Making the Case for Europe?

An Exploratory Study of
EU Consular Crisis Management Cooperation
as a Means of EU Public Diplomacy

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Abstract

Initially off to a slow start, European Union (EU) consular crisis management cooperation eventually developed as a response to exogenous factors. Given that guaranteeing the safety of one's citizens is seen as one of the core responsibilities of the nation state, however, the EU's Member States still seem reluctant to transfer this responsibility to the European level and the EU institutions.

At times equated with propaganda*, both the terminology and practice surrounding* public diplomacy *has received increased attention recently. Though not always labelled as such, public diplomacy efforts have gradually been stepped up by national foreign ministries and the EU institutions.*

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Against the backdrop of this renaissance for consular affairs and public diplomacy, the current study examines EU action in the field of consular crisis management cooperation as a means of EU public diplomacy, potentially affecting the alleged (internal) lack of support for the project of an ever closed Union among the EU citizens, as well as serving the EU's public diplomacy purposes vis-à-vis foreign audiences.

On the basis of legal provisions, budget allocations and proven action thus far in the field of public diplomacy efforts related to EU consular crisis management cooperation, a number of conclusions are suggested:

According to existing legal provisions, there is considerable scope for EU efforts in this field. Though it could potentially later be challenged by Member States and/or other EU institutions, the so-called institutional prerogative – which is often used as the legal basis for budgetary commitments in the field of information and communications by the European Commission – could be applied also to EU public diplomacy efforts in this area, i.e. (increasingly) funded through the Community budget.

Though the enabling legal conditions are in place, and a number of budget lines exist that could be used to this end, to date a very limited number of initiatives have been realised.

Looking at existing data regarding public opinion and EU consular cooperation, it seems that EU citizens (though to a varying degree, depending on the EU Member State and other demographical variations) would welcome an increased role for the EU in the area.

Regarding public diplomacy, recent developments cannot be confined to the EU alone, but tend to be part of a broader trend which can be labelled the "societization" of traditional diplomacy, characterised by closer links between diplomacy and society.

In terms of the limits of EU consular crisis management cooperation as a means of EU public diplomacy, constraints include the issue of responsibility, the distribution of credit and blame, national sensitivities, and differences in Member States' resources and representation.

Finally, arguing that the potential for European efforts in the field of consular crisis management as a tool of effective EU public diplomacy (both within the Union and outside) is great, it is surprising that not more attention is given to the area – especially in light of the Commission's discourse on delivering tangible benefits to the EU's citizens. To move from action as a mere response to exogenous factors to a situation where it is part of an EU policy of deliberate public diplomacy, the Union still has a long way to go.

KEYWORDS

CONSULAR AFFAIRS

CRISIS MANAGEMENT

EUROPEAN CITIZENSHIP

PUBLIC DIPLOMACY

LIST OF ABBREVIATIONS AND ACRONYMS

CFSP	Common Foreign and Security Policy
COCON	Consular Cooperation Working Party (Council Working Group)
DG	Directorate-General
EC	European Commission
EEAS	European External Action Service
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUSR	European Union Special Representative
GAERC	General Affairs and External Relations Council
GSC	General Secretariat of the Council of the European Union
JHA	Justice and Home Affairs (former name for JLS)
JLS	Justice, Liberty and Security (formerly known as JHA)
JRC	Joint Research Centre (part of the European Commission)
MFA	Ministry of Foreign Affairs
PD	Public Diplomacy
Relex	External Relations
SG/HR	Secretary General/High Representative for the Common Foreign and Security Policy (post currently held by Javier Solana)
SitCen	EU Joint European Situation Centre, located within the GSC
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
URL	Uniform Resource Locator ('website address')

Every citizen of the European Union is entitled to the consular protection of any Member State's diplomatic or consular representation […] The diplomatic and consular representations approached shall respond to the request for protection by the person concerned […].

Decision 95/553/EC, Articles 1 and 2

[I]t is impossible really to get an accurate picture of the number of casualties from where I am. […] There are no kind of emergency services here, there are no helicopters thumping through the sky to come to save people. It is a do-it-yourself rescue.

Eyewitness of the Asian tsunami, quoted by BBC

[P]ublic opinion is the medium in which we now operate. All diplomacy is therefore public diplomacy.

James Traub in The New York Times Magazine article "Persuading Them"

PART I. INTRODUCTION

1. A Renaissance for Consular Affairs and an Awakening for Public Diplomacy

Three trends are currently happening simultaneously:

The role of diplomacy is changing: Traditionally characterised by secret negotiations between governments behind closed doors, diplomacy and global events in the 21st century are carefully scrutinised 24/7 by journalists and other actors not hesitating to hold politicians and governments accountable.[3]

People travel more and further away: EU citizens alone make some 80 million trips per year to third countries, around nine percent – or seven million – of whom go to countries where their Member State does not have a consular of diplomatic representation. Additionally, approximately two million EU expatriates live in a third country where their Member State is not represented. When major crises happen – such as the Asian tsunami of 2004, the Bali bombings of 2005, and the Lebanon evacuations of 2006 – travellers in large numbers are affected.[4]

Citizens' expectations are rising. With the media giving attention to human interest issues that attract voters and readers, public opinion and support can quickly sway if the government is perceived to not 'do something about it.'[5] One of the combined effects of

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[3] Several researchers have suggested this, *inter alia* Jönsson (2002) and Melissen (2006).
[4] European Commission (2007c).
[5] See *inter alia* Heijmans and Melissen (2006), p. 1.

globalisation and the late 20th century communication revolution is global networks that transcend national boundaries and a more activist civil society.[6]

But what are the reasons behind these trends? Why has consular affairs and emergency response seen a renaissance? And why now? After all, natural disasters are not new, nor is the importance of how the government handles them or – and of greater importance – how the government is *seen* to handle them; Juan Peron's rise to power in Argentina was largely based on earthquake response,[7] and U.S. President George W. Bush and his administration received massive criticism for its handling (or lack thereof) of the aftermath of Hurricane Katrina in 2005.[8]

Some suggestions exist:

According to various scholars and practitioners, the change of focus of diplomacy has happened gradually over the course of the last 15   20 years, and as a result of a fundamentally altered power equation in the international system. This would be a consequence of the end of the Cold War, the 9/11 attacks, and rapidly emerging new economic powers, which in turn carry the risk of diminishing the geopolitical and geostrategic significance of small and middle-sized countries.[9] Attractiveness means maximising the flow of inward investment and drawing skilled immigrants to keep and improve a country's competitiveness.[10] "[T]he combined forces of globalization and the democratization of access to information are changing the environment in which public diplomacy operates", as Gonesh and Melissen put it.[11] Three additional – and linked – factors recur in work trying to explain this shift: transparency, accountability, and integrity. Transparency, first of all, because the public demands much higher levels of transparency, recognising that this is necessary to make decisions, for example whether to

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[6] Melissen (2008), p. 3.
[7] Brookings Institution (2008), p. 17.
[8] See *inter alia* Bumiller (2005).
[9] Gonesh and Melissen (2005), p. 3.
[10] Langhorn (2008), p. 59.
[11] Gonesh and Melissen (2005), p. 5.

invest in a country. Accountability, secondly, is due to the fact that providing information is not enough; a firm commitment to accountability among government officials could strengthen the demanded credibility, which often is identified as needed for successful public diplomacy. Integrity, thirdly, is considered required for the first two to function effectively, because what matters in the end is individuals "doing the right thing".[12]

Additionally, the blurring of public diplomacy (external dimension) and public affairs (domestic dimension) is due to several factors: Government alone can no longer resolve the foreign policy problems of the twenty-first century; citizens yearn for greater government accountability and transparency; and foreign policy and domestic policy are increasingly intertwined.[13] And, as observed by Gonesh and Melissen, "When an issue is not directly addressed […] [t]hey may attract the media's attention […], and thus the issue moves from one of citizen and media concern to one of political importance."[14]

It has even been suggested that public diplomacy is part of a wider phenomenon or an expression of broader patterns of change in diplomacy, which could be characterised as the 'societization' of diplomacy, the idea that we are witnessing a tightening link between diplomacy and diplomacy.[15]

Given that the support for European integration is weak among its own citizens,[16] the EU is in search of a new narrative. The European Commission has repeatedly stated that the EU must prove its added value, and in its Annual Work Programme for 2009 – symptomatically called *Acting now for a better Europe* –, it stresses that its priority is to bring direct benefits to its citizens.[17] But what can the EU do that might have a positive

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[12] Gonesh and Melissen (2005c), pp. 22   23.
[13] Gonesh and Melissen (2005), p. 6.
[14] Gonesh and Melissen (2005b), p. 14.
[15] Melissen (2006), p. 7.
[16] According to recent polls, 53 percent of Europeans still support EU membership, but 15 percent consider their country's membership in the EU as a bad thing, and 27 percent believe it is "neither good nor bad". European Commission (2008d), p. 31.
[17] European Commission (2008b), p. 2.

influence on people's lives and prove that An Ever Closer Union is still relevant and desirable?

Several major crises in recent years have had a considerable impact in some EU Member States; over 500 Swedish and German lives were lost in the 2004 Asian tsunami, and the Lebanon crisis in the summer of 2006 triggered the biggest evacuation of British, Danish and Swedish citizens since World War II.[18] If consular crisis management cooperation on an EU level would prove to be more efficient than EU Member States assisting their own citizens individually, could this be an effective EU public diplomacy tool which would influence public opinion, both within the Union and outside? If so, provided that the job is done right and perceived as such, could "Europe Aid" move the needle in terms of the EU's popularity?

