


Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

EVIDENCE FROM STAKEHOLDERS

Contents

-  Fair Trials International
-  Scottish Government
-  Merheim-Eyre, Global Europe Centre, School of Politics and International Relations,
University of Kent
-  British Communities Committee of France
-  Prisoners Abroad
-  Reunite International Child Abduction Centre
-  Law Department, University of Siena - Italy
-  ABTA - Record of meeting 11 June
-  Warden of the British Embassy Philippines
-  Private UK citizen now living overseas (expatriate 1 - France)
-  Private UK citizen now living overseas (expatriate 2 - France)
-  Private UK citizen - Retail Sector
-  Private UK citizen now living overseas (expatriate 1 - Spain)
-  Private UK citizen now living overseas (expatriate 2 - Spain)
-  Private UK citizen now living overseas (expatriate - anonymous)
-  Private UK citizen now living overseas (expatriate - Vietnam)
-  Private UK citizen now living overseas (expatriate - anonymous)

 Private UK citizen /general traveller (UK resident 1)

 Private UK citizen /general traveller (UK resident 2)

 Private UK citizen now living overseas (expatriate - anonymous)

Private UK citizen now living in the UK

 Representative of an NGO or Civil Society

 Facebook Consultation, Foreign & Commonwealth Office

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Min

Organisation: **Fair Trials International**

Country of location: UK

Fair Trials International (**Fair Trials**) is a non-governmental organisation that works for fair trials according to internationally recognised standards of justice, including by helping suspects and defendants to understand and exercise their rights¹. For the past twenty years we have focused, in particular, on providing advice and assistance to people arrested outside of their own country in light of their particular vulnerability².

This letter is Fair Trials' response to the Call for Evidence on the United Kingdom Government's Review of the Balance of Competences between the UK and the European Union dated 27 March 2014. In line with Fair Trial's charitable objectives, it focuses on the impact on the fair trial rights of suspects and defendants and does not engage in wider diplomatic and political considerations relating to the UK's role in the EU.

Introduction

Fair Trials has worked closely with the UK Foreign and Commonwealth Office ("**FCO**") over many years in supporting the fair trial rights of British citizens arrested abroad. Recognising the particular vulnerability of non-national defendants in criminal proceedings, Fair Trials was set up in 1992 to help British people arrested abroad to overcome barriers to a fair trial. At present, we provide direct assistance to about 400 foreign national criminal defendants each year, just over 50% of whom are British citizens.

Consular services can provide a lifeline for British citizens arrested abroad, who often have to rely heavily on consular assistance to overcome their disadvantages as foreign nationals, and for protection from serious violations of their human right to a fair trial in criminal proceedings. The FCO recognised the importance of consular assistance as part of its current consular strategy the main aim of which is to be 'the best consular service in the world'³. Fair Trials welcomed the FCO's commitment to develop its consular service to be of the highest standard, and provided evidence before Parliament on some of the improvements that it needs to make in order to achieve this goal. Sadly, given the limited resources of the FCO and the gaps in its consular network, British citizens sometimes find themselves arrested and detained in parts of the world where they have no direct access to a local British embassy or consulate, leaving them particularly vulnerable, and further separated from friends and family at home.

In these situations, the assistance provided by other ministries of foreign affairs (including those of other EU member states) can be crucial, and we worked on cases where, for example, the FCO has had to depend on the consular services of countries like France and the Netherlands to reach British

citizens in countries where the UK either does not have diplomatic presence (such as in Chad), or in places where British consular officials have determined that they cannot visit citizens for security reasons (such as in Venezuela).

In this short response, Fair Trials welcomes the additional protection that closer cooperation between EU ministries of foreign affairs on consular assistance can provide for EU citizens (including British citizens) arrested outside their own country both by means of formal and informal collaboration. However we also express concerns that closer collaboration of this kind should not prevent ministries of foreign affairs, including the FCO, from working to improve the quality and quantity of assistance they provide to their own nationals arrested abroad.

Benefits of Further Cooperation on Consular Assistance

a. Informal Collaboration

Given the cultural and linguistic diversity of the European Union and its historic ties with the rest of the world, there are many countries in which certain EU member states have a more established local presence than the UK, allowing them to develop better local expertise and knowledge that could be highly beneficial for the provision of consular assistance. Such knowledge may include information about local legal systems and useful contacts, such as local lawyers that can help criminal defendants, but also experience of what amounts to effective forms of consular assistance in that particular jurisdiction.

