

THURSDAY 25 MARCH 2010

Present

Anderson of Swansea, L
Crickhowell, L
Hamilton of Epsom, L
Inge, L
Jay of Ewelme, L
Jones, L
Selkirk of Douglas, L
Sewel, L
Swinfen, L
Teverson, L (Chairman)
Williams of Elvel, L

Bowness, L
Dykes, L
Roper, L

Witnesses: **Chris Bryant**, a Member of the House of Commons, Minister for Europe, and **Ms Katrina Johnson**, Head of Treaty, Institutions and France Team, Foreign and Commonwealth Office, examined.

Q1 Chairman: Minister, can I welcome you back to the Committee. I should also explain that we have three members of the European Select Committee itself here at this meeting as well. This is a public session and it will be recorded and of course, as usual, we will give you a copy of the transcript which you will have the ability to correct if it is incorrect in any way. The Committee is particularly interested obviously in this particular subject, one, because we have not had a formal proposal in any way from the Commission or through the Government, yet we understand that the timetable is very tight and the Service wishes to establish itself. Perhaps it would be useful if you could just give us some starting thoughts around where you see the development of the EEAS has got to, particularly a few comments around the

institutional turf war which seems to be quite strong in this area, perhaps the timetable and how you see Parliament should act in terms of scrutiny, and perhaps also introduce, I think, Katrina Johnson who is with you as well.

Chris Bryant: Well, this is Katrina Johnson!

Q2 Chairman: Whom we also welcome, I should say.

Chris Bryant: She is Head of Treaty, Institutions and France within the Foreign Office, which is a slightly strange combination, but it means that she knows more than I do, so it is very useful to have her here. I am always a bit nervous about transcripts. I remember in one of the first contributions I made in the House of Commons, I said, because I represent a seat in the South Wales Valleys, that the Ofcom paving Bill would be very good because we would be reducing five organisations and just creating one and it would be much more coherent, consistent and, to use a Valleys' word, tidy. This was rendered in Hansard as "to use a valet's word, tidy"! We do not have very many valets in the Valleys!

Q3 Lord Jones: Not in Rhondda!

Chris Bryant: No, not in Rhondda, but I think in your former seat, my Lord, and maybe a few more! There is a point to this story and the point to this story is that obviously we hope that, in the creation of the External Action Service, one of the key points of it is that it will be a much tidier arrangement within Europe of how Europe presents its face to the rest of the world and, by virtue of being tidier, should be able to come in cost-neutral, that is to say, we will not be spending more money on all of these areas, but we will be able to get a more effective contribution out of the money that we do spend. It will also mean that there will not be duplication between the different elements of the Council Secretariat and the Commission, and we want, therefore, this to happen as soon as possible. If I just go through some of the process, and I will be as straight and as open as I possibly can with you, we would have

preferred to have had a document that we were able to put through for scrutiny to the two committees in the Lords and in the Commons long before now because the aspiration has always been, as declared in the December Council, that the External Action Service would be signed off in April. To do that, we would prefer to be able to have eight weeks from the moment when we send the documents to the two committees for the two committees to be able to sign it off. Clearly, that is not going to be possible if there is going to be an April decision, and I think later on today, and I think the photocopiers are now whirring in Brussels, there will be a document. I am hopeful, if there is any way in which the two committees can help me, that before Parliament dissolves and before the General Election, if the two committees could have a session to be able to consider that, that would be enormously helpful. I do not think we would want to be in a position in an April Council meeting where we had to say, "I'm terribly sorry, we can't say yay or nay", not least because after a General Election it will probably be some time before all the committees are set up again, so I personally think the more scrutiny, the better, but achieving that is actually quite a complex and difficult thing in this particular piece of time that we have over the next few weeks. As I say, there will be a document today. I do not know the precise contents of it, but, broadly speaking, we have been pretty happy with the direction of travel that it has all been going in and I am hopeful that perhaps the Lords' Committee and the European Scrutiny Committee might be able to meet in the couple of days after Easter to be able to look at it.

Q4 Chairman: Thank you very much, Minister. Perhaps I could just start off. We have seen in the press recently that the European Parliament is involving itself quite strongly in this area and has budgetary control over the EEAS, which is potentially a separate institution. How do you see the power struggle between not just that really, the Parliament particularly, but also between the Commission and the Council working out, and how would the British Government like to see that balance of power turning out?

Chris Bryant: If I could just make a very broad point not in the direct context of the External Action Service first, my impression is that the European Parliament will play a significantly more important role over the coming years than it has done in the past. It was interesting in the debates that there were over the SWIFT programme and whether that could be signed off or not by the European Parliament that the political groupings took positions fairly early on, and I think that the Council, the Presidency and Member States were rather slow in getting round to knocking on everybody's doors. In a sense, I think the UK Government has to devote more resources and energy to making sure that we win votes in the European Parliament. In Europe, you have got to behave like any other lobbying organisation; that is part of what the Treaty provides for. In relation to the External Action Service, there is clearly a broad support for having the External Action Service and they want it to happen as swiftly as possible, but they also want to see all the details, but that is true of us as well. There are some elements obviously, because of the responsibilities in relation to the budget, where they clearly have a role. Ironically, one of the areas where they have no role explicitly is the European Development Fund because that is outside the budget, so that is not the specific responsibility of them, and that is where you end up with all these kinds of turf wars because people say, "Well, we have got a responsibility to look at the whole of the budget and you in the Commission pretty much treat the European Development Fund as if it were part of the budget, even though technically it is not part of the budget, and we would like to be able to take a view on everything in the round". In this particular regard, since everybody wants to see the External Action Service happen, I think that we will end up with a fairly sensible agreement.