Though there is an abundance of existing research in the fields of public diplomacy, (nation) branding, crisis communication, and (to a lesser extent) consular crisis management, respectively, very little seems to exist that combine the different fields. This is quite surprising, not the least given the increasing interest in both public diplomacy and citizens' expectations in terms of consular crisis assistance. Or, as Melissen – who is one of very few who has connected the areas – puts it: "In these two fields of diplomatic work people are beginning to look like consumers and in public diplomacy as much as in consular affairs the MFA [Ministry of Foreign Affairs] is actually delivering a product. In both fields of activity the MFA is also confronted with the issues of image and reputation: public diplomacy is about the management of the country's image and consular affairs may directly affect the image of the MFA itself."[19]

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[18] Regarding British citizens, see Evans (2006); regarding Danish citizens, see 'Evakuering' (2009); regarding Swedish citizens, see Undevik (2009).
[19] Melissen (2006), p. 7.

This is an attempt to start changing the lack of research, and the author hopes that the present study can be a building block in the process.

1.2 Purpose, Structure and Academic Contribution

This paper has three main purposes:

1. First, to briefly outline the development and current state of European Union (EU) consular crisis or emergency management cooperation as articulated in Art. 20 TEC, according to which "Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection."[20]

2. Second, to attempt to summarise EU public diplomacy efforts in general – with a focus on the external dimension (though the border between the internal and external dimensions tend to be blurred; for a brief discussion on public diplomacy versus public affairs and the 'intermestic' nature of the EU, please see chapter *1.4 Definitions, Limitations and Potential Bias*). What is currently being done? What is the institutional set-up? What resources are available?

3. Third – against the findings in descriptive parts one and two   , to look at consular crisis management cooperation as a means of EU public diplomacy: What would it mean and what are its limits? To make this assessment, we will analyse four factors in terms of

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[20] European Union (2006), p. 50.

public diplomacy activities as applied to EU consular crisis management cooperation: (i) What do legal provisions say? (ii) How much resources are committed, in terms of budgets available? (iii) What is currently being done? and (iv) What do public opinion polls suggest?

The proposed structure broadly follows the three purposes: While the first part of this thesis covers its purpose, methodology, and discusses definitions, limitations and potential bias, the second part comprises an overview of EU consular crisis management cooperation and EU public diplomacy activities in general. The third part is an analysis of EU consular crisis management cooperation as a means of EU public diplomacy, as analysed through legal provisions, available budget, and existing initiatives, including a critical view of what we know about public opinion and what conditions would need to be fulfilled for activities in this field to 'move the needle'. Finally, in our concluding part, we will suggest a number of observations based on our findings.

In terms of academic contribution, the strength of this paper is neither its brief description of the EU's cooperation and institutional set-up in terms of consular crisis management, nor its (non-exhaustive) overview of EU public diplomacy efforts in general. Instead, the author hopes to bring these two areas of research closer together, and investigate what consular crisis management cooperation as a means of EU public diplomacy would mean, including its potential and limits. At present, the linkage has only been done in a very limited number of studies – and in no case applied to the area of EU consular crisis management cooperation.[21]

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[21] As far as the author knows, only Professor Jan Melissen and Research Fellow Maaike Okano-Heijmans at the Clingendael Institute in the Netherlands have brought the two areas together in a structured manner.

1.3 Methodology

As outlined above, this thesis has three main purposes. Given the slightly different nature of the three parts, the methodology chosen is somewhat varied for each of the three segments:

For the first part – a description of the development and current state of European Union (EU) consular crisis management cooperation as articulated in Art. 20 TEC –, we will use existing research. Given the EU's role in consular crisis management and European Union cooperation in the field is relatively limited, and that amendments to the institutional set-up might have happened in recent time, our aim was initially to find material which was as up to date as possible. In case of a need to complement scholarly work, we had the intention to carry out interviews with key actors (in Brussels and, possibly, in a number of capitals of the EU Member States). Thanks to Madelene Lindström's generous sharing of her still unpublished findings, however, our material is most topical and updated and interviews were deemed unnecessary for this brief, descriptive overview.

In terms of the second part – an attempt to summarise what is currently being done in terms of EU public diplomacy activities in general – there is not an indefinite number of sources. The perhaps most comprehensive overviews to date – Fiske De Gouveia's and Plumridge's *European Infopolitik: Developing EU Public Diplomacy Strategy* and the EPC-commissioned working paper by Dov Lynch (*Communicating Europe to the world: what public diplomacy for the EU?*) which were both published in November 2005 – we therefore considered as our main sources, in addition to relevant core documents produced by the Council of the European Union and the European Commission. This initial list of readings was eventually supplemented primarily by Steffen Bay Rasmussen's *The images and practices of EU public diplomacy*, from 2008. Though we in no way claim that our sources are exhaustive, we would like to believe that they cover the domain satisfactorily and are adequately up to date.

Looking at our third part, finally – an analysis of consular crisis management cooperation as a means of EU public diplomacy , we will go to the sources: To make our assessment, we will analyse four factors in terms of public diplomacy activities as applied to EU consular crisis management cooperation: (i) What do legal provisions say? (ii) How much resources are committed, in terms of budgets available? (iii) What is currently being done? and (iv) What do public opinion polls suggest? The methodology chosen is, we believe, intuitive and logical: In terms of legal provisions, we will look at the legal basis for relevant public diplomacy activities (i.e. applied to the studied area); regarding budgetary resources, we will explore the most recently available general budget of the European Union, and discuss what budget lines might be employed for this purpose; in terms of action underway or already undertaken, we will conduct research and – based on this – crosscheck our findings against key actors in this field who are likely to be aware of (other potential) EU initiatives in this field; finally, when taking a critical look at what we know about this field, we will utilise available public opinion data.

1.4 Definitions, Limitations and Potential Bias

First of all, three (normative) caveats are motivated:

A 'diplomacy of deeds' – meaning to help (the world) – is sometimes dismissed by critics who see it as a means to impress audiences abroad (and voters at home) by showing how kind and generous a country or donor is.[22] If we were to adopt this point of view, any 'good' deeds would be the subject of ridicule and distrust and hence their value declared null and void. Instead, we argue, one can and should (still) do good, i.e. help individuals in distress (though according to clearly defined conditions and norms and ideally in line with the recipient's realistic level of anticipation), and in doing this the actor can prove her value; getting credit can only be achieved when deserved.

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[22]Brown (2007).

Second, it should be absolutely clear that consular emergency assistance is provided first and foremost on the basis of a need to assist our (EU or national, depending on the context and point of view) citizens; public diplomacy or public affairs concerns can only come further down the list. In other words: We should not provide emergency assistance because we think we are going to benefit from it, but because it is the right thing to do (and, in the case of consular assistance – though at different levels and differently defined in various states – sometimes a legal obligation). But given the increased interest in and focus on consular crisis or emergency relief, and a perceived need for the EU to gain a better reputation and show tangible results with the European citizens (and abroad), it would be a lost opportunity not to factor the public diplomacy/public affairs dimension in.

Third, a crucial assumption is being made in this study: Though not very realistic, we will take (existing) EU consular crisis management cooperation as a given, i.e. treat it as an independent factor. What does this mean? Though it could be argued that how the EU manages a consular crisis – and is *seen* to handle it – is likely to affect how EU citizens (and possibly constituencies outside the Union) perceive the EU at least as much as any number of, say, posters and TV ads would, by design we choose to disregard this factor in the present study. The reason is simply that the opposite choice would change the focus of our research, and would require us to make a qualitative assessment of how the EU's consular crisis management cooperation would work in a hypothetical situation. This is not very feasible, at least not within the given framework, but the limits this puts on our conclusions will have to be kept in mind.

In a restricted study like this, time and space limitations unfortunately do not allow for several aspects to be included – regardless of their importance – and a number of clarifications are called for:

In terms of EU management and cooperation in the field of consular affairs, please note that the focus will be on *crisis* or *emergency* management cooperation, i.e. when urgent help is needed in times of an acute crisis affecting a large number of persons, rather than

on the day-to-day business of consular affairs (for example individuals losing their passport).[23]

There is an ongoing debate about *public diplomacy* and the terminology surrounding it, its similarity to or difference from *propaganda*, *branding* and *public affairs*, its usefulness, etc. Although we originally drafted a comprehensive chapter on this topic, for reasons of lack of space and in order to keep the study focused, we eventually decided to discard it. Instead, we will limit ourselves to say that public affairs and public diplomacy is not the same thing, and that in the United States there is even a legal barrier between the two. Even if we believe that a clear distinction is needed between what is done domestically and what is undertaken internationally, both in terms of theory and accountability, in this study we will not employ a strictly separate application of public affairs and public diplomacy. Though aware of and recognising the difference between the two, given the increasingly 'intermestic' nature of society (not the least within the European Union),[24] and for reasons of simplification, we will utilise the following working definition of public diplomacy, as applied both vis-à-vis foreign audiences and

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[23] This being said, a water-proof division between the two is however difficult to achieve, due to the progressive nature of consular affairs; one example would be a situation in which an individual consular case (in a 'normal situation') escalates – perhaps through the attention of media – and becomes the focus of high-level bilateral negotiations. But for reasons of simplicity in this restricted study, we will assume a quite clear division is possible to achieve.

[24] The term 'intermestic' is an abbreviation of the words 'international' and 'domestic', and represents a kind of strategic management approach in the field of international affairs which views the spheres of domestic and international spheres as equally important. It is often applied to understand U.S. foreign-policy making, for example, in analysing the relationship between the Administration and Congress. In Europe, former UK Minister for Europe Denis MacShane has repeatedly stated that Europe is now governed by intermestic politics: "Our domestic problems can no longer be solved politically within national frontiers. Foreign or European ministers like myself now have to think in intermestic terms too. Long gone are the days when diplomats and foreign policy specialists could negotiate treaties or do deals without reference to domestic constituencies." MacShane (2003). In the increasingly blurred domestic and international world that European Union policy-making constitutes, we believe the approach useful in the current study.