We understand that informal collaboration between the FCO and the equivalent of other countries has already been taking place at various different levels, and consular officials of certain posts, for example, sometimes share local expertise with their counterparts from other countries. Given the major benefits for British citizens where such expertise and local presence are shared between ministries of foreign affairs, we believe that this type of informal collaboration should be encouraged in as many countries as possible where the UK and other EU member states have diplomatic presence.

Information on local legal systems

One of the most effective ways in which ministries of foreign affairs provide assistance to their citizens arrested overseas is by giving information about local legal systems (and local sources of support for suspects and defendants), to help them understand and exercise their rights. This type of assistance can also play a crucial role in helping a country's citizens to overcome the practical difficulties they face as foreign national criminal defendants.

Certain ministries of foreign affairs, including those of the United Kingdom and the Netherlands, have begun to provide this information to their citizens, in the form of 'prisoner packs' or similar publications. Consular officials from the FCO are also frequently distributing 'notes of advice' produced by Fair Trials, which contain practical advice and information specific to different legal systems.

We appreciate from our own experience of collating and publishing information on different criminal justice systems that the work involved in developing and delivering this information requires significant resources and most crucially, the knowledge and experience of local experts. We are also aware that this information is as relevant and useful to British nationals as it is for any other non-national criminal defendants. We therefore believe that the provision of information about local criminal justices systems is a key area in which there is strong potential for useful collaboration between member states.

Diplomatic Leverage

While most ministries of foreign affairs are reluctant to intervene in the legal proceedings of other countries, many will do so in cases where serious violations of their citizens' rights have taken place, or are about to take place, particularly where such violations cannot be remedied by the local legal system. British citizens subject to the most serious violations of their rights in criminal proceedings sometimes need to rely on the government to use its power and influence, as this may be the only way of ensuring that s/he is treated in accordance with internationally accepted fair trial standards. We believe that the FCO's ability to use its diplomatic leverage to protect its citizens from abuse of their rights could be enhanced where it can be combined with the force of other member states. For example, where citizens of a number of member states are suffering as a result of the unjustified use of solitary confinement in Japan's criminal justice system, in violation of international standards, it can be more effective to make a unified call for an end to that practice. Alternatively, where citizens of many EU countries are denied access to an interpreter in the UAE, the combined efforts by member states to establish a system for the provision of interpretation could be of benefit. This approach is compatible with the EU's Common Foreign and Security Policy of promoting democracy, the rule of law and respect for human rights.

b. Formal collaboration

There are existing legal provisions for formal collaboration on consular services between member states, including the obligation for member states to provide consular assistance on the same terms as their own nationals to EU citizens in third countries where their own ministries of foreign affairs are not represented⁴. We have seen cases where this sort of collaboration has made a crucial difference to British citizens arrested in regions where the FCO's consular officials have limited presence.

We believe that there are ways in which formal collaboration could be expanded, for example, by legislation setting minimum standards on consular assistance. Given that UK law does not currently recognise the right to consular assistance (a position that differs from those of certain other EU member states, such as Germany), we appreciate that there could be significant difficulties in the UK's implementation of any EU legislation that would set any minimum standards. However, we believe that the setting of basic minimum standards on consular assistance and agreeing on the types of assistance that EU citizens should expect to receive, including those identified in the proposed Council Directive on consular protection for citizens of the Union abroads, could be a

helpful way of raising the standards of consular assistance for all EU nationals, including British citizens.

Minimum standards on access to consular assistance for foreign national criminal defendants have also been recognised under Measure C of the EU Procedural Safeguards Directives⁶. Fair Trials believes that a mutual agreement between member states to notify one another when EU citizens are deprived of their liberty could be an effective way of ensuring that all foreign national criminal defendants in the EU are given speedy access to consular assistance, helping them overcome the additional difficulties they face vis-à-vis local defendants. Fair Trials is disappointed that the UK has chosen to opt out of this directive, and we would encourage the government to reconsider its position.

Risks Associated with Closer Mutual Support and Collaboration

There are clear advantages of pooling the resources of the EU's ministries of foreign affairs, so that consular assistance could be provided more effectively and efficiently. However, closer collaboration and mutual support should not come at the cost of reducing the quality or the quantity of assistance provided by any ministry of foreign affairs to its own citizens.

