

# **'Citizens First': Trends in Consular Affairs in Europe**

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Maaïke Heijmans  
'Clingendael' Institute  
mheijmans@clingendael.nl

## **1. Introduction**

Consular affairs have long been regarded by the foreign ministry as a matter of necessity. This is hardly surprising as they deal with interests of the general public rather than with national interests. Similarly, the diplomatic studies tradition has on the whole been preoccupied with high politics, staying within the traditional realm of narrowly defined notions of diplomacy. As society changes, citizens become more assertive and points of contact and links between diplomats and the public increase, this classic approach is no longer sustainable. Relatively low-priority service tasks of the foreign ministry increasingly compete with high-priority representation, and have a growing impact on diplomacy.

Consular affairs become a window for the general public into diplomatic dealings and an impetus for foreign ministries to communicate with the public – not least for defensive reasons. The conditions and consequences of these developments provide valuable insight into how consular affairs change diplomacy by making it more visible to the public.

Foreign ministries look for new ways to deal with the challenges that globalization and other changes in international society pose, and take a closer look at consular affairs. Consular affairs also receive greater attention within the European Union. While this renewed interest originates at both levels from the desire to meet the growing demands of citizens, the underlying incentive differs markedly. The intrinsically defensive motivation of large foreign ministries is to guard themselves against criticism from nationals. Commission officials, who are charged with implementing the policies, law and treaties of the Union but are in the field of consular affairs restricted by the subsidiarity principle, are however driven by a primarily offensive stimulus. They have recognized the potential of consular affairs to narrow the gap with European citizens and to show the Union's added value. A fundamental difference in the pragmatic approach of the experienced, established player and the newcomers' idealistic approach thus makes for a variation the perceived link between the consular and diplomatic institutions.

The thoughts presented here draw on a pilot study on consular affairs in 2006 commissioned by the Dutch MFA. The discussion focuses on one particular aspect of contemporary consular affairs – that is, the way consular affairs impact on diplomacy and MFAs' relationship with domestic society. Consular affairs are one dimension of a broader set of developments that make MFAs accessible and parts of the diplomatic process visible to ordinary people. It is this impact on the visibility of diplomacy, which is both fearful and promising to officials, that justifies attention for the consular institution.

## 2. The function of the consular institution

The consul existed long before the emergence of the state system and the resident ambassador. In fact, consular affairs largely contributed to change in international society and the diplomatic field by shaping the way in which states managed their relations and represented the interests of nationals residing abroad.

The function of the consul has undergone fundamental changes throughout the centuries but, at the same time has remained remarkably constant. That is, the typology and the circumstances of the citizen in distress changed, not the *raison d'être* of the consul to help him. While the focus of assistance has generally shifted from representing traders' interests to the interests of the general public, this is more an expression of changes in international society – with increasing numbers and a greater diversity in travellers to more remote places – than of intrinsic change in the character of the consular institution. With trade facilitation and commercial diplomacy at large transferred to departments with an essentially economic responsibility and becoming part of diplomatic work, citizens ultimately took front seat in consular affairs.

## 3. Contemporary definition of consular affairs

Consular affairs are services to nationals abroad in distress. Assistance has always involved diplomatic dealings and increasingly involves preventive negotiation, but is generally pragmatic and *ad hoc*. When analyzing contemporary consular affairs, a distinction should be made between inward and outbound expressions, i.e. between services to a state's own citizens and to foreign individuals. These can be regarded as two sides of the same coin but involve diverging interests for the foreign ministry, and are delivered within distinctive legal frameworks and by different governments and partner organizations. Accordingly, they should be addressed within separate frameworks of analysis.

X Most governments implicitly or explicitly distinguish three kinds of inward consular services: 1) documentary services; 2) individual assistance to citizens in distress; and 3) assistance at times of crisis. The discussion here focuses on individual and crisis assistance.