Q5 Lord Roper: Just on the process, the document which is coming out today, presumably, is the draft decision which is a matter which is exclusively in the competence of the Council and, therefore, could be decided by the Council by the end of April, and there will have to be

amendments to the budgetary and staffing regulations and those are matters for co-decision, but they do not necessarily have to be agreed at the same time, so it would be possible for the general decision to establish the Service to be taken on the basis of the document coming out today by the end of April. I wonder if the Minister could confirm that it is possible to unscramble the package in that way?

Chris Bryant: Absolutely, yes, that is right.

Q6 Lord Hamilton of Epsom: Assuming that this internecine war in the EU is eventually resolved, what embassies are we going to end up with and what are they going to do which is not done by existing national embassies?

Chris Bryant: I am not very keen on using this word “embassies” for what the External Action Service will provide, but I understand the point you are making. Already the European Union has representation in a wide range of countries. Sometimes, it has duplicated representation, a classic example being Afghanistan, and it has been crazy that we have had that duplication; some people have not known who really speaks for Europe. Getting rid of that duplication would not only make us more cost-effective, but it will make the Union more effective. I have never seen EU representation in an individual country as being in any sense an alternative to a British presence; indeed, I would say that they are complementary, and in addition, to the British presence. If I just give one example, which is Fiji, we have representation in Fiji and there are other countries in Fiji and obviously, because of Fiji having formerly been in the Commonwealth and a former British colony, our relationship there is a key one, but it is sometimes easier for the Commodore there to dismiss the British view as being the former colonial view, whereas, when the whole of the European Union speaks with one voice in Fiji and actually in the same direction as the UK, it is much more difficult for the Commodore to dismiss that view, so I think that it is a question of

complementarity rather than of our saying, “Right, the EU has got a presence there now, so there’s no need for the UK to have a presence there”.

Q7 Lord Hamilton of Epsom: As you know better than I do, the Foreign Office is facing enormous financial pressures at the moment and is actually closing embassies. What we have traditionally done is move them so that we have the ambassador in the next-door country representing more than one country. Do you see that, if the EU has these things running, we might actually transfer the responsibilities to the EU organisation?

Chris Bryant: No, and I disagree somewhat with the premise of your argument. There certainly have been difficulties over the last couple of years because of the exchange rate and other factors, frankly, which have meant that we have had to reprioritise within the Foreign Office, but I am not aware of our having closed an embassy certainly in the time that I have been in the Foreign Office and indeed we opened a new office, admittedly not before time and not a big office, in Malmö recently. On the point of how we relate to others, it is true that we do not have an embassy in Laos. We run our representation in Laos from Thailand and Quentin Quayle, our Ambassador, does a very good job and is regularly in Laos, and at the moment we are in negotiations over a prisoner transfer agreement for a young man, John Watson, whom I saw in prison last year. The consular service which is provided for British nationals in Laos is almost entirely at the moment provided for us by the Australians because in other countries in the world where Australia has no presence we provide that for them. Now, there are parts of Latin America and Africa where we have similar arrangements with the French and with the Germans and I do not think that that need stop; indeed, that just needs to be commonsense.

Q8 Lord Anderson of Swansea: Minister, understandably, the European Parliament always tries to extend its competencies, and I notice that Mr Albertini suggests that there should be

some form of advice and consent procedure where the Foreign Affairs Committee in the European Parliament should have a degree of oversight over appointments, so my first question is: how do we respond to that? Secondly, in respect of defence, which under Lisbon clearly is intergovernmental, this distinction between intergovernmental and what is “European” is blurred at the top because the High Commissioner and the Vice President is the one, so is there any danger of that distinction being blurred further down, contrary to the spirit of Lisbon, and where would the European Parliament come in in respect of defence? What is the extent of its defence responsibilities?

Chris Bryant: I often hear the phrase that the European Parliament wants to extend its reach. I think probably every politician I have met in life wants to extend their reach.

Q9 Lord Anderson of Swansea: Of course, understandably.

Chris Bryant: I think we have to be pretty robust with the Parliament. We have to work with it where it really does under Lisbon have its key responsibilities, and I think sometimes the Parliament has felt rather patronised and that probably is not very good in that relationship. One of the things I would say is that Cathy Ashton, and maybe it is because of having sat in the House of Lords and being used to dealing with a parliamentary assembly, actually the European Parliament have a very strong regard for her, a very high regard for her, and in all the hearings that she has had so far it has gone extremely well, and I think that is because she does not adopt a patronising attitude towards the European Parliament. We do not think that the Parliament should have a role in scrutinising appointments. In terms of CSDP, there is another element to this which is of course the Western European Union, where I think we will be making announcements next week, and I think it is important that it is not the European Parliament that takes on that role, but it is important that there is a role between the Member States and for scrutiny of that area of policy, which is increasingly important.

Q10 Lord Anderson of Swansea: There is some concern about the views of HMG on the role of the new Service at the United Nations, that clearly under the Lisbon Treaty the European Union is a legal entity, but it is not recognised as such by many others. The danger is, I am told, that, because, say, the Arab League might want similar facilities and responsibilities and so on, the European Union will be consigned to speaking at the very end after all the other States have spoken. Are we content with this, and how do we see our own Ambassador to the United Nations, the French and others working with the EU Representative? Do we favour an enhanced role of the Delegation Leader of the EU at the United Nations?