The FCO has, in recent years, reduced its presence in a number of countries, including those in Europe where the highest numbers of British citizens are arrested. British prisoners in Europe, for example, are only very rarely visited by consular officials, and we understand that this is in part due to closure of a number of posts, and the reduction in the number of frontline staff in a several countries.

We believe that the FCO's approach of providing less consular assistance to British prisoners in Europe could be based on the assumption that EU member states offer better prison conditions, as compared to most other parts of the world, and that there is a much lower risk of violations of fair trial rights in the EU. Fair Trials' own research on fair trial rights across EU member states⁷, which identified over 500 violations of the right to liberty and fair trial rights between 2007 and 2012, demonstrates that these assumptions may be misplaced. We believe that the FCO cannot rely on the suggestion that basic rights better protected in Europe as a legitimate reason for reducing the level of consular assistance, before it can be satisfied that minimum standards on defence rights, including those guaranteed under the directives of the 'Stockholm Programme', are in place and are being respected throughout the EU.

At a time of increased fiscal pressure on many government departments, the FCO needs to ensure that its limited resources are being spent effectively, and in particular, that they are being directed towards the most vulnerable. Fair Trials believes that British citizens in detention abroad, who find themselves cut off family and friends, in a country where they have little to no knowledge of the local language or customs, fall into this category. Closer collaboration and the sharing of resources and knowledge between member states should be seen as an invaluable opportunity to reverse the trend of withdrawing certain forms of consular assistance to prisoners, and to provide better, more effective forms of consular assistance to British criminal defendants overseas.

1 Our vision: a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.

2 Fair Trials also pursues its mission by helping people to understand and defend their fair trial rights; by addressing the root causes of injustice through our law reform work; and through targeted training and network activities to equip lawyers to defend their clients' fair trial rights.

3 Consular Strategy 2013-2016: Consular Excellence

4 Art 20, Treaty on the Functioning of the European Union

5 2011/0432 (CNS)

6 Art 7, Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty

7 *Defence Rights in the EU*, October 2012 http://www.fairtrials.org/wp-content/uploads/2012/10/ADR-Report_FINAL.pdf

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Wilson

Organisation: **Scottish Government**

Country of location: Edinburgh

Background

1. Although the provision of consular services is a matter which is reserved to the UK Government under the current constitutional settlement¹, it is an area which has the potential to impact a number of devolved matters. For example, the treatment of a student from Scotland while studying in a third country may affect education policy. Similarly, the Scottish Government is currently considering the position regarding fatal accident inquiries where a person who is resident in Scotland dies while abroad. The Scottish Government has, therefore, paid close attention to the exercise of EU competence concerning the provision of consular services to citizens of the EU in third countries and hopes to add value to the UK Government's review of competence in this area.

1 See section 29(2)(b) of, and paragraph 7 of Part I of Schedule 5 to, the Scotland Act 1998 (c.46).

EU competence

2. Under the current framework of the EU Treaties, the EU only has very limited competence in respect of the provision of consular services which largely remains vested in the Member States. The EU institutions do, however, derive some competence in this area from the provisions in the EU Treaties regarding citizenship of the Union.

3. The first paragraph of Article 20 of the Treaty on the Functioning of the European Union (TFEU) establishes the concept of EU citizenship and confers it on every person holding the nationality of a Member State. By virtue of Articles 20(2)(c) and 23 TFEU, all citizens of the EU have the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State. These rights are also articulated in Article 46 of the EU Charter of Fundamental Rights.

4. Article 23 TFEU requires the Member States to adopt the necessary provisions and start the international negotiations required to secure this protection and also enables the Council, acting in accordance with a special legislative procedure and after consulting the European Parliament, to adopt 'directives establishing the coordination and cooperation measures necessary to facilitate such protection'.

5. In addition, Article 35 of the Treaty on European Union (TEU) provides that Union delegations in third countries are to contribute to the implementation of right of EU citizens to protection in the territory of third countries. This is augmented by Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service adopted under Chapter 2 of Title V TEU of which Article 5(10) requires the Union delegations to support the Member States in their role of providing consular protections to the citizens of the Union when so requested.