Theoretically, the intermestic notion is directly linked to Robert D. Putnamn's two-level game theory, according to which "The politics of many international negotiations is conceived as a two-level game. At the national level, domestic groups pursue their interest by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalition among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign development. Neither of the two games can be ignored by central decision makers, so long as their countries remain interdependent, yet sovereign." Putnam (1988), p. 434.

the internal constituencies of the Union: "Getting other people on one's side."[25] 'One' in this case is 'the EU' (however defined or understood), given that 'the perception of the EU' would be the dependent variable in any effort to 'move the needle'.[26] This working definition will be complemented by a brief overview of what is done in terms of EU public diplomacy activities in general, which will hopefully clarify what the term might mean on a practical level.

Though this thesis will touch upon private actors and their increasing involvement in public diplomacy, we will focus on the role of state actors, namely governments and the European Union's institutions more specifically. More distinctively, when discussing 'the EU' – both in terms of EU consular crisis management cooperation and EU public diplomacy –, we will focus on the Council of the European Union (including its General Secretariat) and the European Commission; the European Parliament has been excluded for lack of time and space, whereas the role of Member States only is referred to in a limited manner, mainly in chapter *2.1 EU Consular Crisis Management Cooperation: A Brief Overview*, and only mentioned in passing in chapter *2.3 EU Public Diplomacy: A Summary*.

Scholarly work regarding public diplomacy at times deal raises questions about the institutional set-up of public diplomacy, i.e. where the function of public diplomacy best can be guaranteed in the design of an institution or agency. This issue will only be touched upon very briefly here. Nor will this study focus on another huge challenge in terms of public diplomacy, namely how to assess the impact of public diplomacy activities.

The increasing importance of consular affairs at times includes the less positive effects of increased traveling and more open borders, namely the increase in cross-border crime such as smuggling, violence, illegal immigration and human trafficking;[27] though these

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[25] Melissen (2006), p. 2.
[26] It has also been suggested that the public diplomacy of a federal structure is of special significance, in that it is two-faced: Facing inwards and outwards at the same time. See *inter alia* Potter (2002).
[27] Manojlovic and Thorheim (2007), p. 15.

aspects of consular affairs might at times perhaps amount to 'crises', they will not be covered in this study.

Though we might briefly touch upon the issue of legitimacy, or lack thereof, of European Union decision-making, this will only be mentioned in passing and as a back-drop to the present study; the debate surrounding the alleged lack of support for the European integration project will continuously linger in the background but cannot be given its own place here.

Something also needs to be said about the choice of terminology or wording: Why 'consular crisis *management cooperation*' rather than 'consular crisis *assistance*'? After having giving this matter a lot of thought, it was decided to use the former, the main reason being that the focus should be on the management of the consular crisis and how the different EU actors cooperate, including how this is linked to public diplomacy activities of these efforts, rather than on the provided assistance itself.

As interesting as it would be, given the lack of clarity surrounding the status of the Lisbon Reform Treaty and its provisions on the establishment of the European External Action Service (EEAS) at the time of writing, its possible impact on EU consular crisis management cooperation as a means of EU public diplomacy has to be excluded from this study; we will instead base our study on the legal framework currently in place.

Additional limitations apply to the chapter *3.1.2 Budgetary Resources*; since these are mainly of a technical nature, they are instead specified in the chapter in question.

Given the author's intimate involvement in (EU) Public Diplomacy, his independence might be questioned and a bias perhaps assumed. It should, however, be noted that the author is also on leave of absence from the Swedish Ministry of Foreign Affairs, and though formally any employee of the European Commission should neither take nor seek instructions from any government, it could also be argued that the MFA employment might constitute a bias in favour of an intergovernmentalist/Member State or even

Swedish perspective. The author claims that he can separate between his professional roles and his academic responsibility, and the two hats might instead provide further argument for a balanced view. Finally, this study should be seen as an individual contribution in no way associated with the European Commission or the Swedish Ministry of Foreign Affairs, and the author assumes full responsibility for its contents.

PART II. EU CONSULAR CRISIS MANAGEMENT COOPERATION AND EU PUBLIC DIPLOMACY

2.1 EU Consular Crisis Management Cooperation: A Brief Overview

Providing consular services have traditionally been the responsibility of individual states. This is true also for the European Union, though the nature and scope of consular services vary considerably between the EU Member States. While some countries recognise the right to consular services under law, others do not; and where some Member States charge evacuated citizens for an evacuation, others do not.[28] Inside the European Union, all 27 Member States are represented in all other states. In other words, any EU citizen can seek consular assistance of his or her country from its Embassy and/or consulate in any given EU country.[29] Outside the Union, however, all Member States are represented in only three capitals: Washington, Beijing, and Moscow. In 18 countries outside of the Union, no Member State is represented, and in 17 countries only one Member State is represented.[30]

The European dimension of consular affairs has a brief history: Though the European Convention on Consular Functions and its Protocols have been open to signature by all EU Member States since the Convention was established in 1967, it has received little attention – not the least since consular privileges, immunities, and relations were covered already by the Vienna Convention on Consular Relations of 1963.[31] This changed with the Treaty of Maastricht in 1992, which introduced what is commonly known as the second and third pillars of the Union: the Common Foreign and Security Policy (CFSP); and Justice and Home Affairs (JHA, later changed to JLS for Justice, Liberty and Security). Flanking the second pillar, the Treaty of Maastricht also introduced the notion

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[28] Lindström (2009), p. 4.
[29] *Ibid*, p. 1.
[30] European Commission (2007d).
[31] Heijmans and Melissen (2007), p. 14.

of "European citizenship", which could have remained an empty notion had it not been for article 8c of the Treaty,[32] which states that:

> Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.[33]

As Porzio has pointed out, the establishment of the necessary rules to implement the provision was left to the Member States, and not to the European Commission or the Union.[34] Though the text was introduced in 1992, it would take three years until the EU countries arrived at a common decision (95/553/EC), which is considered by many to be "a defining point in consular assistance and protection".[35]

As important as decision 95/553/EC may be, however, it is a very brief document – and one which has received criticism for its careful approach: "The one page decision seems as anxious to avoid financial assistance, and to guarantee full repayment in cases of extreme distress, as to alleviate suffering."[36]

Despite the brevity of the decision, it would take another six and a half years before it actually came into force: After a long process of ratification by the then 15 Member States, the decision was enacted on 3 May 2002.

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[32] Porzio (2008), p. 93.

[33] Article 8c of the Treaty of Maastricht became Article 20 (TEC) under the Treaty of Amsterdam in 1997, and will henceforth be referred to as Art. 20.

[34] Porzio (2008), p. 94. Three conditions have to be fulfilled for an EU citizen to be entitled to this consular protection: (i) The absence of an Embassy, a Consulate General or Consulate of the citizen's own Member State in the third country in which the citizen requests protection; (ii) the absence of an accessible Honorary Consul competent for such matters of the own Member State or another state representing it on a permanent basis; and (iii) the citizen requesting protection has to show a passport, identity card or other document as a proof of his or her nationality. European Commission (2007b).

[35] Porzio (2008), p. 94. Council Decision 95/553/EC.

[36] Grahn (2008).

The timing of the final ratification is not a coincidence: Until the terrorist attacks of 11 September 2001 in the United States (9/11), Art. 20 had been a theoretical model, basically translating what already happened on the ground via bilateral agreements between EU Member States. In cases of stranded families and airplane crashes, mutual assistance and cooperation dealt with a relatively limited number of individuals. 9/11 made it clear that thousands of EU citizens may be affected at the same time.[37]

The 9/11 attacks were followed by a succession of events which made it clear that not even the best, most all-encompassing and most resourceful consular services could cope on their own:[38] The Bali bombings (12 October 2002), the tsunami in South-East Asia (26 December 2004), the Sharm-el Sheik bombings (23 July 2005), Hurricane Katrina (August 2005), and the Lebanon evacuation (July   August 2006). The evacuation from Lebanon was, for several EU countries, the biggest evacuation of their own citizens since the Second World War.[39]

In terms of institutional set-up within the EU system, consular cooperation falls under the CFSP pillar with matters of consular cooperation being handled by the General Affairs and External Relations Council (GAERC).[40] At working group level, consular issues are dealt with by the Consular Cooperation Working Party (COCON), established in 1993 but which for many years remained a "club of port and cigars".[41] The Council also hosts the European Joint Situation Centre (SitCen), which plays the most prominent role assisting the rotating Presidency of the EU or the designed so-called Lead State.[42] Within the European Commission, two Directorates-General (DGs) are involved in consular affairs: the DG for Justice, Liberty and Security (DG JLS), and the DG for External

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[37] Porzio (2008), p. 94.
[38] *Ibid*.
[39] This is true for at least the UK, Denmark and Sweden. Regarding British citizens, see Evans (2006); regarding Danish citizens, see 'Evakuering' (2009); regarding Swedish citizens, see Undevik (2009).
[40] Lindström (2009/forthcoming), p. 4.
[41] Heijmans and Melissen (2007), p. 14.
[42] Porzio (2008), p. 96. The Lead State concept aims to protect EU citizens in crisis situations particularly in third countries where some Member States do not have any representation. It is the role of the Lead State to coordinate measures for the protection of EU citizens during a crisis for example by providing information to citizens on site and to responsible authorities in capitals, as well as to coordinate an evacuation if necessary. The concept was first put into practice in Chad in January 2008 (with France as the designated Lead State). Lindström (2009/forthcoming), pp. 9   10.

