meetings, chairs them and is designed to facilitate the achievement of consensus. The permanent chairman of the European Council provides the external representation of the European Union. He also has the right to convene an emergency meeting of the European Council, if required by international events. The European Council

determines the general political line of the European Union, reveals its strategic interests and sets certain tasks for it. Regarding foreign policy, the Treaty of Lisbon has given the European Council the role of a strategic leader. Currently, the role of the European Council in EU foreign policy has increased markedly. However, this is not too conducive to its cohesion, consistency and courage, since the national prime ministers are not inclined to assess the long-term consequences of their decisions and assess the situation, first of all, through the prism of their own topical domestic political situation and on the basis of the national elections. As a result, the European Council always works in an emergency mode and almost exclusively focuses on acute crisis situations, and therefore, by and large, it cannot cope with the role of a strategic leader in foreign policy, which it has been given.

The Foreign Affairs Council (one of ten EU Council of Ministers configurations) meets monthly, consists of national ministers responsible for foreign policy, and (depending on a specific agenda) for foreign trade, defense and development policy. But in practical terms, it is no longer the main authority in making key foreign policy decisions, somewhat receding into the shadows against the background of the European Council, on the one hand, and the EEAS on the other. The Permanent Chairman of the Council meetings is the High Representative for Foreign Affairs. But when the Council on Foreign Affairs discusses the issues of the EU's common trade policy, the representative of the state currently presiding in the Council (for the next six months) sits at the head of the table. The EU Foreign Affairs Council makes decisions (votes) on foreign policy actions and positions. Decisions on the CFSP line are taken unanimously - but for some of their aspects, a qualified majority is allowed in the voting. In certain cases (for example, when it is proposed to condemn a certain third state) a Member State may abstain in voting on a certain EU's foreign policy action, without blocking it. The Lisbon Treaty provides for such constructive abstention for the Council (when it must vote unanimously) and for the European Council.

The European Commission for the recognition of specialists has somewhat lost in its former influence after the entry into force of the Lisbon Treaty and related institutional reforms, due to the redistribution of power between institutions. It is believed that in foreign policy this was expressed to the greatest extent. But such an opinion should be recognized as inaccurate, since in all spheres of external relations of the European Union outside the CFSP, the Commission's position in fact has not only been maintained, but (in some cases) has even been somewhat strengthened.

In fact, the European Commission remains one of the most important actors in the field of external relations of the European Union, although the institutional changes introduced under the Lisbon Treaty have really reduced, at least formally, its influence in the sphere of the CFSP. The Commission still plays an important role in the field of external relations of the European Union. It is responsible for drafting the EU budget, including the funds allocated for the CFSP. In the area of direct responsibility of the Commission, the allocation of the EU funds allocated through the neighborhood policy, development policy and the provision of humanitarian aid to third countries remains to be coordinated with the EEAS.

Among other things, the Commission oversees the use of funds allocated directly by the EEAS.

According to the wording contained in the Maastricht Treaty, the Commission was fully associated with the Common Foreign and Security Policy. However, today the former Directorate General for the External Relations (DG RELEX) has poured into the EEAS, and the former delegations of the Commission abroad have become representations (missions) of the European Union.

The Commission retained the right (jointly with the High Representative) to propose to the Council draft decisions concerning the EU actions in an international environment. The Service for Foreign Policy Instruments (FPI), which is responsible for operational expenses, remains a structural unit of the Commission, but must keep a report directly to the High Representative in his / her role as First Deputy Chairman of the Commission. The service should support the achievement of the EU's foreign and security policy objectives, especially with regard to ensuring peace and preventing conflicts, as well as helping to project the interests of the EU and its positive appearance throughout the world.