6. EU competence in respect of the provision of consular services is, therefore, limited to supporting that of the individual Member States. The EU Treaties do not themselves confer any competence on the EU institutions to regulate the provision of consular services – it merely enables them to adopt coordinating and cooperating measures.

Exercise of EU competence

7. No directive has yet been adopted under Article 23 TFEU, although the Commission's proposal of 14 December 2011 for a Council Directive on consular protection for citizens of the Union abroad is still under consideration in the European Parliament and the Council. A Council Decision (95/553/EC) was adopted regarding protection for citizens of the European Union by diplomatic and consular representations under the Treaty establishing the European Community (TEC). This Decision fleshes out what is required by way of the protection of diplomatic and consular authorities in a third country. The Council has also adopted a number of non-binding guidelines in this respect.

8. The proposed Directive seeks to achieve four things:

- Define, in clear terms, when an EU citizen is unrepresented in a third country which would include the situation not only where the person's home Member State has no representation in the third country but also where that representation is inaccessible as well as the extent of protection afforded to the person's family members if they are not also EU citizens.
- Clarification of which Member State is to provide assistance and how this is coordinated with the person's host Member State.
- To ensure better local coordination and cooperation between the consular authorities present in a third country regarding unrepresented EU citizens.
- A clear framework to establish who assists unrepresented EU citizens in crisis situations and provide for financial reimbursement for assistance provided.

9. Assessment of EU competence

10. The Scottish Government completely agrees with the provisions in the EU Treaties which confer a right on all EU citizens to the protection of the diplomatic and consular authorities of any Member State in the territory of a third country in which the Member State of which they are nationals is not represented on the same conditions as the nationals of that State.

11. The Scottish Government also agrees that the EU should have competence to adopt legislative measures to ensure the proper coordination and cooperation of this protection.

12. We consider that the Treaty provisions lack specificity regarding the nature of an ‘unrepresented person’ and there is some requirement to define this so as to ensure clarity and a consistency of approach by all of the Member States in this area. Otherwise, some Member States will not afford protection when it is necessary in the situation.

13. Greater clarity of what the right to consular protection entails is also necessary. Practice across all of the Member States is so diverse that there is little doubt that the absence of a common approach leads to ‘consular shopping’ to choose the best protection on offer. This is not right and could lead to a gradual lowering of protection all round.

14. Where consular services are provided, we also advocate that a clear framework be in place to regulate the reimbursement of the Member State providing the services. The cost of providing consular services should not be borne by the Member State providing those services and a proper scheme enabling its reimbursement from the home State of the EU citizen is both necessary and desirable.

15. It is also clear that due to historical events, geographical proximity or common cultures, religions or languages, a number of Member States have better links with some third countries than others. Naturally, non-represented EU citizens will gravitate to this Member State’s diplomatic and consular authorities, particularly in the event of a crisis. Again, it makes sense for this role of a ‘Lead State’ to be recognised so as to assist with coordination and cooperation in times of crisis.

Conclusions

16. The Scottish Government agrees with the concept of sharing diplomatic and consular resources in third countries with its neighbours in the EU. In countries where all Member States are represented, it makes sense for these resources to be shared. There is, however, a requirement for some form of overarching legislation so as to ensure that resources are shared on a clear and common basis and mechanisms are in place to ensure that no Member State is over-burdened without recompense.

17. This is certainly an area of competence which should remain with the Member States to effect through intergovernmental cooperation but this should be assisted by the EU taking a supporting and coordinating role. It is vital, however, that the EU exercises its competence in a way which will not result in the Member States lowering the standard of consular services that they provide. Failure to act at all though is likely to have a similar effect.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Merheim-Eyre

Organisation: **Global Europe Centre, School of Politics and International Relations,
University of Kent**

Country of location: UK

‘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 adopt the necessary provisions and start the international negotiations required to secure this protection’ (Article 23)

Executive Summary

This document provides evidence into the **opportunities in strengthening the consular protection provisions of UK nationals in third countries**, outside of the European Union (EU), and within the framework of the emerging European consular cooperation. The Treaty of Lisbon, together with the Charter of Fundamental Human Rights, entitles every EU citizens to Consular Protection on non-discriminatory basis. Strengthening cooperation between the Member States (MS), along with **new institutional opportunities on the European level**, can increase the protection of UK nationals, whilst potentially saving the resources of the FCO Consular Services at a time of constrained finances, heightened global insecurity and increasing prioritisation of Consular Services by the FCO. With the Community legislation still subject to on-going discussions in the Council, and having in regards the FCO’s 2013-2016 Consular Strategy, there is an excellent opportunity to consider the type of and the levels of cooperation between the UK and the other MS in safeguarding the security of UK nationals (Merheim-Eyre; 2013). This paper, therefore, gives the following recommendations to the Foreign and Commonwealth Office for consideration:

- That the emerging European consular cooperation provides an opportunity for the strengthening of security of UK nationals outside of the EU, in collaboration with other EU partners on a regional basis
- Recent events across the globe show that even the best Consular Services find themselves overwhelmed when faced with a major crisis, prompting the need to consider increasing cooperation and burden-sharing with external partners
- To explore, in the medium-term, the placing of Laptop Consuls in EU Delegations, and the creation of shared ‘Europe Houses’ in identified third countries and regions, supervised by an inter-governmental group within the Council

- To consider, in the long-term, strengthening the coordination roles of EU Delegations in Consular Protection in those world regions where the FCO is under-represented, subject to international law, and agreements on training, and financing of the EEAS staff
 - To monitor the added value of the EEAS' Consular Crisis Unit, and support the strengthening of the Community Civil Protection Mechanism's (CPM) role in assisting the MS' repatriation efforts when so requested
 - That the European Consular Cooperation does not seek to either replace the prime role of the FCO Consular Services, nor the UK's existing cooperation with other countries, including those belonging to the Commonwealth
 - That the UK Government should identify clear strategies and priorities in cooperation with other European partners in aspects requiring different responses and instruments, be it in crises or in day-to-day consular assistance
- That, despite political sensitivities, there is a clear need for consistency on behalf of the UK Government in providing a long-term strategy for European cooperation at a time of increased economic and security pressures, as well as the rising political importance of consular assistance. Given the nature of the FCO Consular Services' functions, this evidence will explore the potential of cooperation in daily burden-sharing, but also in times of crises when immediate response is required on a local level. Its aim is to highlight the need for consistency in understanding the different types of responses in these two very different areas of assistance to UK nationals, an analysis of which can be found in supporting documents provided by the author.

Introduction

At the same time as UK citizens are becoming increasingly assertive of being provided the best possible service in third countries, global insecurity, budgetary constraints, and the impossibility of being omnipresent in all places of crisis, should be prompting the FCO to explore further the strengthening of consular protection partnerships.

As the Parliamentary Under-Secretary Mark Simmonds recently highlighted for the Parliament's Foreign Affairs Committee inquiry, Consular Services are one of the three overarching priorities for the FCO highlighted by the Coalition Government. In other words, what was once considered the Cinderella Service, is becoming increasingly important in the emerging system of Consular Diplomacy (Heijmans; 2010).

This was particularly highlighted by the events of the Arab Spring. In particular, the Libyan crisis in 2011, showed that Consular crises are increasingly reported in the media and politicised, whilst **the performance of the Consular staff is subject to public scrutiny, and judgment passed not only on the FCO, but the Government itself**. It is, in the words of analysts, an example of a 'strengthening nexus between diplomacy and society' (Heijmans and Melissen; 2006), but also of added pressure on the Consular Service in time of constrained financial resources and global insecurity.

The FCO is also aware that it is increasingly providing a 'service', stressed by Julian Braithwaite, the former Director of the Consular Services, who mentioned the word 'customer' no less than five times in his Foreword to the 2010-2013 Consular Strategy.

However, with up to 33% reduction in the budget in 2010 alone, the FCO has further recognized **the need to build strong external partnerships to deliver on its strategy**. In this regard, the European consular cooperation presents the FCO with a unique opportunity to

- Harmonise its financial and human resources, and re-allocate them where they are most needed
- Explore possibilities of burden-sharing and co-location, saving additional resources without diminishing the Consular Services' global presence
- Strengthen crisis management structures with European partners, and to use the opportunity of existing co-financing mechanisms on the EU level

In the forthcoming future, security pressures from man-made and natural disasters, increasing travel to farther places by UK nationals, and the economic climate will not diminish the pressure on the Consular Services. Therefore, **the FCO must explore both medium and long-term opportunities of external partnerships**, whilst working towards its goal to becoming the best Consular Service in the world.