Chris Bryant: Well, maybe slightly enhanced. I think what would be dangerous for the United Nations is if we got to a situation where basically it was a set of regional bodies that were all speaking, plus the United States of America and China, and of course the role of the UK and France on the Security Council is one that we do not want to disturb, we do not want to undermine in any sense at all, and that is the sensitivity around what special role you give for the European Union. We are not opposed to any kind of enhancement, but we are just trying to urge people that, if you go for the European Union being the European voice in the United Nations, we will fight that all the way.

Q11 Lord Anderson of Swansea: Are we content with the fact that the EU, as such, in the batting order will come after the Vatican?

Chris Bryant: Well, sometimes you will agree with the Vatican!

Chairman: We probably do not want to upset the Vatican in this public forum!

Q12 Lord Anderson of Swansea: Particularly with other smaller States!

Chris Bryant: The papal nuncio did once tell me that I was far more dangerous than climate change to the future of Britain!

Q13 Lord Jay of Ewelme: Clearly, the External Action Service has had quite a difficult gestation, and I was encouraged by what you said about the document coming forward later today. Could you say a little bit about what influence, you think, Britain has had in leading to the outcome we are likely to get and whether we have been doing that on our own, and we have seen the letter from David Miliband and Carl Bildt. Have we been working, for example, with the French to create the sort of Action Service which would influence us both? That is the first question, and the second one, really following on from Lord Hamilton's question, is: if we take the Laos example, can you see circumstances in which we would get a British diplomat in Vientiane as part of the External Action Service and, therefore, in a sense, provide ourselves, through this, with a resource we would not otherwise have?

Chris Bryant: I am focusing on the second part of that and, yes, it is certainly possible that, where we presently do not have a presence, in co-operation with other Member States either on a voluntary basis or through the External Action Service we would have an enhanced service available to British citizens and to British interests. Yes, that is certainly true, though we would still want to have our accreditation, albeit from next door, as it is in some countries, directly from the Crown. I cannot remember what the first part was.

Q14 Lord Jay of Ewelme: The first really was to say that there has been a difficult period of gestation and how far do you think we have succeeded in influencing what, we hope, is going to be a satisfactory outcome, and who are we working with in order to achieve that? We have seen the letter of Carl Bildt, but are we working with others as well?

Chris Bryant: Yes, indeed, it has felt a bit like the gestation of an elephant and there was a time at which we feared that it was going to be that long a period and yet bring out a mouse, so we have worked quite closely, in particular, with the French. At one point, there was a view that you should divide the world up horizontally so that the Development Commissioner would have responsibility for all of Africa and would do everything in that country and would

be the lead person in that country, but we thought that that was inappropriate. That is one of the battles that has now much disappeared because I think everybody accepts that the divide should be about the practical, not a more horizontal one, so that the High Representative has to have the overarching, strategic view over all the countries in the world, whereas operational delivery, for instance, of development aid has to be down to the Development Commissioner, so now the discussion is really about at which point does it kick in between purely operational and strategic oversight, and in that we have worked very closely with a series of other Member States. Another area of divergence, and we have not seen the paper yet today, so I cannot again elucidate more than this, is just over the issue of consular services.

Q15 Lord Swinfen: Minister, you have covered my question to some extent because, with the European Development Fund budget being totally separate from that of the EAS, I was wondering how you would see them actually working together because overseas development is part of foreign policy.

Chris Bryant: Discuss. Well, yes, but, if I give you an example, recently I was doing an event for young people in the Foreign Office and I was asked, “Why on earth are we giving British aid to Uganda when Uganda wants to kill homosexuals? Surely, the best way to stop Uganda adopting such a stupid policy is to withdraw aid?” Now, that is basically to say that aid policy should be subservient to foreign policy and I disagree with that. It is certainly right that the High Representative has to be able to have all the levers at his or her disposal and that includes development, it includes enlargement, it includes a whole series of different parts of what are Commission responsibilities, but I think we still have to be able to maintain a degree of independence for overseas aid because in the end it is about saving lives and making sure girls can go to school and all the Millennium Development Goals and so on, which are a key part of our understanding of what we are trying to achieve in the world.

Q16 Lord Anderson of Swansea: Basically on development aid and the role of the Action Service, as I understand it, at the moment, for example, DG RELEX does not have desks for ACP countries and, therefore, the whole of Africa is only dealt with through the perspective of development, which is obviously absurd because African countries are also important in respect of trafficking, in respect of terrorism, in respect of climate change and the environment generally, so can I take it that the assumption is that at the Brussels level there will be desks for each geographic country, even if they are in the ACP? The next question relates to the delegations overseas: can we take it that there is a single desk back in Brussels so that the Head of Delegation in whatever country will, in effect, be head of the pyramid, head of the hierarchy and will be superior to all those others, be it development, trade or whatever, under him and that, therefore, the development person in Uganda, for example, will have to report through the Head of Delegation and not go direct to the Development Commissioner in Brussels?

Chris Bryant: Completely, yes, on the two points. First of all, it is really important that we do not have different parts of the world hived off into different policy areas and, therefore, not all accountable in the same structure, so yes, we would expect the External Action Service to have a single desk for each country rather than just left off to development. Equally, we would expect the High Representative to play a key role in bringing together the Commissioners for enlargement and development and, thirdly, within each post ---

Q17 Lord Anderson of Swansea: Delegation.

Chris Bryant: ---- delegation, post, whatever you want to call it, we would want to mirror the system that we have in the UK which is that the Head of Mission, for us a high commissioner or ambassador, is the Head of Mission, they lead the delegation and everybody who is there on behalf of the United Kingdom reports to that Head of Mission, even though their formal employer might be the Department for Business or UKBA or whatever, and we want to see

exactly the same role for the External Action Service. The only hesitation I have is that you used the word 'hierarchy' and I think one of the things that the Foreign Office has been trying to grasp, and I think the same would be true for the External Action Service, is that an overbearing, hierarchical attitude towards running a mission is probably not a very effective way of running a mission in the 21st Century.