Working in close cooperation with the High Representative, the EEAS and the EU Delegations (Embassies), the Commission performs the following tasks:

- execution of the CFSP budget;
- implementation of measures to respond to crises and their prevention, which are financed with the help of the Instrument for ensuring stability and peace;
- applying the Partnership Instrument designed to promote the strategic interests of the European Union throughout the world, including solving problems of combating climate change, energy security, as well as supporting the external dimension of the EU efforts to increase its competitiveness and to develop scientific research;
- the use of the Instrument for cooperation with industrialized countries (especially in North America, East Asia, and Southeast Asia with the countries of the Persian Gulf) - implemented annually in the framework of the European Commission for Cooperation long-term regional or country programs, which describe the projects and indicate the allocations for these means);
- the use of the European instrument on democracy and human rights to finance election observation missions in third countries;
- preparation and implementation of proposals for sanctions (the service represents the Commission when discussing sanctions issues with Member States in the framework of the Working Party of Foreign Relations Counsellors (RELEX) and preparing draft sanctions regulations, which are then adopted by the EU Council;
- ensuring the Commission's representation in the "Kimberley Process";
- work to prevent trade in goods that could be used to carry out the death penalty or for torture (the Service prepares delegated acts of the Commission – for example, on lists of such goods).

In the area of trade policy, the Commission is responsible for developing a mandate for conducting international trade negotiations and for conducting the negotiations themselves (of course, such mandates, like the trade agreements

themselves, are subject to approval by the Council and the EP). Strengthening its position was facilitated by the transfer to the exclusive competence of the Union of certain issues - the service sector, trade aspects of intellectual property rights and foreign direct investment (they belonged to the combined competence of the Union and the Member States).

The coordinating role of the Commission on the external aspects of internal policies (environment, transport, and justice), as well as on the neighborhood policy, where the Commission is responsible for the relevant programs, has been preserved. To clarify, the CFSP constitutes only a small fraction of the “broad” EU foreign policy, which also increasingly overlaps with issues of human rights protection, development aid and humanitarian assistance, in which the Commission also retains its control.

The European Parliament does not form a European level government. But the overwhelming majority of the EU Member States are simply parliamentary democracies. In the conditions of parliamentary democracy, the defining political person usually associates with the government line in international affairs and refrains from autonomous foreign policy actions. It is in international relations that such support of one’s own government is more pronounced, since in internal affairs parliamentarians tend to protect the special interests of voters in their own district. However, since the European Parliament does not have its “own” government, this gives it greater freedom in determining its foreign policy positions in the absence of a political need to support the position of the Council, the High Representative for Foreign Affairs or the Commission constitute the EU’s executive power in terms of its foreign policy. Thus, the EP has a significant political autonomy, a certain potential for the development of its own foreign policy identity.

The Lisbon Treaty strengthened the legislative powers of the European Parliament and its position in the EU’s foreign policy, while the EP itself, in practice, achieved even greater foreign policy influence than was supposed by the treaty. Previously, he had no formal role in conducting negotiations on international agreements on behalf of the EU. Now the European Parliament, according to the agreement needs to be informed about the progress of such negotiations. Formally, the High Representative for Foreign Affairs is obliged to consult with the EP on the main aspects and fundamental priorities of the Common Foreign and Security Policy, as well as inform the EP on the development of the CFSP, properly taking the EP views into account. The EP may also ask questions or make recommendations to the Council and the High Representative. Parliamentary debates on foreign policy issues are held twice a year in the EP. But in fact, the Parliament often has to rely on the goodwill of the Council in obtaining timely and relevant information.

The EP claims to influence the content of international agreements that the European Union enters into. The instrument for this is the parliamentary resolutions, which formulate the positions of the EP, set out the conditions on which the European deputies are ready to give their consent. Most often, such conditions imply political conditionality.

Trade policy for the European Parliament, in particular does not look like an end in itself. He sees in it rather a means of promoting the foreign policy goals of the European Union, including the spread of European norms in the world. According to the EP, the EU should strengthen its economic relations with other regions of the world on the basis of peace and the principles of sovereignty, respect for civil liberties and the preservation of the environment, maintaining social standards, human rights and development goals”.