Background: Development of European Consular Cooperation

The Initial Stage – Maastricht and beyond

During the negotiations of the Maastricht Treaty in 1991, Spain proposed to the European Council an Article that would see unprotected citizens given Consular assistance by officials of another Member State in a Third Country if his/her State's Consular or Diplomatic representation is inaccessible. From 1993 COCON (*Groupe Affaires Consulaire*) began to function within the Council, and the consequent 1995 Council Decision(95/553/EC) sought to explain the provisions of the Treaty Article, albeit focusing mainly on provisions in cases such as the loss of passport, arrest, detention or death, with the Common Emergency Travel Document being created in 1996 (Council Decision 96/409/CFSP).

September 11 Attacks and shifting priorities

The evacuation of citizens in emergencies was also included, but it was not until the tragic events of September 11 in the United States that there was an increased impetus for cooperation in this sphere. The events highlighted **shifting security priorities**, from the traditional defense of one's sovereign territory, to that of individual citizens who could be victims of man-made or natural disasters across the globe.

Decision 95/553/EC was, as a result, hurried through national legislatures where it has been subject to disagreements about its scope, vague definitions and a lack of focus towards cooperation in crises (Merheim-Eyre; 2014). Given the recognition of new threats posed by jihadist groups, it swiftly came into effect in October 2001 as a direct response to the September 11 Attacks, and the emerging new pressures on Consular Services. The need for cooperation was highlighted the European leaders, who jointly stated that,

'in the aftermath of the unprecedented and tragic terrorist attacks in the USA, governments at all levels have been prompted to reconsider how ready and able they are to prevent or mitigate the impact of these threats to our society' (EC COM(2001) 707 Final)

Post-9/11 Security-driven cooperation

The number of crises involving UK/European citizens has dramatically increased since 2001, prompting a development of technical cooperation at the European level. The **Union Civil Protection Mechanism** was created and, following a re-organisation in 2007, **can now be used by any MS to trigger an EU level repatriation of citizens** in distress, and has been used during the Mumbai bombings (2008) and the Libyan crisis (2011).

Crises over the past decade highlighted the importance of this cooperation, with capabilities being pooled by the States, whilst **co-financing of joint evacuations** out of the DG Humanitarian Aid & Civil Protection budget was established and used during the Libyan evacuation. Further, from 2002 the Council's Joint Situation Centre (JSC) handled early-warning and intelligence-sharing under the auspices of the High Representative Javier Solana. As well as sharing of sensitive intelligence information, JSC also made use of the **WorldReach Software** which handles requests for consular protection and monitors progress. At the establishment of the EEAS in January 2011 (2010/427/EU; 2010), the structures were transferred to the Service under the Consular Crisis Unit.

Post-Lisbon Treaty & EEAS

Together with the EU Delegations, the Consular Crisis Unit is forming the backbone of the EEAS' informal but growing role in consular protection. On the Delegation level, **the EEAS has strengthened its coordinative role** vis-à-vis the MS' Embassies, assisting the designated Lead States in Third Countries with crisis planning and, to some extent, with the evacuation itself, as was witnessed during the Japanese earthquake and the recent crisis in South Sudan.

Pre-Lisbon Crises Response: The Rationale for Further Cooperation

The emergence of the European Consular Cooperation has been that of necessity, recognised by the Member States as a potential solution to increasing global insecurity, strained financial resources and often weak cooperation through informal channels. From 2001, this was highlighted further. Almost a year after 9/11 came **the first Bali bombings**, with over 30 European dead and many injured. The 2004 Tsunami resulted in thousands of Europeans dead, injured or in need of immediate humanitarian assistance and repatriation across vast areas of the Indian Ocean.

The European effort here was dire or, as Michel Barnier, the Council's rapporteur on civil protection and former French Foreign Minister argued in his 2006 Report, practically non-existent (Barnier; 2006). As one eyewitness put it, '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 (BBC News; 2004).