Relations (DG Relex). In terms of aspects pertaining to European citizenship and consular protection by Member States, DG JLS is the department taking the lead, whereas it is DG Relex for matters of consular protection outside the Union, in practice related to support given by Delegations in consular crises.[43]

In parallel to the crises mentioned above and in their search for closer cooperation, the COCON group began drafting guidelines and a best practice code.[44] Successive guidelines were established between 2000 and 2007, where the consular working group's approach was of sharing information, contingency planning, and – "when possible" – resources.[45] These guidelines are not legally binding, even if it has been claimed that recent crises have given them a "special status", as all Member States follow them.[46] In addition to Decision 95/553/EC, the only other legal instrument within the area of consular cooperation on an EU level was established in 1996, when EU Member States agreed on a uniform format for an emergency travel document ("ETD"; 96/409/CFSP). An ETD is a document which can be issued in case of loss, destruction or theft of a passport while travelling, and allows the holder to undertake a single journey to the Member State of which s/he is a national, to his/her country of residence or, in exceptional cases, to another destination.[47]

At times, a distinction is made between four different phases of a crisis – the prevention phase, the preparation phase, the response phase, and the recovery phase – though for reasons of limitations we will here focus only on the response phase:

As Porzio has pointed out, both the European Commission and the Council Secretariat have a clear advantage over Member States – not having citizens to assist. This means that the role of EU institutions in times of crises in general is to "assist Member States to assist their citizens". In practice, this is limited to providing help with logistics, such as

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[43] European Commission (2009). Though outside the scope of this study, the European Parliament also covers these issues. This is done through its Committee on Civil Liberties, Justice and Home Affairs. Lindström (2009/forthcoming), p. 4.
[44] Porzio (2008), p. 94.
[45] *Ibid*.
[46] Porzio (2006), p. 4.
[47] European Commission (1996).

premises, transportation and communications.[48] If worst comes to worst and an evacuation is deemed necessary, Member States have to rely on their own individual contributions, i.e. no common EU resources like strategic transport capacity are available.[49] In certain cases, however, Member States may offer personnel but lack the means to bring these to where they are needed. If so, Member States can request the activation of the Community Mechanism for Civil Protection, which is forwarded by the Monitoring and Information Centre (MIC) to a network of national contact points. These contact points assess their available resources and inform the MIC whether they are in a position to help.[50]

Though limited, the last three years have seen a number of proposals and initiatives to strengthen EU consular cooperation in terms of crisis management – ranging from minor to more ambitious suggestions:

- In the spring of 2006, the Austrian Presidency of the EU and the European Commission asked former European Commissioner Michel Barnier to draft a report that, though concentrating on civil protection issues at the European level, also included consular aspects and, *inter alia*, proposed the establishment of common European consulates;[51]
- On 28 November 2006, the European Commission adopted a Green Paper on diplomatic and consular protection of European Union citizens in third countries, containing a wide range of proposals;[52]
- In December 2006, the Finish Presidency presented a "Report on Reinforcing the European Union's emergency and crisis response capacities";[53]

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[48] Porzio (2008), p. 96.
[49] Lindström (2009/forthcoming), p. 10.
[50] European Commission (2007h). Given that the network was initially used to assist in cases of environmental disasters, the MIC is managed by the Directorate-General for Environment of the European Commission. Council Decision 2001/792/EC, Euratom (2001). The relevant text states that its aim is "to help ensure better protection, primarily of people but also of the environment and property, including cultural heritage, in the event of major emergencies, i.e. natural, technological, radiological or environmental accidents occurring inside or outside the Community, including accidental marine pollution." (Article 1.2).
[51] Barnier (2006), p. 24; Porzio (2008), p. 95.
[52] European Commission (2006).

- Later the same month, High Representative for the CFSP Javier Solana and the European Commission presented a report to the European Council, specifically aimed at closer consular cooperation;[54]

- On 29 May 2007, the European Commission organised a public hearing on its Green Paper of November 2006;[55]

- In June 2007, a proposal by France and the UK was formalised into a concept on the role of a Lead State during consular crises;[56]

- On 5 December 2007, on the basis of its Green Paper and reactions received through the public consultation, the European Commission presented its Action Plan 2007   2009, a "non-exhaustive roadmap" for measures the Commission intends to propose during these three years. Proposals for consular protection of EU citizens were among its top priorities for 2008, and the European Commission is currently planning to conduct a survey of Member States' experiences of consular cooperation among EU missions in third countries;[57]

- 6 May 2008, the European Commission published a Recommendation to reproduce the first sentence of Art. 20 TEC and a reference to an EU website (http://ec.europa.eu/consularprotection) in passports issued by its Member States after 1 July 2009. For passports issued before this date, Member States were recommended to make a sticker available containing the same information, Finally, Member States were invited to inform the Commission 18 months from the publication of this Recommendation in the *Official Journal of the European Union* of action taken in response to this Recommendation (counting from 6 May 2008, the target date would mean no later than early November 2009). Interesting to note is that the website indicated in the *Official Journal* (referenced above) does not work ("HTTP 404 Not Found");[58]

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[53] Council Document 16097/06.
[54] Council Document 16231/06.
[55] European Commission (2007d).
[56] Council Document 10715/07. Porzio (2008), p. 95.
[57] Lindström (2009/forthcoming), p. 13. European Commission (2007b).
[58] European Commission (2008e), recommendations 1, 2 and 3. The URL given in the *Official Journal*, http://ec.europa.eu/consularprotection, was last accessed by the author on 16 April 2009 at 12:00 noon.

- On 1 December 2008, the COCON working group established that following exercises and on the basis of practical experience in terms of the Lead State concept, Member States "will consider the option of formalising this framework through a legal decision";[59]
- 18 20 February 2009, the Czech Presidency of the EU organised a "Seminar on Public Awareness Raising in the Event of Major Disasters", the purpose of which was to compile a list of issues for inclusion in Council conclusions with the aim of creating recommendations to the Commission and the Member States for future action. Three working groups were organised, the second of which was asked to look at public information and education aimed at the EU population. Its recommendations included a focus on the prevention phase of a crisis (112 phone number), two-way communication, differentiated approaches depending on the target group (children, the elderly), and improving the role of embassies and consulates in providing information to citizens in cases of emergency.[60]

It is clear from this list of recent initiatives how important consular issues have become for the EU and its Member States. Yet, Member States are still primarily, "perhaps one should say exclusively",[61] responsible for assisting their citizens. We will look more at this and its possible implications on public perception in the concluding chapter of our analysis, *3.2 A Critical View: What Do We Know?*.

2.3 EU Public Diplomacy: A Summary

As already established by several observers, the potential of European Union public diplomacy efforts is enormous; the Union, with 27 Member States, almost half a billion citizens, and a global GDP of some 30 percent, should – by its mere size alone – be visible. In three capitals in the world (Washington, Beijing, Moscow), all 27 and the European Commission have a foreign mission each, whereas the EC on its own has 136

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[59] Council Document 16618/08, paragraphs 3 (of the Introduction) and 6.1.
[60] Council Document 7085/09.
[61] Porzio (2008), p. 95.

Delegations across the globe, second only to the United States.[62] On an aggregate EU level, Europe has ten times as many representations as the U.S.[63] The sum of activities conducted by the 27 Member States make the collective EU easily the most active and well-funded public diplomacy actor in the world. In terms of spending, France alone reportedly uses the equivalent of more than USD 1 billion annually, or USD 17 per capita, on combined public diplomacy activities, which can be compared to the United States which spends a mere USD 0.65 per capita.[64]

It should also be pointed out, however, that public diplomacy activities (targeting external audiences) tend to be competitive rather than cooperative; regardless of what Member States decide to call it, public diplomacy is an acknowledged strategic tool for many European governments. Not only are they inevitably reluctant to surrender or share this with other governments, but it is usually conducted to further the national interest rather than used in a pan-European effort.[65]

While some claim that "the influence of the EU in the world and its ability to be heard are inversely proportional to the number of people and bodies claiming to represent and speak for it"[66], others point out that though the EU does not speak with one voice this does not necessarily mean that there is not, "on an abstract level, a common self-image and common messages transmitted by the cacophony of EU voices." It can also be claimed that diversity *is* the EU brand, which is lived out on a daily basis, through the actual functioning of the EU.[67]

On a European level, both the General Secretariat of the Council of the European Union and the European Commission conduct public diplomacy activities targeting primarily external audiences – though public diplomacy is in most cases not the employed term. Instead, these are referred to as "information activities" which include passive (websites,

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[62] European Commission (2009).
[63] Porzio (2008), p. 97. According to Porzio, the United States has approximately 400 missions around the world.
[64] Numbers from 2005. Fiske de Gouveia and Plumridge (2005), p. 11.
[65] *Ibid*.
[66] Missiroli (2005), p. 8.
[67] Bay Rasmussen (2008), p. 6.

publications, for example) and active measures (speaking tours, exhibits, etc.). In the Council, Directorate-General F (Communication, Information Policy and Protocol) takes the lead, whereas the High Representative for the CFSP plays an active role, in addition to having his own spokesperson. Within CFSP activities, also the EU Special Representatives (EUSRs) play a public diplomacy role as the focal point for local media.[68]

The European Commission, however, is the main actor in terms of public diplomacy; in addition to its operations at headquarters in Brussels, the Directorate-General for External Relations oversees PD efforts conducted by the 136 Delegations outside the Union. In addition to DG Relex, also other Directorates-General of the so-called Relex family have their own information and communications unit.[69] Of DG Relex' information and communications budget of approximately EUR 8M, around 70 percent is destined to the work of the Delegations. This amount can be compared to the budget allotted to domestic communication within the EU, which is approximately ten times as much.[70] On a practical level, cooperation is already taking place between the General Secretariat of the Council and the Commission's DG Relex on informing (internal and external audiences) about CFSP and ESDP issues, whereas within the European Commission the so-called Relex Information Committee ('RIC') regularly meets at an operational level to, *inter alia*, exchange information and identify issues where joint projects could be carried out.[71]

In the field European foreign policy, at least three major, recent changes with a likely impact on the EU's related PD efforts have been identified: (i) The adoption of the European Security Strategy (ESS) in December 2003, which was a serious attempt to 'define the problem'; (ii) the ESDP has widened both functionally and geographically

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[68] Lynch (2005), p. 26.
[69] *Ibid*, p. 27. The so-called Relex family DGs generally include DGs External Relations, Trade, Development and Relations with African, Caribbean and Pacific States, EuropeAid, Echo (the European Commission's Humanitarian Aid Office), Enlargement and, occasionally, Economic and Financial Affairs (for external issues).
[70] Bay Rasmussen, p. 10.
[71] There is also a certain level of coordination between all EU institutions through the Inter-Institutional Group for Information (IGI), which meets regularly at the level of Vice-President to coordinate information issues. European Commission (2006b), pp. 10   11 (in the English version).