Formally, the EP has no relation to the conclusion by the European Union of agreements within the CFSP framework. But when concluding a wide range of other international agreements (on the association of third countries with the EU, the EU’s accession to the European Convention on Human Rights, agreements involving the use of funds from the EU budget, etc.), including those involving issues The usual legislative procedure is in place, consent is required of the EP. The widely used practice of tripartite negotiations on European legal acts (trilogies) with the participation of the Commission, the Council and the Member States made the EP an important mediator in relevant matters. Much of the work of the Parliament on the CFSP is carried out in specialized committees, especially the Committee on Foreign Affairs (AFET) and its two subcommittees - Security and Defense (SEDE) and Human Rights (DROI), as well as the International Trade Committee (INTA) and the Development Committee (DEVE). These are the main links between the EP and the structures of global governance (including the UN), other EU institutions, the Presidency of the Council and the national parliaments of the member states.

The Committee on Foreign Affairs includes 76 full members and is the largest committee of the European Parliament. Several working groups help it determine its position on certain foreign policy issues (for example, working groups on relations with the UN, with the countries of the Western Balkans, on the Eastern Partnership, on conflicts, security and development, as well as on various financial instruments that are involved in foreign EU policies). The Foreign Affairs Committee rarely does legislative work - with the exception of preparing parliamentary consent (consent) under international agreements, as well as participating in the ordinary legislative procedure once every five to seven years when making decisions on foreign policy financial instruments. A significant part of the work of this committee is to monitor or monitor the actions of the Commission, the Council, the High Representative and the EEAS. A group of European parliamentarians representing large factions of the European Parliament, including the heads of AFET and SEDE, have the right to access confidential foreign policy information passing through the Council.

In 2008, the European Parliament, on its own initiative, created an Office to promote parliamentary democracy in the world. This is an important tool for his work in parliamentary diplomacy. The Office for the Promotion of Democracy (in the Neighborhood and in Developing Countries) is part of the Directorate for Support of Diplomacy of the Directorate General for Foreign Policy of the EP This Directorate also includes an Election Observation Section and a Human Rights Section. The Democracy Support and Election Monitoring Coordination Group,

consisting of 15 people, provides for political leadership to the Office. The group chairs are the heads of the foreign affairs and development committees. He maintains contacts with the Pan-African Parliament (PAP - African Union Parliament), the parliaments of ECOWAS (Economic Community of West African States), SADC (Southern African Development Community), EAC (East African Community), and with regional parliaments in Latin America.

Parliament organizes public debates (held at the plenary level and at the committee level), including hearings and seminars, adopts resolutions and prepares reports on its own initiative, establishes special commissions of inquiry, confirms appointments to various posts. All these opportunities are actively used in relation to the EU foreign policy.

The EP must endorse the multi-year financial framework, including the folder on European External Action, for its entry into force; it accepts (together with the Council) the annual budget of the EU and controls the costs of the integration institutions. The EP has budgetary authority for civilian missions through CFSP and QSO (military operations are not funded from the general budget), which it sometimes uses to influence the content of certain decisions. However, full parliamentary control in this sense is missing. The EP is not formally consulted when making specific CFSP decisions that have budgetary implications.

In total, more than 100 political bodies can be counted, dealing with various aspects of the EU's parliamentary foreign policy covering 190 countries of the world. Among them are the following inter-parliamentary delegations:

- The ACP-EU Joint Parliamentary Assembly. It includes 78 deputies of the EP and the national parliaments of the countries of Africa, the Caribbean Sea and the Pacific (which signed the 2000 Cotonou Agreement);

- The EuroLat (EuroLat), a joint multilateral assembly, which includes 75 deputies from the EP and the Latin American regional parliaments (Parlatino - Latin American parliament), Parlandino (Andean parliament), Parlasen (Central American parliament), Parlasur (Mercosur parliament), and national Congress of Chile and Mexico;

- The EuroNest Parliamentary Assembly (EuroNest) is the Eastern Partnership Parliamentary Forum, which has four permanent thematic committees (on politics, economics, energy and social policy), two working groups (on Belarus and on the rules of procedure) and holds annual plenary meetings - It consists of 60 deputies of the European Parliament and parliamentarians from the Eastern Partnership countries;

- The Parliamentary Assembly of the Mediterranean Union (120 parliamentary representatives from 10 Mediterranean countries. 75 parliamentarians from EU countries and 45 European deputies).