The year 2005 brought further distress with **Hurricane Katrina**, the **Sharm-el Sheik bombing**, a **second bombing in Bali** and, in 2006 came the biggest evacuation since the Second World War (Fernandez and Melissen; 2011). The **2006 Lebanese War** stranded over 22,000 French and 20,000

UK nationals alone (Jureidini; 2011), with French, British and Italian navies cooperating to evacuate EU citizens and dual nationals to safety in Cyprus. The High Representative and the Finnish Presidency worked with the Israeli military to open an evacuation corridor, whilst the CPM was triggered to assist with the transfer of evacuees to Cyprus. Further, on the request of the High Representative, the UK 'Operation Highbrow' with 2,500 personnel and 6 navy vessels led the joint EU effort, although coordination was relatively limited up until the later stages of the evacuation.

Corresponding with big increases in travel to third countries (from 50 million in 2005 to over 90 million in 2008), European citizens have become increasingly vulnerable to events across the globe. Therefore, efficient and swift response has become crucial, often the affected citizens being first in need of humanitarian assistance, giving rationale behind the EU's attachment of the Community Mechanism to DG-ECHO, but also highlighting that **'the bigger the crisis, the bigger the expectation'** (Heijmans and Melissen; 2006)

What Type of Cooperation? Towards Greater Inter-Governmentalism

The review of Council Decision 95/553/EC from 2006 and the consequent coming into effect of the Lisbon Treaty has opened a number of debates on the level and type of cooperation that should exist between the EU Member States, especially the need to distinguish between crisis and in daily cooperation. Although the original impetus was the need to strengthen daily cooperation, events of the past decade have shifted priority towards cooperation in emergencies. On the other hand, the financial crisis and the increasing number of consular cases globally has resulted in bringing daily consular cooperation back into spotlight, showing that there is currently a pressing need to tackle deficiency of cooperation in both instances (Merheim-Eyre; 2014).

EEAS Delegations

The role of the EU Delegations has become the most contested issue in the debate over provisions for the European Consular Cooperation. A number of smaller Member States and France (the biggest Consular Service among EU states) support the strengthening of the Delegations' roles in consular protection.

Although **the Government is opposed to the UK's participation**, the EU Scrutiny Committee suggested an opt out for those states not wishing to participate and suggested a **two-track solution**, between the states willing to give the EEAS strengthened role in Consular Protection, and those preferring a looser cooperation.

However, the role of EU Delegations in providing protection for EU citizens is, in the short-term, unlikely. Firstly, the EEAS is set to function on resource-neutral basis, whilst **the Delegations are currently neither adequately staffed nor its employees trained to provide complex consular protection on daily basis** (EEAS Review; 2013).

Secondly, under international law the EU, as a non-State entity, **cannot formally provide Consular Protection within the legal framework of the 1963 Vienna Convention**, as **Consular Protection is a specific State function** (Moraru; 2011). Nevertheless, despite the lack of formal agreements with

third agreements, it is becoming increasingly demonstrated that third countries accept both the role of designated states as representing the Union as a whole, (under the Lead State Concept), as well as the supportive role of the EU Delegations. Further, the EEAS Consular Crisis Unit, has also proved its value in crisis situations, by working together with the Member States' crisis management structures, consulates on the ground, as well as the DG ECHO's Civil Protection Mechanism (Merheim-Eyre; 2013).

The EEAS' ability to provide daily assistance, however, such as issuance of Emergency Travel Documents, is for now subject to greater scrutiny of international law.

Lead State Concept

As part of the post-9/11 attempts at increased cooperation, the Member States created the Lead State Concept (*Lead State in Consular Crises*; PESC758/COCON19 2007), whereby an MS voluntarily takes charge of unrepresented EU citizens in Third Countries in the case of crises. However, despite the UK Government's preference for this type of cooperation, the concept did not fully solve the problem of burden-sharing. In fact, **France**, who has acts as a Lead State in more locations than any other MS **expressed skepticism about this type of cooperation, and sees it as a short-term solution** due to escalating financial costs.(Balfour & Raik (eds.); 2011)

Laptop Consuls

The economic crisis has seen a number of MS exploring the **potential for burden-sharing**. For example, Spain whose Foreign Ministry suffered a 54% budgetary cut in 2012 alone, set up its Embassy in Yemen on the premises of the EU Delegation, and it understood that **it has saved up to 500,000euros in the first year**. The FCO also makes use of the EU Delegation in Nouakchott (Mauritania), when its non-resident Ambassador visits the country. **A possible scenario can be envisaged with Consular officers, who can be located in EU Delegations in areas with no FCO Representations.**

Europe Houses?