(broader missions, geographically stretching from the near region to Africa and Asia); (iii) the ESDP has 'hardened' (shift from first to second Headline Goal, the establishment of battle groups). Not necessarily internally consistent, it has been suggested that these changes will make the EU's message (even) fuzzier.[72]

In light of this complex institutional set-up, with multiple actors and possibly inconsistent messages, the European Commission early 2006 adopted "*The EU in the World. Towards a Communication Strategy for the European Union's External Policy, 2006   2009*. The link between internal and external audiences is established already in the first two paragraphs of the Communication; though focusing on improving the Commission's information policy in respect of non-member states, the Communication states that "there is a need to maintain a more sustained, open dialogue with the public *within the EU* on the Union's external policy", and "[b]etter informing the EU's citizens of the external dimension of the Union's activities and their relevance to the stability, security and prosperity of the Union also plays its part […]." It reminds the reader that 'the EU in the world' is one of three priorities of the Barroso Commission and as a means to reduce public confusion over different messages emanating from different policy actors, the European Commission must seek stronger coherence of its messages.[73]

This focus on European citizens must be seen against the backdrop of recent EU internal developments: Following the Danish "no" to the Treaty of Maastricht in 1992, the Irish rejection of the Treaty of Nice in a referendum in 2001, and the turned down Constitutional Treaty by France and the Netherlands in 2005, there was a perceived need to better explain to Europe's citizens what the European Union and (further) European integration were about. Applied to initiatives and policies within the European Union, the Commission's new approach was outlined in its 'Plan D' (where D stood for Democracy, Dialogue and Debate) in October 2005. Plan D was said to put citizens at the heart of European policies, and was based on three principles: listening to citizens, taking their

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[72] Lynch, pp. 6   7.
[73] Interesting to note is that the draft strategy identifies five priority areas where this is particularly needed: Global solidarity, enlargement, the European Neighbourhood Policy (ENP), Africa, and strategic bilateral relationships (i.e. consular cooperation does not feature in this list – or in the document). European Commission (2006c), pp. 1   2 (in the English version).

views and concerns into account; communicating how the EU policies affect their everyday lives; and connecting with citizens by "going local", i.e. addressing people in their national or local settings and using their favourite form of media.[74]

More recently, the Commission in its *Communicating Europe in Partnership* presented on 3 October 2007, proposed an Inter-institutional agreement on communication, the aim of which was to achieve a convergence of views on the main communication priorities of the European Union as a whole; to identify the added value of an EU approach to communication on specific priority issues; to develop synergies concerning the resources used by each institution; to carry out activities related to these priorities; and to encourage Member States to cooperate. This was immediately followed in the text by a clear limitation: "This does not prevent each EU institution from having separate, institution-specific communication activities geared to its specific role and to its stakeholders".[75] Following up to the Commission's proposal, the External Relations Council meeting on 29 April 2008 in its conclusions requested the European Commission to pay due regard to the Union's policies as a whole and to the role played by institutions and bodies within them.[76]

It is clear that the EU's public diplomacy potential is enormous, but that many actors are involved, which makes drafting and agreeing on consistent messages more challenging. Perhaps the area of EU consular crisis management cooperation could prove less challenging and more straightforward, with clearly identifiable messages and direct benefits for both EU citizens and audiences outside the Union?

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[74] European Commission (2005). European Commission (2008).
[75] European Commission (2007), p. 15.
[76] Council of the European Union (2008).

PART III. ANALYSIS

3.1 Analysis of Legal Provisions, Budgetary Resources and Actions Undertaken

As stated in *1.4 Definitions, Limitations and Potential Bias*, the focus of this study will be on the European Commission and the General Secretariat of the Council of the European Union; the European Parliament is not included in the following analysis.

3.1.1 Legal Provisions

Any budget commitment undertaken by the European Commission must have a legal basis; without a legal basis the action cannot be initiated. As a general rule, the legal basis is a law based on an article in the Treaty giving competence, or right, to the Community for a specific policy area and setting out the conditions for fulfilling that competence (including budget implementation). Certain Treaty articles authorise the Commission to undertake certain actions, which imply spending, without there being a further legal act.[77] One example – of direct relevance to this study – is information and communications activities, which are based on the Commission's so-called institutional prerogatives.[78] For reasons of clarity, however, in the following part individual references to the legal basis used will be made for each quoted budget line.

3.1.2 Budgetary Resources

In the following part, three caveats have to be pointed out:

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[77] European Commission (2009d).

[78] Council Regulation (EC, Euratom) (2006). The text of Article 49 states that: "[T]he following may be implemented without a basic act provided the actions which they are intended to finance fall within the powers of the Communities or the European Union: […] (d) appropriations for one-off actions, or even actions for an indefinite duration, carried out by the Commission by virtue of tasks resulting from its prerogatives at institutional level pursuant to the EC Treaty […]."

1. Please note that amounts referred to below refer to budgetary resources available in the form of <u>commitment appropriations for 2009</u>; since payment appropriations generally are allocated to cover outstanding commitments for one or several budget years (previous commitments), to include also these would not accurately reflect existing resources;

2. Please note that amounts quoted are budget items that *potentially* could be used for public diplomacy activities in the field of EU consular crisis management; this does not mean that these resources (fully) are currently being used to this effect;

3. In terms of budgetary resources of the European Commission referred to below, it could be argued that (a portion of) the budgets of both DG Communications, the Office for Official Publications of the European Communities (OPOCE) and the Joint Research Centre (whose Institute for Protection and Security of Citizens provides scientific and technological support to EU policies, including crisis management)[79] should be included in this part of the study. In order not to overestimate existing available resources that *could* be used for public diplomacy activities pertaining to EU consular crisis management (both internally and externally), however, we have made a deliberate decision to calculate existing resources in as conservative and modest an approach as possible and hence excluded these.

European Commission

In the EU budget, there is no reference to "public diplomacy"; public diplomacy activities are in general instead referred to as "information activities".[80] Of relevance to this study are European Commission (Section III) budget lines under Title 18 – "Area of Freedom, Security and Justice" –, Title 19 – "External Relations" – and, and to a lesser extent, Title 07 – "Environment" – under which civil protection falls.

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[79] European Commission (2009e).
[80] Or "information and communications activities". See *inter alia* Lynch (2005), p. 26.

Starting with Title 18 ("Area of Freedom, Security and Justice"), Chapter 08 ("Policy Strategy and Coordination"), three budget lines are of interest to this study: 18.0406, "Fundamental rights and citizenship", 18.0801, "PRINCE – Area of freedom, security and justice", and 18.0805, "Evaluation impact assessment".

The budget line pertaining to "Fundamental rights and citizenship" is intended to, *inter alia*, support promoting the development of a European society based on respect for fundamental rights as recognised in Article 6(2) of the Treaty on European Union, including rights derived from citizenship of the Union; strengthening civil society and to encourage an open, transparent and regular dialogue with it in respect of fundamental rights. In particular, this appropriation is said to cover (among other initiatives) the organisation of public campaigns and events; development and maintenance of websites; preparation and dissemination of information material. The legal basis for this budget line is Council Decision 2007/252/JHA of 19 April 2007, establishing for the period 2007 to 2013 the specific programme 'Fundamental rights and citizenship' as part of the general programme 'Fundamental Rights and Justice' (OJ L 110, 27 April 2007, p. 33; corrigendum OJ L 141, 2 June 2007, p. 83).

Budget line 18.0801 is said to cover the funding of priority information measures on Community policies in the field of justice and home affairs in relation to the establishment of an area of freedom, security and justice. Examples of information activities include internal web sites, public events, communication products, and Eurobarometer surveys. According to the accompanying remarks, measures are designed to be an effective channel of communication and dialogue between people of the European Union and the Community institutions and take account of specific national and regional characteristics, in close cooperation with Member State authorities. The provision is also said to cover the funding of an awareness-raising campaign by the Commission, in cooperation with civil society, on EU citizens' rights.

Budget line 18.0805 is intended to cover a list of five items, one of which is "to prepare for the implementation of pilot projects and preparatory actions". The legal basis for both

budget line 18.0801 and 18.0805 is Article 49(6) of the Financial Regulation, institutional prerogatives of the European Commission.[81]

"Fundamental rights and citizenship" receives **EUR 14.2M** in commitment appropriations for 2009 (up from EUR 12M in 2008, an increase of approximately 18 percent), "PRINCE – Area of freedom, security and justice" **EUR 5M** (down from EUR 7.814M in 2008, a decrease of approximately 36 percent), while "Evaluation impact assessment" obtains **EUR 900,000** (down from EUR 1M the previous year, a decrease of 10 percent). No explanation for either change is indicated.[82]

Turning to Title 19 ("External Relations"), two budget lines – 19.1102 and 19.1103 – are of interest to us: According to the remarks for budget line 19.1102, entitled "Information programmes for non-member countries", the information activities to be carried out under this budget line fall into two broad categories: horizontal activities and logistical support from headquarters, and activities carried out by Commission Delegations in non-member countries and vis-à-vis international organisations. Activities include the production and distribution of publications on priority themes as part of an annual programme; the production and dissemination of audiovisual material; the development of information delivered via electronic media (the internet and electronic message systems); support for the information activities of opinion leaders that are consistent with the European Union's priorities. In terms of decentralised measures carried out by Delegations in non-member countries and vis-à-vis international organisations, the Delegations have to propose an annual communication plan in line with the communication goals laid down for each region and each country which, once approved by headquarters, is assigned a budgetary allocation. These measures fall into six categories: (1) newsletters, (2), websites, (3) relations with the media, (4) information products (other publications, graphic material, etc.), (5) organisation of events, (6) other activities (this includes, since 2007, the management of the network of information points). The legal basis for this

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[81] European Parliament (2009).
[82] *Ibid*.

budget line is, in line with what is described above, Article 49(6), i.e. tasks resulting from the Commission's prerogatives at institutional level.[83]

The total budget appropriations for commitments (i.e. new initiatives) for 2009 for this budget line (19.1102) is **EUR 14.35M**, which can be compared to EUR 10.7M the previous year. This represents an increase of approximately 34 percent, which can likely be explained by the initiative to fund news broadcasts in Farsi to Iran, as instigated by the European Parliament.