## 4. Consular culture and consular affairs as 'citizen services'

The consular function initially went hand in hand with (what later became) diplomatic work but was gradually separated from diplomacy with the creation of the Westphalian state system in the 17<sup>th</sup> century. In Europe and beyond, the distinction between the two is nowadays becoming less clear again. As the general public becomes more assertive and the gap between the MFA and domestic society narrows, a greater number of consular cases develop into matters of consular diplomacy. Preventive and *ad hoc* consular assistance more often acquires a diplomatic character. Illustrative of this trend are negotiations on frameworks for international child abduction to certain countries and high-profile, e.g. death penalty cases in which the foreign minister acts as an intermediary between low-level and high-level interests.

It is argued that consuls have not traditionally formed a distinct culture in the sense of having created a third culture that facilitates mediation between the domestic and the international

(Leira and Neumann, 2007). This appears only true however, to the extent that diplomats mediate and facilitate international relations, with regard to high politics, that is, for the national interest. The assertion that no consular culture exists too easily overlooks the fact that consuls also mediate and negotiate between the domestic and international spheres, albeit in concrete settings: as citizen services. Preventive and *ad hoc* consular diplomacy provides ample proof of this. The important distinction between the consular and classic diplomatic culture is, of course, that while high-level cases and negotiations are the norm for traditional diplomats, they are the exception for consuls.

## 5. Marketing the MFA – or the European Union?

Changes in consular affairs present both challenges and opportunities to service-delivering officials. One element of this is the increased potential of a consular case to develop into a matter of consular diplomacy, due to greater public and media interest for consular affairs. Another is the fact that consular affairs require communication with citizens in general. While foreign ministries consider both trends above all as a challenge, the European Commission primarily considers the latter trend as an opportunity. Within the European Union this has resulted in growing tension on how, where and to what extent to co-operate.

In recent years, foreign ministries have responded to developments in consular affairs by professionalizing tools and training, establishing networks with (private) partners, spelling out more detailed (legal) frameworks of services and communicating more with the public. Forerunners such as the United Kingdom and Canada and others such as the Netherlands have vastly upgraded the level of assistance, facilitated by their intensive diplomatic networks. Their prime goal is to deliver high-quality service to nationals and thwart domestic criticism from the public, media and politicians for not living up to real or perceived standards.

The European Commission has also lately taken up a great interest in consular affairs. While the attacks on the New York Twin Towers in 2001 served as a first stimulus in this respect, the Asian Tsunami of 2004 accelerated the trend. The rejection by French and Dutch voters of the proposed Constitutional Treaty was also felt in the consular field. The referenda brought to the fore a gap between the European citizen and the Union, and consular affairs were identified as a useful tool to address this concern. In promoting increased EU co-operation in the consular field, officials conveniently downplay large member states' practical objections to top-down co-operation. They are motivated by the obvious importance of lifting consular assistance to a higher level, but equally encouraged by consular affairs' potential to promote the European project and show to the European public the added value of the Union. Ironically, while this direct link to the citizen makes consular affairs attractive to Commission officials, it is because of this same characteristic that consular affairs are sometimes frowned upon at the national level.

The diverging approach of large member states' and EU officials has resulted in the current clash between 'technicians' who prioritize domestic interests and want co-operation to proceed pragmatically, and 'visionaries' who feel there is more to gain from top-down consular co-operation. The visionaries are not purely motivated by elevating the quality of assistance, but also by the potential for direct communication with European citizens – in the case of the European Commission – and for utilizing other countries' extensive diplomatic networks – in the case of smaller Member States.

## 6. Consular affairs and diplomacy

Developments in consular affairs are part of a trend towards diplomacy's increased dealings with the general public. Consular affairs have the effect of bringing MFAs closer to domestic society and increasingly give consular affairs a distinctly diplomatic dimension, bringing about changes in diplomacy and vice versa.

Relatively few consular cases involve consular diplomacy, but it is the growing number and higher profile of the cases that do, which make for substantial changes in diplomatic practice. The dynamics at the international and the national level vary, as the challenges and opportunities of consular affairs as citizens' services are interpreted and addressed differently. Although consular affairs may not take the spotlight as other developments in diplomacy, profound changes that impact on diplomatic work are taking place at both levels. These deserve attention within diplomatic studies in light of the widening definition of diplomacy, the waning distinction between high politics issues and relatively low-priority service tasks and the stronger linkages with domestic society.