In 2002, at the initiative of the Inter-Parliamentary Union and the EP, the Parliamentary Conference of the World Trade Organization was organized, which has since been convened annually.

Since 2012, the European Parliament and the national parliaments of the Member States have been organizing two inter-parliamentary conferences on foreign policy and security policy annually (such inter-parliamentary cooperation

is provided for in the Protocol to the Lisbon Treaty on the role of national parliaments in the European Union).

EU Court. According to the Lisbon Treaty, the wording regarding the jurisdiction of the EU Court of Justice in relation to the CFSP has been changed [8]. Firstly, the EU Court, albeit in a limited framework, received the possibility of judicial control in relation to certain acts adopted by the CFSP, i.e. the full immunity of this policy in the matter of judicial review is now over. In particular, the EU Court is authorized to control the legality of restrictive restrictions that apply to individuals and legal entities. Now individuals and legal entities are able to challenge the legality of any restrictive EU measures that are taken in the framework of the CFSP.

Secondly, the role of the EU Court of Justice in ensuring the preservation of the border between the external competences of the EU, which are based on the Treaty on the Functioning of the EU (former external relations) and on the treaty provisions relating to the CFSP, was reconfigured. An EU court may have the right to vote in relation to international agreements concluded by the EU containing aspects related to CFSP. The EP may also challenge the Council's assertion that this agreement relates exclusively to the CFSP field.

Thirdly, the ability of the EU Court to ensure compliance with the principles that form the basis of the legal order of the European Union, has received a broader interpretation than before. As a result, he is not so powerless in this area, as it might seem at a superficial glance. After all, it is he who is on guard of constitutional norms (democracy, rule of law, respect for fundamental rights), as well as the principles enshrined in the primary law of the EU (primarily in the fundamental treaties: for example, the principles of fair cooperation and a common approach).

The European External Action Service officially became operational on January 1, 2011. The service is headed by the EU High Representative for Foreign Affairs and Security Policy, who / at the same time is the Vice-President of the European Commission and the Permanent Chairman of the EU Council in the format of foreign ministers (Council of Foreign Ministers) Affairs), as well as the formal head of the European Defense Agency (EAO).

The first High Representative for Foreign Affairs in the format specified by the Lisbon Treaty, in November 2009, became the British Catherine Ashton. In 2014, she was replaced by Federica Mogherini.

The High Representative is appointed by the European Council, which acts by a qualified majority, with the consent of the head of the Commission. But in order to take on the role of the Commission as its vice-chairman, the future High Representative must also appear in the EP to answer questions, and then his / her candidacy is subject to approval by the European Parliament (with the entire new Commission).

The duties of the High Representative of the Union for Foreign Affairs and Security Policy include the following:

- (1) maintaining the EU foreign policy;

(2) coordination of the work of thematic instruments for the implementation of EU foreign policy;

(3) participation in the development of a common course in the foreign policy of countries;

(4) regular attendance at EU Heads of State and Government meetings at the European Council;

(5) ensuring the consistency of external actions of the European Union, which are taken in different directions;

(6) representation of the EU in matters relating to the common foreign and security policy, conducting political dialogue with third parties on behalf of the European Union, speaking about the position of the EU in international organizations and at international conferences;

(7) the management of the EEAS and the delegations of the European Union in third countries and international organizations;

(8) management of the European Defense Agency and the EU Institute for Security Studies.

The competences of the High Representative are as diverse as his / her structural relationships with various institutions and bodies. As a member of the Commission, it must comply with the internal rules of the EC and follow the communitarian (supranational) method of doing business. In matters of "high" foreign policy, it should fit into the intergovernmental method.