Budget line 19.1103, "The European Union in the World", is intended to cover the funding of priority information and communication activities directed toward the citizens of the EU and dealing with the EU's external policies as a whole. Areas covered include efforts to address a weak public perception of external assistance, initiatives pertaining to the European Neighbourhood Policy (ENP), information activities – to be carried out in cooperation with the Council – on the aims and development of the common foreign and security policy (CFSP), the organisation of visits for groups or representatives of civil society, all with a particular focus on the future of the EU's external policy. The legal basis is, as for the budget line mentioned above, Article 49(6); in addition, a reference is made to Regulation (EC) No 2049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).[84]

This budget line (19.1103) receives a total of **EUR 5M** in commitment appropriations for 2009, to be compared to EUR 3M in 2008. The increase by 40 percent is not given an explanation in the General Budget for Title 19, but a possible reason is intensified information and communications efforts in the lead-up to the possible coming-into-force of the Lisbon Reform Treaty and the establishment of a European External Action Service (EEAS).

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[83] European Parliament (2009).
[84] *Ibid*.

As we have seen in the chapter on EU consular crisis management cooperation above, the area of environment also plays a role in terms of consular crisis management in the sense that the European Commission's Monitoring and Information Centre (MIC) – as a tool of the Community Mechanism for civil protection – is managed by DG Environment.[85] Though featured in a very limited manner, consular assistance is mentioned in Title 07 ("Environment") of the General Budget: Budget line 07.0401, "Civil Protection Financial Instrument", is said to cover "in particular" a list comprising 14 items, out of which one is "the support to consular assistance to EU citizens in major emergencies in third countries regarding civil protection activities, upon request from the consular authorities of the Member States". Though this provision does not mention public diplomacy or information activities specifically, the wording seems to suggest that this would be allowed, at least on the condition that Member States request it. Unlike for the two DG Relex budget lines, the legal basis here is not an institutional prerogative, but Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument (OJ L 71, 10.3.2007), and Council Decision 2007/779/EC, Euratom of 8 November 2007 establishing a Community Civil Protection Mechanism (recast) (OJ L 314, 1.12.2007).[86]

The 2009 commitment budget appropriations for budget line 07.0401 amount to **EUR 18.5M**, which can be compared to a total of EUR 20M the previous year. No explanation as to the reasons for this slight decrease (-7.5 percent) is given.

General Secretariat of the Council of the European Union

Turning to the budget of the General Secretariat of the Council of the European Union (the Council Secretariat), it is evident that its financial resources are much more restricted: In the EU's general budget, Section II (Council) Title 3 refers to "Expenditure arising out of the institution's performance of its specific missions". Chapter 33 ("Operating Expenditure") contains two sub-headings, 3311 for "General publications"

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[85] See *inter alia* European Commission (2007e).
[86] European Parliament (2009).

and 3312 for "Information and public events". According to the accompanying remarks, the former is intended to cover the costs of preparing, publishing by traditional means (paper or microfilm) or electronic methods and disseminating Council ESDP/CFSP publications other than in the Official Journal, whereas the appropriations for the latter are for expenditure on information under the EDSP/CFSP. Neither mentions a legal basis, but both include a reference to "Amount of assigned revenue in accordance with Article 18(1) of the Financial Regulation: p.m."[87]

Budget line 3311 ("General publications") receives EUR 90,000 in commitment appropriations for 2009 (unchanged from the previous year), while item 3312 ("Information and public events") obtains EUR 55,000 (which can be compared to EUR 50,000 in the previous year, i.e. an increase of 10 percent, though from a very low level).[88]

According to Giorgio Porzio, Head of Unit in the EU Joint European Situation Centre/General Secretariat of the Council of the European Union at the Cabinet of SG/HR Javier Solana in Brussels, the Secretariat has no specific budget for consular activities, but expenditure is made on a case-by-case basis, drawing from the resources available in other departments, including the press/information budget.[89]

To summarise, it is clear from a budgetary standpoint that the General Secretariat of the European Union at most has a symbolic (potential) public diplomacy role: Even considering its *total* information and communications budget of **EUR 145,000** (EUR 90,000 and 45,000 for "General publications" and "Information and public events", respectively), this is extremely limited compared to a very conservative estimate of what could be available to the European Commission in the area of public diplomacy activities related to EU consular crisis management; the total of the numbers above amounts to

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[87] European Parliament (2009).
[88] *Ibid*.
[89] Porzio (2009).

EUR 57.95M.[90] Though it can be argued, for example, that the Civil Protection Financial Instrument is intended to cover a majority of items which is *not* public diplomacy-related activities, we have already pointed out that the budgets of DG Communications, the Office of Office for Official Publications of the European Communities (OPOCE) and the Joint Research Centre (JRC) – which could arguably also partially be employed for such purposes – are not included in the mathematical exercise. Hence, though the total potential budget of both institutions in this area (EUR 58,095,000) should not be taken as an exact number, it can be seen as an approximate total budget that *could* be used to this end should the institutions so choose (and the Member States and the European Parliament let them).

3.1.3 Action Undertaken

Caveat: Please note that all action referred to below pertains not to EU consular crisis management per se, but to public diplomacy activities related to the field of EU consular crisis management.

According to Giorgio Porzio, Head of the Classified Communications Networks and Consular Affairs Unit of the EU Joint European Situation Centre/General Secretariat of the Council of the European Union at the Cabinet of SG/HR Javier Solana in Brussels, consular guidelines exist that already suggest that the responsibilities for "information management" for consular crisis matters lie with the Council Secretariat.[91] This does not seem to be entirely reflected by action undertaken, however (please see initiatives three and four below).

Thus far, five – soon six – initiatives exist in this field:

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[90] The European Parliament has, for reasons outlined above, intentionally been excluded from this study. Interesting to note regarding the European Parliament, however, is that the European Union Visitors Programme, which is a clear EU public diplomacy tool, is jointly managed by the European Parliament and the European Commission, though it was initiated in 1974 by the European Parliament. Scott-Smith (2005).
[91] Centre for European Policy Studies (2007).

1. A brochure on "European Consular Assistance" was issued on 10 March 2006, and exists in 21 of the 23 official EU languages (Bulgarian and Romanian missing). The brochure is a two-page .pdf file which folded turns into a ten-page document informing citizens that they are (also) citizens of the European Union and, as such, can ask another Member State's Embassy or Consulate for help. The brochure mentions the Charter of Fundamental Rights, as reconfirmed in the Constitution for Europe (which was eventually turned down in popular referenda in France and the Netherlands – this is not mentioned, however), and lists a number of situations which can happen during travel: "If your passport has been lost or stolen… If you need help… If you want to be repatriated… If a serious accident or health problem has disrupted your trip… If you have been arrested by the police or detained… If you have been the victim of violence…". The leaflet continues by stating that "If you find yourself in one of these difficult situations in a country outside the European Union, and if your country does not have any diplomatic or consular representation there, you can always ask for help and consular assistance from another European Union Member State, under the same conditions as the help it provides for its own citizens", which is followed by a reminder of what conditions must be fulfilled to be eligible for this. The brochure rhetorically asks "Did you know?", and enthusiastically reminds the reader that s/he is "[…] a citizen of the European Union!" (in all 21 languages). It also contains a link to the second existing initiative in this field, namely a travel website (more on this below).[92]

The "European Consular Assistance" brochure was produced by the General Secretariat of the European Council. In addition to existing online as a .pdf available for download in 21 official EU languages, the leaflet was printed in 600,000 copies at a cost of roughly EUR 50,000, paid by Directorate-General F (Press, Communication, Protocol) of the General Secretariat at the request of the EU Joint European Situation Centre; Member States only had to pay for collecting them, which cost approximately EUR 0.01/copy.[93]

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[92] General Secretariat of the Council of the European Union (2006).
[93] Porzio (2009).

2. The second existing initiative is a travel website, referred to in the brochure mentioned above. The website – www.travel-voyage.consilium.europa.eu – to date only exists in English and French, and at the top of the page contains the disclaimer "Under construction."[94] The homepage of the website is only one screen, with three sub-menus: One containing a drop-down menu leading to "(Available) Travel advice" issued by all 27 EU Member States and Australia and the United States; another containing an additional drop-down menu leading to the "European Consular Assistance" brochure as a .pdf, available in 21 official EU languages; and the third sub-menu including two drop-down menus which together function as a grid, one of which is called "Presence/Representation" containing all 27 EU Member States, and the other titled "of EU Member States" containing a total of 238 states and/or geographical entities, also comprising the 27 EU Member States.[95]

The travel website, as well as a protected website (the COCON Travel Risk Assessment website, accessible only to EU Member States' Ministries of Foreign Affairs and the European Commission) is financed via the Council Secretariat's DG A5 budget, i.e. the IT Department. It is currently in the process of being "comprehensively overhauled" with the help of the Joint Research Centre (part of the European Commission) in Ispra, Italy, at a cost of around EUR 100,000. The Council will export some of the data to the European Commission (DG JLS) so that the Commission can make some information also available to the public at large.[96]

According to Porzio, the Secretariat of the Council is "in the business of assisting Member States, whereas Member States and the Commission have a wider role [of] being in contact with the public."[97] Compared to the earlier statement by Porzio (referenced above), according to which responsibilities for information management in terms of consular crisis matters lie with the Council Secretariat, the more recent one seems to be a

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[94] Council of the European Union, General Secretariat (2009) (situation as of 11 April 2009, 01:00pm).
[95] *Ibid*.
[96] Porzio (2009).
[97] *Ibid*.

contradiction. An alternative interpretation would be that a change, albeit slow and limited, has taken place from late 2007 until now (March 2009).