Q18 Lord Anderson of Swansea: But the assumption is that the Head of Delegation is in charge and is number one?

Chris Bryant: Indeed.

Chairman: I think you have that assurance, Lord Anderson.

Q19 Lord Jay of Ewelme: I think you have answered this question in replying to Lord Anderson, but there are occasions when there are understandable conflicts between the foreign policy interests and the development interests in a particular country. Where will those be resolved in Brussels under the External Action Service, and will the High Representative, in a sense, call the shots and will it be the High Representative who chairs the meeting at which there is a resolution of an issue if there is one which is a difficult one in-country?

Chris Bryant: It is the High Representative who will resolve. *In extremis*, I guess, the High Representative could go to the Council.

Q20 Lord Crickhowell: I would like to take you back to the first question about the embassies and representation, and I understood and agreed with what you said. In our Report published this week on China, we give the example there in Hong Kong of how the independent voice of Europe can deal with your colonialist argument which you cited for Fiji, but I want to go back behind the actual representation on the ground issue to the really rather

more fundamental question which is that, whatever the structures, they have to represent the views of the Member States indeed within the European Community and, as we will come on to in some of the later answers, the co-ordination between the various Commissioners, so we have to get, if the thing is to work, the Member States actually feeding in and agreeing the work. We have also got to get the different Commissioners who have different interests, and, when we were discussing it earlier, climate change was cited as one example, we have got to make sure that they are not all going off in different ways and the High Representative can actually represent an agreed position both of the Member States and of the different interests in the Commission. Could you go right back to the sort of basic inputs of the whole thing and give a view as to how it is actually going to work in practice.

Chris Bryant: I think, in large measure, it will happen or not happen organically, and there is a possibility that, if we get this wrong over the next 18 months, then it will all not be a great success. For instance, we need to make sure that the whole of the External Action Service is not really just about placing people around the world to sit in grand buildings and eat meals on behalf of the European Union, but actually have a campaigning zeal to them. They can only have a campaigning zeal if they have got something to campaign on which has an authority from the Council. If I go back to the situation in Fiji, there may occasionally be a Council decision or discussion in the Foreign Affairs Council about Fiji and far more frequent is going to be a regular discussion between the Member States' heads of mission in Fiji, in Suva, who have a key interest in Fiji and that will inform on the ground how the EU position is expressed and developed, so I think that this will end up having several different levels. The other key element is going to be how the Commissioners work together, and we made it clear that we understand Cathy Ashton to be the head of that group of Commissioners who have responsibility for all the various external briefs and I think, thus far, that has been pretty successful. One of the interesting things about having a Commission of 27, and I am not

suggesting we change the Treaty, but I think it is far too many, it is very difficult to get a body of 27 people to bind together in an effective way, but the advantage, in a sense, for the High Representative is that it is easier to get agreement of five or six Commissioners to start working together as a body and that is one of the key things that Cathy has been trying to do. Sorry, I should say 'Baroness', I suppose.

Q21 Lord Crickhowell: Fiji is a nice, tidy, neat, small example where probably there is not a huge disagreement about policy, but, if you were dealing with Afghanistan or Iraq or somewhere, then there may be profound differences between the countries before you start and the role of the High Representative in that situation is going to be much more difficult.

Chris Bryant: Well, you spotted my strategy! I would say on Afghanistan that actually it is a remarkably similar position. The discussion that there was at the Foreign Affairs Council, I understand, each speech made by virtually everybody could have been made by anybody else in the room as well and that is in part, I think, because the London Afghanistan Conference was a success and it did manage to bind a lot more people into the shared policy of, "We can't just win this by military means. If we're going to have a military surge, of course we've also got to have a civilian and diplomatic surge, and we've got to talk to our opponents and we have to bind people in", so I would say that actually the Afghanistan and Pakistan policy is not one where there is a big divide. Iran is perhaps more complicated, but the much more complicated one would be Russia.

Q22 Lord Inge: You have partly answered my question, but I think, if I may say so, in connection with Afghanistan you have given a very simplistic answer. If you say there is agreement in theatre, different nations are contributing less, there are caveats put on different nations as to what their forces can and cannot do and a lot of them are not prepared to face up to what the challenge is, so how can you say a policy is credible if that is the case?

Chris Bryant: I think what you say would have been more true a year ago than it is today.

Q23 Lord Inge: Give me examples, please.

Chris Bryant: Several European countries have come forward with more troops. Obviously, Holland is going in a different direction and they are going forward to an election because of the collapse of the coalition there over Romania, but the ----

Q24 Chairman: Minister, could I just interrupt because what we have to be careful about is that we do not go down completely a NATO issue as opposed to an EU issue. I would like you to continue the answer to Lord Inge, but I think coming out of that also the relationship perhaps of the EU/NATO perhaps just as a postscript at the end would also be useful within that sort of context.

Chris Bryant: Sure, and I do not want to be complacent about the position that we are in in relation to Afghanistan and Pakistan, but I would say that there is much more of a shared view than there was six months ago. Spain has contributed more troops, I think Estonia has, Bulgaria, and the Germans are looking at how they can reconfigure their national caveats. On the rules of engagement for different troops there and, for that matter, in any theatre in the world, we do need to find a way of engaging more closely together, but of course the military doctrines in different countries are very different.

Q25 Lord Inge: What do you mean by that?