From the head of the foreign service of the European Union are waiting for the execution of four roles, which, for the most part, lie in different planes:

(1) the role of the leader in the conduct of foreign policy together with the EU member states, but without prejudice to their interests, which would allow the promotion of a common defense policy;

(2) the role of a mediator between EU countries in the event of a conflict of interest, which will facilitate the establishment of a dialogue, the search for mutual understanding and compromise - for this purpose the High Representative acts as the permanent chairman of the EU Council on Foreign Affairs;

(3) the role of the guarantor of the stability of the EU foreign policy, which requires it to be a good enough manager to ensure the coordinated actions of all EU institutions and their units that have competence in the international arena;

(4) the roles of diplomat and person representing the EU in the outside world.

Since September 1, 2016, the German diplomat Helga Maria Schmid has been appointed Secretary General of the Service. The Secretary General oversees the daily work at the headquarters of the EEAS. The Under-Secretaries-General oversees the main areas of work of the Service, including five major departments by geography: in Asia-Pacific, in Africa, in Europe and Central Asia, in the Greater Middle East and in America.

They are joined by the Department of Human Rights, on global and multilateral issues (including the coordination of EU efforts in the area of international development, as well as the promotion of democracy). The separate block is formed by the bodies operating in the field of security policy and defense, as well as crisis management.

According to the Lisbon Treaty, the system of EU delegations became part of the European Foreign Policy Service. The EU delegations work in close cooperation with the diplomatic and consular missions of the member states. In their daily work, they emphasize their added value in the efforts of national diplomatic services. But at the same time, the EU delegations are becoming significant diplomatic actors, who have more weight and who are more visible in the host country than most national embassies. They are designed to perform three tasks:

- to represent the European Union in third countries on a wide range of issues;
- coordinate the efforts of Member States and help them;
- contribute to the formulation of the EU foreign policy as an integral part of the EEAS.

Since delegations provide a direct and permanent link between Europe and third countries, we can call them an important tool for providing the European Union with a common voice in the world. The mandates of the EU delegations and heads of delegations are defined in the Council decision of July 26, 2010 (Art. 5) [9]. It states that EU delegations should assist EU institutions, in particular, the European Parliament, in their activities in third countries, as well as support EU countries in their diplomatic relations and provide consular protection to European citizens in third countries. Delegations are responsible not only for foreign policy issues, but also for those EU internal policy issues that have an international dimension, but are still within the purview of the Commission.

Heads of delegations receive instructions from the High Representative to whom they obey. The Commission also has the right to send instructions to the heads of delegations on issues that go beyond the general defense and security policy. At the same time, in order to mitigate inter-institutional contradictions, the Commission sends a copy of such instructions also to the High Representative and EEAS. The interaction between delegations and the EEAS boils down to the fact that delegations regularly send to Brussels analytical reports on their work and on the state of affairs in the host country.

Special representatives have a special place in EU diplomacy (currently there are 9). Special Representatives are present in such regions and countries as Central Asia, the Middle East, Afghanistan, Bosnia and Herzegovina, Kosovo, the South Caucasus and Georgia, the Horn of Africa and the Sahel. In addition, in 2012, the post of EU Special Representative for Human Rights was established. There are also three special envoys: on non-proliferation and disarmament in the field of nuclear weapons, on outer space and on the peace talks in Colombia. The first two were assigned to the EEAS and are under the responsibility of the Secretary General of the Service. The third, appointed in November 2015, works under the direct supervision of the High Representative (special envoys are less closely associated with the Council than special representatives). In 2016, the EC Chairman Juncker appointed his own envoy to promote freedom of religion or faith outside the EU.

Special Representatives are called upon, first of all, to assist the EU High Representative for Foreign Affairs in resolving international conflicts in problem

countries and regions. The first special envoy, Aldo Ajello, was appointed to the region of Great African Lakes (March 1996), followed by the appointment of another EU Special Representative for the Middle East peace settlement (November 1996). At that time, the European Commission in Africa already had many permanent missions, but they were engaged in development assistance, trade and construction of institutions, and member states did not consider them important actors in the “high” policy and security sphere, which includes conflict resolution.