3. A third project is a poster informing EU citizens about their rights according to Art. 20 TEC. The poster, titled "Consular protection at European level", shows a buoy with the EU stars in two instances, at the bottom of which it states "Bringing Europe closer to the people". Below the picture of the buoy is a list of six questions: "Passport lost or stolen? Have you been a victim of violent crime? Have you had a serious accident? Have you been arrested or detained? Do you need to be repatriated? Do you need help urgently?". To the right of this list of questions, the poster reminds EU citizens that they are entitled to protection and that they can "expect the embassies and consulates of any other EU country to assist you on the same conditions as nationals of that State", on three conditions (which are also listed on the poster). In the lower-left corner of the poster is the EU flag, the text "European Commission Directorate-General Justice, Freedom and Security" and a reference and link to DG JLS' website.[98]

The poster, which was produced, printed in 14,500 copies, and fully financed by the European Commission's DG Justice, Liberty and Security, was initially distributed in April 2007 to the national associations of travel agents in the Member States in all 27 EU Member States.[99] Though the General Secretariat of the Council had offered to provide the artwork and the text for the poster (if nothing else but to "make it more palatable for Member States", according to Porzio), this was turned down by the Commission. The end products is said to have been "thoroughly disliked" by the Member States.[100]

4. A fourth initiative, very punctual and limited in time, is a brochure called "Useful information for EU citizens travelling to China during the Games of the XXIX Olympiad.

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[98] European Commission (2008c). Interestingly enough, the poster is not available on Europa, the official website of the EU institutions, but can be found/downloaded through the former website of an Irish network ("Ireland's Emigrant Advice Network") at http://www.ean.ie/wp-content/uploads/2008/12/poster_final_en.pdf [last accessed 11 April 2009].
[99] European Commission (2009c). The reference to the distribution of the posters can be found in European Commission (2007g).
[100] Porzio (2009).

Beijing 2008."[101] The brochure was produced and financed by DG Justice, Liberty and Security in 2008.[102]

5. Though still not definitive or overall implemented, a fifth initiative deserves to be mentioned in this context: Originally part of the Barnier report's recommendations,[103] the idea to include the first paragraph of Art. 20 TEC in passports issued by individual EU Member States to inform EU citizens about this right made its way into the European Commission's Action Plan 2007 2009, presented on 5 December 2007. Under the heading "Areas identified for action 2007 2009", the Commission recommends Member States to print Art. 20 TEC in passports issued after 1 July 2009. The Commission points out in the Action Plan that this proposal, which was also included in its Green Paper (presented on 28 November 2006), encountered almost unanimous support during the public consultation of said Green Paper. On 6 May 2008, the European Commission's formal Recommendation to do so was published in the *Official Journal of the European Union*.[104]

The decision on whether or not to include Art. 20 TEC in new passports is up to the each Member State. An alternative text, which would be more explanatory than legal, could also be a possibility. Though no definitive text has yet been agreed (situation as of 26 March 2009), the cost for printing a reference to this right, and/or a sticker which could be affixed to passports already issued, would be borne by the individual Member State.[105] According to DG Justice, Liberty and Security, a few Member States are currently underway to start printing the first sentence in new passports and others will follow (situation of 15 April 2009).[106]

6. Finally, a sixth project currently still in the making stems from the European Commission's Action Plan 2007 2009, namely to establish an EU website on

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[101] European Commission (2008f).
[102] European Commission (2009c).
[103] Barnier (2006), p. 21.
[104] European Commission (2008e).
[105] Porzio (2009).
[106] European Commission (2009d).

information on consular assistance (in general, i.e. not specifically geared to consular crisis situations) to EU citizens. It shall, by the end of 2009, give user-friendly explanations of related Community law as well as practical information. (Also mentioned in the Action Plan is a common phone number on consular protection; according to the same source within the European Commission, this project is still the object of exploratory talks with other Commission Directorates-General).[107]

3.2 A Critical View: What *Do* We Know?

Already at the outset, we made it clear that an impact assessment of public diplomacy is outside the scope of this study. But it would be unreasonable, however, to not critically ask whether, for every euro (€) spent on public diplomacy efforts related to EU consular crisis management cooperation, there would be an impact on the perception of 'the EU' (however defined or understood), with both target groups, i.e. the internal or EU-audience, and in terms of audiences outside the Union.

Though blunt and far from sophisticated as a means to measure the impact, it has to be assumed that a situation where – *ceteris paribus* – the public perception of the EU is greater than zero ('0') *after* public diplomacy activities have taken place, as compared to before, the EU has managed to 'move the needle'. Until more research has taken place, and better tailored methods of assessment exist, this would be our suggested measure of success.

With this assumption as our starting point, we will now turn to what we *do* know about this field. In brief, could the EU (again, however defined or understood) be more 'loved' if its citizens, as well as audiences outside of the Union, see it as doing something good (or more than previously) in terms of consular crisis management cooperation?

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[107] *Ibid*.

Though humanitarian assistance is different from consular emergency assistance, the practical difference in terms of perception in the 'foreign country' (i.e. the country affected by a crisis, natural or man-made) can be assumed to be minimal among the audience in the affected country. From surveys, we know that the public attitude vis-à-vis the provider of the assistance tends to be affected in a positive manner.[108] We also know that favourable attitudes that result from disaster relief tend to have an expiration date, i.e. its positive effects wither away over time.[109] Here again, we believe that consular emergency assistance can be extrapolated from disaster relief in terms of perceptions in the affected country. It should, however, be pointed out that there are several other factors that influence public attitudes, including research in the field of sociology and psychology, which cautions us not to assume that a gift of any form will be reciprocated with gratitude.[110]

But what would an effective public diplomacy in terms of EU consular crisis management cooperation have to include? Even if, first of all, the EU would add value in terms of a given consular crisis management cooperation effort and, secondly, the Union (through the European Commission, the General Secretariat of the European Union, Member States and/or a combination of these) would undertake public diplomacy activities to accompany the effort, what is required for the above to 'move the needle'?

A first condition is that the assistance is perceived to be adequate and the relief effort judged to be successfully handled. A second condition is that the EU takes credit for it, i.e. even in the event of a joint/multilateral effort the European level must be seen as adding value.

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[108] According to the Pew Global Attitudes Project, the percentage of Indians that said they held favourable views of the United States increased from 15 percent in 2003 to 38 percent in 2005, following U.S. aid to victims of the 2004 tsunami. Though it can be questioned whether the U.S. post-tsunami assistance (alone) caused this shift, a poll by "A Terror Free Tomorrow" seems to support this interpretation; according to the latter, 63 percent of Indonesians surveyed reported having a more favourable opinion of the U.S. because of this assistance. Similar numbers exist for Pakistan. The Brookings Institution (2008), p. 6‐7.
[109] *Ibid*, p. 7.
[110] *Ibid*, p. 8‐10.

Even if the first condition can be assumed to be true, i.e. that EU consular crisis management cooperation is running smoothly and lives are saved, the second prerequisite seems more problematic. Returning to our initial discourse on the alleged lack of support for an Ever Closer Union, one of the identified key reasons for this is the so-called Brussels' blame game, i.e. the phenomenon that national politicians or governments like to claim credit for EU decisions that prove popular and to blame 'Brussels', or 'the EU', for the unpopular ones.[111] This is linked to the question of whether the perception of what is done is by definition competitive. In other words, when 'the EU' is seen as the actor (for good or bad), does the perception of the EU's actions take something away from the individual Member States? Though outside the scope of this study, the literature on European identity has traditionally been based on the assumption that national and European identification are competitors in a zero-sum game; more recently, however, it has been suggested that the two are *positively* correlated.[112]

According to a Eurobarometer survey on consular protection carried out in 2006, it was established that on average half of the people living in the EU planned to travel outside the Union within the coming three years. It also became clear that only a minority (23 percent) of the people were aware that if they need urgent help in a country where their own country has no Embassy or Consulate, they have the right to use the consular assistance of any other European Union Member State. Though the plurality (39 percent) but not the majority of residents would prefer to receive help from their own country if in trouble in a country without Embassy or Consulate of their own nationality, 21 percent (of the then EU25 population surveyed) would favour help from a designated central EU service located in the country, and 20 percent would prefer help from the Embassy or Consulate of any (other) EU country.[113] On the basis of these findings, the European Commission in its Green Paper claimed that citizens want the European profile to be raised.[114]

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[111] European Commission (2007f).
[112] See e.g. Bruter (2003), p. 1159.
[113] The Gallup Organization (2006).
[114] European Commission (2006b).

A more recent public opinion survey conducted in Sweden by the market research institute Synovate asked a number of questions to Swedes about EU membership and which issues they believe the EU should deal with. One of the questions pertained to EU responsibility for coordinating assistance to Member States that have been affected by disasters and to EU citizens involved in disasters elsewhere in the world. The answers were very clear: Seven out of ten people consider that the EU should take considerable responsibility in the event of a disaster. At the same time, fewer than two out of ten think that the EU is doing this today.[115]

IV. CONCLUSIONS

As stated initially, this study has three purposes:

1. First, to briefly outline the development and current state of European Union (EU) consular crisis management cooperation as articulated in Art. 20 TEC;

2. Second, to attempt to summarise EU public diplomacy efforts in general – with a focus on the external dimension (though the border between the internal and external dimensions tend to be blurred);

3. Third – against the findings in descriptive parts one and two , to look at consular crisis management cooperation as a means of EU public diplomacy: What would it mean and what are its limits? To make this assessment, we analysed four factors in terms of public diplomacy activities as applied to EU consular crisis management cooperation: (i) What do legal provisions say? (ii) How much resources are committed, in terms of budgets available? (iii) What is currently being done? and (iv) What do public opinion polls suggest?