Chris Bryant: The Russian military doctrine is fundamentally different from America's which is why Russia has a different rifle from the Americans.

Q26 Lord Inge: Not because of the doctrine.

Chris Bryant: For a whole series of different reasons, but we probably do not want to go too much down military doctrines today.

Q27 Lord Inge: I am sorry, but I am not talking about military doctrines. I am talking about the direction of policy in a country like Afghanistan.

Chris Bryant: I think that there is a shared view across the European countries at the moment about what needs to be done in Afghanistan and Pakistan.

Q28 Lord Inge: And does that mean the Germans are going to lift all their caveats?

Chris Bryant: As I just said, the Germans, for constitutional reasons apart from anything else, have difficulties about trying to change their caveats, but they have declared quite openly that they are going to try and look at ways in which they can change them.

Q29 Lord Inge: And increase their contribution as well?

Chris Bryant: I think they have already said that they are increasing their contribution.

Q30 Lord Hamilton of Epsom: It would be nice if they deployed in Helmand too.

Chris Bryant: Yes, it would. As I say, the difficulty for the Germans, firstly, is their constitutional settlement which makes it clear what they are and what they are not allowed to do and, secondly, that they are a coalition government and there are different elements of the coalition that take different positions, but I am not wanting to overstate the fact that there is a completely unanimous view on Afghanistan and Pakistan, but I would say that there is a considerably more united view today than there was a year ago.

Q31 Lord Inge: And you think that the single Commissioner would deliver a better European solution?

Chris Bryant: I think the single European representation in Afghanistan certainly will contribute towards that.

Q32 Chairman: Taking that on, Minister, one of the key things about the Lisbon Treaty is Europe on the global stage and, although we might say that the differences that Lord Inge brought out on military commitment are to do with NATO and this is about the European Union, the rest of the world clearly sees the two as being completely linked, so how do we see us keeping credibility on the Common Foreign and Security Policy at the European level when it is played out perhaps in a military area within NATO, a completely separate organisation, where the world sees divisions there? How does that play out within this grand scheme?

Chris Bryant: I think one of the things that needs quite a bit of reform is parliamentary oversight of this area of policy. I have referred earlier to the WEU and I think that that needs, at the least, substantial reform and we need a different way of making sure that that happens as it is an organisation which was created for a very different era. Similarly, I do not think that should be a job for the European Parliament, but it should be for parliamentarians from the Member States to come up with some new model and I hope that in the next few weeks that might be possible.

Q33 Lord Sewel: On the EU/NATO problem, does not the Turkey/Greece Cyprus issue have the great potential, as the EU tries to develop a foreign policy dimension in a more identified way, to completely muck up the relationship, and it has already mucked up the relationship between the EU and NATO? Is that not going to be a major inhibitor?

Chris Bryant: Yes, on the face of it, it is.

Q34 Lord Sewel: Why is it not sorted out?

Chris Bryant: If I had a means of sorting it out, then I would do so tomorrow. I do not know whether you want a whole discussion about Cyprus, but Lord Teverson is looking at me as if he does not want one!

Q35 Chairman: We would be very happy to invite you back on another occasion, Minister, before the dissolution of Parliament of course!

Chris Bryant: I would be very happy to come back after the General Election in the same capacity! Yes, it is obvious that the fact that there are troops that have to be on the island in UNFICYP and the fact that there is an applicant member who has troops in Cyprus which is a Member State is obviously a major problem for that.

Q36 Lord Selkirk of Douglas: My Lord Chairman, may I ask the Minister: is there either a likelihood or a possibility of a code of conduct being developed for the External Action Service?

Chris Bryant: A code of conduct to determine what?

Q37 Lord Selkirk of Douglas: To cover the conduct of all those involved.

Chris Bryant: I do not know, but I am looking to Katrina.

Q38 Lord Selkirk of Douglas: If I can follow that up with a supplementary, if the principle is accepted of a transparent procedure commanding confidence, how can we be certain that that is put into effect without either correct procedures or a code of conduct?

Ms Johnson: No one has discussed an actual code of conduct, but already the EU institutions are working under certain rules. There have not been to date any specific discussions on a code of conduct for the External Action Service. Obviously, there are lots of discussions going on about recruitment and staffing and on what basis some of the Member State representatives would join and become temporary agents, but already EU institutions are bound by some rules and procedures, they have staff regulations, and we will have to see those amended to take account of the EAS. In terms of recruitment, the High Representative has made clear, as have other Member States, that we would want a transparent recruitment

procedure. The Commission already has one that is available on the website and you can see how it is conducted, there are committees, there are checks and sign-offs, so we would really imagine that that would happen for the External Action Service as well.

Q39 Lord Selkirk of Douglas: Will every effort be made to make sure that the procedures are both clear and transparent?

Chris Bryant: Yes.

Q40 Chairman: The whole area of budgetary transparency, I presume, is something that the Government is particularly keen to make sure is right as well.

Chris Bryant: Yes, absolutely and, for that matter, there are those who will doubtless bid for this to have extra money and we believe that they should come in cost-neutral. I think that will probably end up being the position of all Member States because the truth is that no Member State in Europe at the moment has large amounts of extra money to spend.

Q41 Lord Williams of Elvel: Minister, there has been open and sometimes rather bad-tempered debate about whether there should be one rather powerful Secretary General at the top of the Action Service or whether there should be three deputies below the High Representative. Has the British Government adopted any position on this and, if so, what is it?

Chris Bryant: I am not conscious of having adopted a position.