The appearance of such a position in the 1990s reflected the already long EU involvement in conflict resolution processes in the countries of Central Africa and the Middle East, but the main task of the special representatives was initially only to collect data on the situation in the conflict zone so that The EU, on the basis of the information received, could with greater confidence build its course towards a specific country or region.

The countries of destination of the special representatives fall into three groups: the countries of the Western Balkans, which are candidates for EU membership; countries participating in the European Neighborhood Policy (ENP); non-members of the ENP, which, nevertheless, are subject to the strategic interests of the EU. Note that not all special representatives are physically located in the regions of their destination - most of them are constantly working in Brussels, periodically visiting the countries of their mandate.

Special representatives are not part of the formal hierarchy of the EEAS. In fact, it is a tool of the Council, which operates under the strategic guidance of the Committee on Policy and Security (PBC), which is part of its structure. The process of appointing special representatives is enshrined in Art. 33 of the Treaty on European Union, where it says: “The Council, at the proposal of the High Representative of the Union for Foreign Affairs and Security Policy, may appoint a special representative whom he gives a mandate for certain political issues. The Special Representative carries out his mandate under the leadership of the High Representative. ” The choice of a specific person for the post of special representative is always the result of a compromise and coordination of the positions of the participating countries on different candidates. However, the formal proposal for their appointment is in the competence of the High Representative.

The post of special representative is occupied, as a rule, by high-ranking diplomats from the countries of the Union who have previously worked either in international organizations, or in EU institutions, or in national ministries of foreign affairs.

Among the main functions of the EU Special Representatives can be identified information, mediation and financial. Representative tasks, in turn, are assigned to the heads of EU delegations. The EU delegations are also involved in all issues of trade and economic cooperation. The special representatives closely cooperate with the internal structures of the EU and act as coordinators in coordinating the positions of all participants in the process of developing the EU foreign policy towards a particular country or region. The information that the

special representatives directly transmit from the scene of the development of events is especially important for those EU countries that themselves do not have a wide network of diplomatic agencies abroad.

A key function of special representatives is mediation in the peaceful resolution of conflicts. They take on mediation in negotiations between the conflicting parties, offer options for resolving conflicts, and use different diplomatic methods. If the EU has a mission in the region, the special representative is automatically included in its commanding staff. Based on their observations and findings, they prepare reports for the Policy and Security Committee.

On behalf of the united Europe, the special representative participates in negotiations with local authorities, maintains relations with ambassadors of third countries and international organizations. Many EU Special Representatives participate in international coordinating committees in conflict zones.

In the secondment regions, special representatives also collaborate with local authorities and civil society organizations. Supporting the processes of state-building, democratic transformation and the formation of new institutions, they are in fact involved in local political processes.

The EU Special Representatives make a significant contribution to the development of a common EU foreign policy, inform and coordinate EU member states on issues relating to situations in their region, establish contacts with other actors, including local authorities, third countries and international organizations. Special representatives have repeatedly proved their effectiveness in resolving conflicts; therefore, for more than twenty years, they have remained an important and very flexible diplomatic tool at the disposal of the EU Council. Even after the entry into force of the Treaty of Lisbon, special representatives have not lost their significance. The special representatives are more appreciated by the member states than by the EU institutions (their status relative to the EEAS remains somewhat uncertain).

Thus, it is necessary to summarize that in the institutionalization of diplomacy of the European Union, EU institutions play an important role, such as the European Council, the Council of Ministers of the EU, the European Commission, the European Parliament, the European Court of Justice, the European External Action Service perform a number of major foreign policy and diplomatic functions.

Control questions and tasks for self-control:

1. Is it possible to give a clear definition of the concept of "European diplomacy"?
2. What is the difficulty of the EU conceptualizing as an international actor?
3. Where does the idea of the common foreign policy come from?
4. When was the post of the High Representative CFSP established? What does "legal personality" mean?
5. What are the main EU institutions that perform foreign policy functions?

6. Which of the organs (institutions) of the EU is the most important in the field of foreign policy and diplomacy? Why?
7. What are the main functions of the EU Special Representatives?