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[115] Swedish Government Offices (2009). According to the speech, the survey was conducted in December 2008. Having tried to get access to the raw data from *Synovate*, the author was unsuccessful in this endeavour, which is why secondary data must be used.

In *1.4 Definitions, Limitations and Potential Bias* we also stated that our working definition of public diplomacy would be "Getting other people on one's side.", where 'one' is 'the EU' (however defined or understood), given that 'the perception of the EU' would be the dependent variable in any effort to 'move the needle'.

In terms of the development and current state of EU consular crisis management cooperation, first of all, we have seen that though this dimension was opened up to EU action through the Treaty of Maastricht, it would take two years before Member States agreed on a one-page document (Decision 95/553/EC). This Decision was only ratified following exogenous events (the 9/11 attacks in the United States), six and a half years later. Today, there is an institutional structure in place on the EU level, and guidelines which are not legally binding, but which have acquired a "special status", exist. A number of initiatives – some more far-reaching than others – have been presented in the last three years, though the most ambitious of these have not (yet) been agreed to. Member States still remain reluctant to let these issues be managed by the EU level. Key here seems to be the issue of responsibility.

Second, in terms of EU public diplomacy efforts more broadly, it has been established that the EU's PD potential is enormous. With a network ten times that of the United States, the EU's Member States' and the European Commissions' missions outside the Union could have a great impact. The European Union is not, however, a federation like the U.S. Hence, its PD efforts outside the Union tend to be more competitive than would otherwise be the case. Others argue that perhaps this is not necessarily a bad thing, and that it might accurately reflect what the EU is all about – diversity. Nevertheless, in terms of the EU institutional set-up and agreeing on coherent messages (within and outside the Union), the Council and the European Commission can very well, if they choose to, have "separate, institution-specific communication activities geared to its specific role and to its stakeholders".

Against the backdrop of several negative votes to referenda on revised EU Treaties, and originally a by-product of the Commission's Plan D (targeting the EU's citizens within

the EU), *The EU in the World* was adopted early 2006 as a means to provide overall strategic guidance to the Commission's so-called Relex family, comprising seven Directorates-General, in its PD activities. Though specifically aiming at audiences in third countries, the communications strategy also mentions the EU's citizens, and hence continues to blur the line between internal and external, strengthening our argument for keeping an 'intermestic' approach to our study rather than adopting a strict division between the two. Though most of the resources available for PD efforts go to Delegations (for DG Relex), compared to internal communications' efforts (external) PD resources are dwarfed, representing only a tenth of what is spent on information and communications within the Union.

Third, looking at consular crisis management cooperation as a means of EU public diplomacy – what would it mean and what are its limits? –, a number of conclusions are suggested:

We have established that enabling legal provisions exist, mainly in the form of the institutional prerogative, but also (and potentially less controversial with Member States) for one of the relevant budget lines (18.0406, "Fundamental rights and citizenship"), a Council Decision (2007/252/JHA of 19 April 2007, establishing for the period 2007 to 2013 the specific programme 'Fundamental rights and citizenship' as part of the general programme 'Fundamental Rights and Justice'). This gives the EU level, through the European Commission, considerable scope to act and step up its public diplomacy efforts in the area of consular crisis management cooperation – both targeting its own citizens and foreign audiences.

Once a legal basis has been identified (and judged viable to use), the next step for Community or EU action is to find the budgetary resources: Also in this respect have we established that there is scope for action, i.e. means exist. Though scarce, a *potential* total amount available in the General Budget for the European Union for the financial year 2009 (including the European Commission and the General Secretariat of the European Union) is EUR 58,095,000. As already has been pointed out, this amount should not be

seen as an exact number or even fully available. Some of the budget lines we have used as the basis for our calculation are expected to cover also other items, yet on the other hand there are a number of budget lines of other Directorates-General that we have chosen to exclude. Hence, the figure can be regarded as a fairly adequate estimate of the means available.

Despite the above, to date the total number of existing initiatives can be counted on one hand. In terms of budgetary impact, we lack information about the amount required to produce the posters, as well as the brochures for European citizens travelling to the Olympic Games in China, referred to above. Excluding these two, the total estimated amount spent on the above-mentioned initiatives from the EU's General Budget is EUR 150,000 (totalling EUR 50,000 for the production of the "European Consular Assistance" brochure, and EUR 100,000 financed over the Joint Research Centre's budget – not included in our analysis – for the "comprehensive overhaul" of the Council's travel website), or approximately 0.26 percent of the total, estimated budget.

According to the Eurobarometer survey on consular protection carried out in 2006, approximately a fifth of respondents said they would favour help from a designated central EU service located in the country, while another fifth would prefer help from the Embassy or Consulate of any (other) EU country. A more recent study in Sweden suggested that seven out of ten people consider that the EU should take considerable responsibility in the event of a disaster – so the 'legitimacy' for (further) EU action within this field seems justifiable.

Though consular crisis management cooperation is far from the whole picture of what the EU is doing, it is surprising that not more attention is given to the area – especially in light of its increasing importance with citizens in general. Adding the European Commission's discourse about the importance of communicating with and listening to its citizens and audiences in third countries, the discrepancy between the scope and resources and actual action (both in terms of EU consular crisis management cooperation and linked public diplomacy activities) becomes even more striking.

In terms of the limits of EU consular crisis management cooperation as a means of EU public diplomacy, a number of constraints seem to be at hand:

- Responsibility, first of all: Protecting one's citizens belongs to the core responsibilities of any state, hence EU Member States' governments seem reluctant to let consular crisis management be handled at the EU level. Furthermore, a blurring of responsibility is not in anybody's interest; for reasons of initiative (prevention, response, follow-up) and accountability, it is imperative that it is clear what roles are assumed by what level, institution and Member State, respectively;

- Linked to the issue of responsibility is ownership, and how to avoid the Brussels' blame game. In other words, how do we evade Member States (and EU institutions) claiming credit for action perceived to be handled well and blaming others when things go sour?

- 'Credit' and 'blame', as assigned by citizens or constituencies to individual Member State governments or 'the EU': Though it is at times assumed that something is either 'thanks to' or 'the fault of' a given Member State *or* 'the EU', we would argue that the two levels do not necessarily constitute a zero-sum game but could be mutually reinforcing. If so, this factor would have to be characterised as adding to its potential rather than representing a limit to EU consular crisis management cooperation as a means of EU public diplomacy;[116]

- The gap between the political will and consular professionals on the ground: In some instances, there seems to be less reluctance among individuals professionally involved in consular crisis management than at the political level. Others have suggested that it could be the other way around, given that politicians can be enthusiastic about cooperation while consular professionals often are

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[116] An interesting, related question is whether 'credit' and 'blame', respectively, between the national and EU levels instead could be positively correlated, i.e. when a consular crisis is perceived as being positively handled, would both individual Member State governments *and* 'the EU' gain in positive standing in the eyes of the citizens and foreign audiences? This question is, however, outside the scope of this study.

aware of the specific consular requirements and differences in responsibility and legislation between Member States;[117]

- The nature of crises: In a crisis, communication can be a challenge in general, but particularly in situations where consular help is needed we have seen that EU citizens seem to prefer to be helped by somebody who understands their own language;[118]

- National sensitivities and public perception: When, during the Asian tsunami, a German aircraft evacuated a number of UK citizens, a British tabloid happily proclaimed that 'Luftwaffe Flies Brit Back Home'.[119] Assistance by other Member States can – at least lacking help from the own Member State – be welcome, but might also trigger questions about why the own Member State could not or did not provide this help;

- Growing expectations and the limits of governments' responsibilities: If consular assistance is guaranteed by law in one or several Member States, but not in others, citizens are likely to compare their situation with states with a better level of protection, which might lead to governments having a difficult time explaining that there must be limits to the help it can provide;

- Differences in Member States' resources and representation: While big Member States, such as France, Germany and the UK, have more than 100 missions in third countries, others have less than 10 (Estonia, Latvia, Malta and Luxembourg). In the event of a large crisis, this might lead to a situation that smaller Member States cannot handle, whereas bigger Member States with an extensive presence in third countries are afraid of so-called consular shopping, i.e. the risk of having to assist a disproportionate number of individuals from unrepresented Member States.[120]

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[117] See e.g. Lindström (2009/forthcoming), pp. 15 16.
[118] Gallup Organization (The) (2006), p. 9.
[119] Porzio (2008), p. 95.
[120] Lindström (2009/forthcoming), pp. 15 16.

It is clear that a number of challenges and limits to EU consular crisis management cooperation exist. But it is also remarkable how little has happened:

17 years after the provision on European citizenship was introduced through the Treaty of Maastricht, and 14 years after the common decision 95/553/EC was agreed, consular crisis management cooperation on the EU level is still relatively limited. Public diplomacy initiatives in the area are even more incomplete: The Council Secretariat has established – to put it nicely – a very basic website, which still is said to be "Under construction". The European Commission has printed a poster in 14,500 copies for a Union of almost half a billion citizens. The Commission has also proposed including a reference to Art. 20 TEC in EU citizens' passports, as well as a URL – to a website which does not work.

Almost five years after the tsunami and three years after the Lebanon crisis, in a time where EU citizens make 180 million trips annually, if consular crisis management cooperation were to be a serious public diplomacy/public affairs' tool to bring Europe closer to its citizens (and increase the EU's popularity abroad), a more concerted political will, common messages and joint action need to be established rapidly.

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