Ms Johnson: We have not adopted a position because we have not seen a full organogram from the High Representative that is there for us to consider. Our ambassadors have made a suggestion of one Secretary-General and two Deputy Secretary-Generals, but that is the detail of it and there is no detail below.

Q42 Chairman: Whilst you may not have seen a paper, the draft papers have clearly put that down, I think, as Baroness Ashton's preferred option, but, I must say just from my point of view and no doubt Lord Williams might disagree with me, if someone like the High Representative needs to have key meetings chaired of ministers from Member States, I cannot see a senior civil servant being able to fulfil that role. That is the question which I think we are trying to get at.

Chris Bryant: Sorry. I do not think a civil servant will be chairing meetings with ministers, no.

Q43 Chairman: Does that not rule out, effectively, the structure with the Secretary General immediately underneath and two deputies?

Chris Bryant: No, I do not see why.

Q44 Lord Williams of Elvel: Certainly in discussion and in the press the idea of a Secretary General has been that he would stand in for the High Representative at ministerial meetings, which has been, allegedly, part of the French position, providing the Secretary General is a Frenchman!

Chris Bryant: I was going to say that my experience is that sometimes people want to create jobs because they have a name in mind rather than because of the necessity of the job. We try to stick to making sure that the job is necessary rather than trying to create a job for a person.

Q45 Lord Jones: My Lord Chairman, earlier the Minister happily reported that Baroness Ashton in the Parliament had performed well and that the relationship was developing. We get briefing in our briefings and we are having press reports that do depict Baroness Ashton, Cathy, under great pressure and there is very high politics indeed being reported; France wants an objective, Germany wants an objective, and our colleague is under pressure. My

question would be, following on: what are you able to do as the FCO, your team? How do you sustain support for Baroness Ashton in the knowledge that she was here in this Parliament and clearly one of us? Do you have objectives for her? How do you service her, and do you?

Chris Bryant: That sounds as if we are trying to direct her as a British puppet, which ---

Q46 Lord Jones: No, the Germans are!

Chris Bryant: I know the accusation from one particular French politician has been that we run Cathy too much and that there are too many British people getting jobs, so, if France is complaining in that direction, then we are probably doing just about right. Cathy, as you will know, is a pretty independently minded woman. Of course, no Commissioner is there to pursue the agenda of the home country that has put them there, they are there to act within the body of the Commission, but it is certainly true that we provide as much help as Cathy needs and she has come to the Foreign Office and we have provided briefings for her, as, I know, have other Member States. I think sometimes people say things within their own national contexts which they kind of hope were not going to be repeated in other countries because they were really only intended for a national audience, and that is true about some of the stuff which has been said about Cathy. I was not at the Gymnich meeting in Cordoba, the Foreign Secretary was there, but I gather that there was very broad and warm support for Cathy and we thought that she had given a very good account of herself.

Q47 Lord Jones: In *The Times* of 24 March, we have here, "A turf war is being fought in Brussels over Lady Ashton's empire". We do know that, do we not, in the FCO, and you are in the best sense, in the European sense, supportive of her?

Chris Bryant: Yes. I have known Cathy for a very long time, so I am personally always very supportive of Cathy; she is brilliant. I have seen her in discussions with Charlie Falconer, Harriet Harman and Vera Baird and Cathy won.

Q48 Lord Jones: She is going to need your support then, is she not!

Chris Bryant: She has got our support, of course she has, except when she disagrees with us and then she has not!

Q49 Lord Crickhowell: I just want to go back to Lord Williams' question because I was surprised by your answer and your lack of interest almost in the structures. The Europolitics paper, which some of us have in front of us, which sets out three alternative charts of proper organisation, one of them submitted by Lady Ashton apparently, does have pretty fundamental implications to the way that the thing is going to work, and this question of whether the deputies are actually going to be politicians or civil servants is a pretty fundamental issue which affects the way the whole thing will operate. Surely, the British Government must have strong views about the structures, yet you have rather indicated that you did not think it mattered and you did not know what the British Government's view was on it.

Chris Bryant: There are things which we hold very strong views about, but the role of the Secretary General, or whatever the title ends up being, we presume, will be something along the lines of the Permanent Under-Secretary of the Foreign Office and that model we would be quite happy with.

Lord Jay of Ewelme: Quite right!

Q50 Lord Bowness: My Lord Chairman, sorry to pursue this point, but on this particular element of it I would like to ask the Minister: what is the answer and what is our view about

the question as to who will deputise for her in certain circumstances? You were very clear in your answer that there is no question of a civil servant having meetings with ministers, but, if the High Representative is not there, if the Secretary General is a civil servant and if the deputies are all civil servants, you discount the idea that some of the deputies may be, as is canvassed in one of these papers, I think, political appointments of different political persuasions maybe from some of the other smaller States who then will not feel that they are totally excluded from perhaps a big state carve-up. We must have a view about that and how are we going to know? When we are asked to comment, it would be very helpful for us to know what the British Government's view is about this all-important point of deputising.

Chris Bryant: I do not think it is the all-important point about deputising. I accept that it is a significant element of the discussion. I am sorry if I have misrepresented myself, but you seem to think that what I said was that the Secretary General, if that is the title it ends up being, would not have meetings with ministers. A permanent under-secretary or a permanent secretary regularly has meetings with ministers. It is a question about whether they would suddenly be chairing the Foreign Affairs Council and that would not happen, we would not accept that, we would be wholeheartedly opposed to that, and indeed we think it would be counter to the Lisbon Treaty. In terms of trying to make sure that there is a structure underneath the High Representative which makes it possible, because the High Representative will, as we have always known, be torn in at least three directions at any one moment because they have a responsibility to the Council, they have a responsibility to the Commission and so on, it is important that we do have a structure underneath and the precise nature of that, I think, is not as important as the decisions about who makes decisions about seven-year Financial Perspectives or who makes the decisions about in-year funding within individual countries, which I think are far more significant.

Q51 Lord Bowness: I am sorry, but maybe I used the words “have meetings with ministers”, but I meant their chairing meetings of ministers and, in a sense, with great respect, that question is still unanswered.

Chris Bryant: I am sorry, my Lord, if you think that that is unanswered because I am seeking to say that we do not think that the equivalent of a permanent under-secretary should be chairing meetings of ministers.

Q52 Lord Roper: On this very point, I totally accept your idea that this person called the Secretary General has a function like a PUS, but of course a foreign minister does have some ministers of state and the issue which is really here is: should there be some political deputies as well perhaps on some occasions going out of Europe to do a particular task or perhaps having to do something because Cathy has to be in three places at once and might not be able to do it, like when somebody had to go and be in Kiev and also go to the ministers of defence?

Chris Bryant: As you say, there is clearly difficulty, but there were those who were demanding that Cathy be in Haiti and that she be in, and I cannot remember what the other meeting was, at the same time.

Q53 Lord Jay of Ewelme: Kiev.

Chris Bryant: That was the Kiev one, was it? There have been several other clashes already. The one caution I would add to this discussion is that in many European Union Member States the difference between a career diplomat and a politician is much less clear than it is in the UK because quite a lot of ministers are actually civil servants. Most of my counterparts in fact around Europe are civil servants and not politically elected ministers, and that is why I want to be less adamant about the position.

Q54 Lord Sewel: We have got, and you will be aware of, the Ashton proposal, the German counterproposal and the Elmar Brok proposal. You are aware of those three basic things?

Chris Bryant: Yes.

Q55 Lord Sewel: Which do you prefer and, out of ten, how would you mark all three?

Chris Bryant: I am afraid to say, I am not going to go down that route! I am going to reserve my position on that.

Q56 Lord Sewel: I think that comment actually covers all the other questions that you have been asked on this area.

Chris Bryant: It does, but I will tell you one thing actually which is that within the British Foreign Office at the moment we have four ministers. In the past, we have had six ministers and having four, if the Foreign Office after the General Election were to continue only having four ministers, I think it would be difficult to have ministers in many different places at the same time, especially if there were a hung Parliament.

Q57 Lord Hamilton of Epsom: On the question of recruitment, there is all this business of whether they are going to be recruited by merit on this, which seems to me to be the Foreign Office thinking that they are probably rather superior to many other countries in the EU, but is not the reality that this will be shared out among nations, like it is on every other post in the EU?

Chris Bryant: Undoubtedly, there will be a battle between A and B. The Foreign Office does its best not to be superior.

Q58 Lord Hamilton of Epsom: It cannot help it though, can it, really!

Chris Bryant: It tries to rise above being superior, but we do not always succeed. It is a fundamental principle in the British system that we want to always promote by merit, but at

the same time, if you have the External Action Service which has no Estonian in it at all, it will probably not have the broad support of the Estonian Government, so, I am afraid, there does have to be a little bit of give and take in this process. What is key for us is that we make sure that there are good British people who want to work in the External Action Service, that they have a clear reach into it and, just as importantly, that they have a route back into the Foreign Office because, otherwise, people will not take the choice to go into the External Action Service because they may then feel rather stranded in Brussels at the end of their term.

Q59 Lord Roper: On this issue, you say “to the Foreign Office”, but why do we assume that the contributions from Member States should merely be from one department? There may well be expertise which we have in external relations in other fields. I hope that, when we have the explanatory memorandum to accompany Cathy’s document, some of these points will be clarified as well as the questions which you have not been able to answer today because you do not have the proposal, but we are obviously expecting an explanatory memorandum in order that we can consider this document for scrutiny.

Chris Bryant: Yes, obviously there will be an explanatory memorandum and we will lay out a lot of the issues and you might even get marks out of ten on each of the three proposals, certainly you might get on one of them a nought out of ten, but you are absolutely right in saying that there is no reason why this should all be Foreign Office. Indeed, many of the people that we deploy nowadays in posts around the world are not Foreign Office officials and that is also true in Brussels. Indeed, I would say, one of the things that we need to do better as the Government is to co-ordinate all the representation that various different ministers do towards Europe and towards the European Parliament better. We tend to just let the Ministry of Justice, the Home Office or whatever do their little bit in their little field, but actually we would be much better off seeing it in the round more than we do at the moment.

Q60 Chairman: Minister, can I just follow up on that and ask one question: does the Government see that the External Action Service itself should be able to recruit direct, because there is a pool of people out there who probably do not come through national civil services, let alone a foreign office or the Commission or the present Council of Ministers? Surely, there is much broader pool beyond that which should not be excluded.

Chris Bryant: I am going to let Katrina answer, but I think I will disagree with her answer though!

Ms Johnson: As usual, this is something that is still under discussion. What is clear is that the first wave of recruitment for positions which become available in the External Action Service will go to either members of the European Commission, the Council Secretariat or Member State representatives. At the full European Council last year, it was endorsed that we would try to have one third, one third, one third, so there is a lot of work to do to get people in through that. There are discussions going on about whether it should be opened up to other institutions, like the European Parliament, for example, and then there are others who will not be in the External Action Service who perhaps work in a delegation and who might be contract staff or seconded national experts. There are different ways if you are working in a EU delegation, but at the moment there is no discussion as to opening up direct External Action Service positions to anyone other than the three bodies mentioned in the Treaty, but it is not excluded.

Chris Bryant: All of which is true, but I think we should be opening it up to the much wider world. I think the Foreign Office have benefited from having a wider set of people coming into it and, for that matter, being able to be seconded out, and I think that that will also be true of the External Action Service, so the more open we can possibly be about the eventual system, the better. The difficulty we have got is in the setting up, especially because we are

trying to reduce duplication and we do not want to have to make a lot of people redundant, so some of those people will be moving to new posts.

Q61 Lord Anderson of Swansea: I have a question on transferability and career structure within the new Service. Part of the criticism now is that people stay in their posts far too long. Is the model of the Foreign Office to be adopted, that is that we try to have as much transferability as possible so that people can move about? Obviously, the more you parachute in experts from other departments, the less possible it will be to have this model of, say, a national foreign office where people move about more easily. Clearly, some specialists, such as the EU military staff, will not easily be transferable, but is it the assumption that the majority will in fact be transferable and, therefore, can have a more normal career structure? Also, in addition to that, I understand that there is some dispute over the relevance of language, that many of our continental colleagues may speak four or five European languages, whereas our own Foreign Office excels in the area of hard languages. Have we convinced our European colleagues that, if we are looking for a head of delegation in Vietnam, he or she should be a Vietnamese speaker and not necessarily one with several European languages? Is hard language proficiency likely to be valued as it is in our own Service?

Chris Bryant: I am very intrigued that a peer of the realm would ask me about people staying in their posts too long! It is a balance, is it not, inevitably? Clearly, there are people who have stayed in their posts too long and who have become part of the furniture and are less able to perform an energetic role, but in other places expertise and knowing where the bodies are buried and knowing all the difficulties that there are in a given situation is a significant advantage. I sometimes wonder, for instance in the Foreign Office, about whether our postings are too short actually rather than too long. For instance, at the moment in Cyprus, we have maintained the High Commissioner in post rather longer than originally intended

because we are at a key point at the moment with the elections in the north in the next few weeks. Yes, we want to see as great a flexibility within the External Action Service as possible and there has been much criticism in the past of the lack of flexibility across the rest of the Commission, so we want to be able to enhance that. In relation to languages, the difficulty for us is that, when we Brits advance an argument about people learning languages in Brussels, we tend to be shown the door rather snootily because so few British politicians who go out to Brussels talk any language other than English, but you are absolutely right in saying that we need to make sure that the post in China is occupied by somebody who speaks Mandarin.

Q62 Lord Anderson of Swansea: Is that accepted by the others?

Chris Bryant: Yes, I think there is a broad acceptance that that needs to be true, but we have also got to make sure that there are means of others learning these languages. The argument I have used is that at the time of the attempted second resolution in the United Nations on Iraq in the United States of America, there were five members of the Security Council that year which were Spanish-speaking countries and the American ambassadors in each of those five countries, not one of them spoke Spanish.

Q63 Lord Jay of Ewelme: I agree very much with what the Minister was saying about opening up the External Action Service to be able to recruit people who have particular expertise, but who are not from one of the three designated areas, I think that is important, and I agree very much with what Lord Anderson was saying about language. It seems to me that, if you are appointing somebody to Beijing, say, it is much more important that they speak English and Mandarin or French and Mandarin or German and Mandarin than English, French and German, but no Mandarin. Despite the difficulties, I hope that is something that we can get across in the negotiations because I think it is a very important point.

Chris Bryant: I also wish more Brits spoke more European languages because it would make it easier for us to win some of those arguments.

Q64 Chairman: Minister, finally, there are two questions which I would just like to ask to sum up. There is a feeling in some of the papers that we have had that there is a balance on the mission side very much towards the military, rather than the civil, missions potentially in the EAS, whereas there are far more civil missions than military ones, and I wondered if you had a comment on that. The other area that I am interested in is that the United Kingdom, in actually setting up the EAS, actually has a veto in that it requires unanimity, and I would be very interested to understand under what circumstances the United Kingdom might threaten to use its veto. What are the key issues that actually could cause that, or what is a red line in this area as far as achieving a particular aim on the setting up of the EAS is concerned?

Chris Bryant: That is rather speculative, I think, as a question and I am hesitant to say what might be a red line. I have not seen the document that is being printed as we speak and I hope that I will have an opportunity to speak more clearly about that to the two committees in the Commons and the Lords, if you are able to facilitate that.

Q65 Chairman: What then does the British Government see as the most important element of the EAS that must happen through this negotiation and decision?

Chris Bryant: From the discussions that have happened, we are pretty happy with the direction of travel. If, for instance, there were to be an argument which said that consular services henceforth shall be provided by the External Action Service and not by the Member States, we would say that that was *ultra vires* the Treaty and we would use our veto, but I do not think that is what is going to be said. I do not know what language there is yet about consular services, but I think there would be major difficulties for us if the document were to be pushing towards an early priority for setting up consular services around the world.

Q66 Chairman: Thank you, Minister. Do not worry about the civil/military; we will maybe tackle that in a different way. Minister, can I thank you very much, and Ms Johnson as well, for coming and talking to us and going through this. We look forward very much to the document itself. I think the one thing I would say is that, as I think you have seen from this Committee's reaction, I think we do think it is very important what structure is there under the High Representative and, particularly, that it is not going to work if there is purely a civil service deputy in the sense that we understand, and perhaps that comes very much from this Committee, so perhaps you could take that away and consider that further, and we look forward to the paper. Thank you very much indeed for taking us through these many issues.

Chris Bryant: Thank you, and happy Easter.