As is the case between the UK and Canadian cooperation in Consular Affairs, there should also be a consideration for **co-location with other MS in joint premises**. Having in regard Barnier's proposals for the establishment of common consular offices, a **looser network of 'Europe Houses' can be established on country or regional basis** in volatile areas where there are fewer diplomatic and consular representations, but with a high number of UK/European visitors. A possible scenario can be Barnier's suggestion to establish offices in the Caribbean, the Balkans, the Indian Ocean and West Africa. These could be set up on the basis of the 'Visegrad House' in Cape Town, shared between the Czech Republic, Hungary, Poland and Slovakia.

Given the FCO's existing large networks of consulates, 'Europe Houses' would serve the role of strengthening provisions for assistance and protection where the number of Member States' consulates is limited, and the potential of growing number of citizens seeking protection or assistance increasing. Further, 'Europe Houses' can be supervised through an inter-governmental group within the Council, thus allowing the Member States to retain control over regional consular cooperation, and without diluting the national character of the MS' Consular Services.

State of Play and Recommendations

In its 2013-2016 Consular Strategy, the FCO committed itself to becoming 'the best Consular Service in the world'. Yet, if the past decade showed anything, it is that **in certain situations even the best Consular Services often cannot provide adequate protection to those citizens that may need it the most**. In a globalised world, when a crisis strikes, it is essentially global but, nevertheless, requiring a local response. **To this end, strong external partnerships are essential.**

A European consular cooperation framework does not seek to replace national Consular Services in any way, but rather seek **strengthened effectiveness** where necessary. **Far from working against the aims of the FCO Consular Services, the emergence of this cooperation has so far complemented them**. From the need to cooperate in cases of detention, arrest and loss of passports, increasing attention is being paid to **cooperation in crisis situations**, as well as **burden-sharing and co-location at times of on-going financial crisis**.

There is a 'growing public expectation' (Heijmans and Melissen; 2006), whilst the FCO is highly aware of the sensitive role it must perform and the increasingly rising importance of Consular Services at home and abroad. This, however, cannot be achieved alone. In order to face growing challenges, the FCO must seek strengthened cooperation with external partners. In particular, this can be addressed by:

- **Strengthening the European Consular Cooperation**
- **Developing a consistent strategy that includes cooperation in daily assistance to citizens and crises situations**
- **Creating medium and long-term goals for cooperation, including the Lead State Concept, Laptop Consuls, 'Europe Houses' and the potentially added value of EU Delegations**
- **Exploring the added value of the Community Civil Protection Mechanism in the event of Consular Crises**

The FCO is faced with a unique opportunity for strengthened cooperation, and enhanced protection of UK nationals globally. To this end, the FCO must become more pro-active in engaging with European partners because,

'If anything does indeed characterize diplomacy today, it is the MFA's gradual expansion of vertical linkages with governmental players and horizon linkages with non-governmental organisations that are necessary condition for MFAs successful management of international relations' (Heijmans and Melissen; 2006)

Supporting Documents

Merheim-Eyre, Igor. *Strengthening the Security of UK Nationals in Third Countries: FCO Consular Services in the Emerging European Consular Cooperation*; Written Evidence for the UK Parliament Foreign Affairs Committee (CON0016), 2014

Merheim-Eyre, Igor. *Quo Vadis? Conceptualising the Development of European Cooperation in Consular Protection (1993-2013)*; 2014

Merheim-Eyre, Igor. *The Europeanisation-Securitisation Nexus: The Treaty of Lisbon and the Roles of EU Institutions in Consular Protection*; 2013

Merheim-Eyre, Igor. *Europeanising and Securitising? Challenges and Opportunities in the Development of Consular Protection Cooperation Since the Treaty of Lisbon (2009-2012)*; 2013

About Author

Igor Merheim-Eyre is the Programme Coordinator at the Global Europe Centre, University of Kent. His research focuses on the emergence of the European Consular Cooperation, Visa Diplomacy and the EU as an international actor. The Global Europe Centre is a multi-disciplinary cross-departmental research Centre based at the University of Kent, specialising in the study of the European Union, its role in the world and the wider Neighbourhood.

Barnier, Michel. 'For a European civil protection force: Europe aid', European Commission, Brussels, 2006

Council of the European Union, Council Decision '*regarding protection for citizens of the European Union by diplomatic and consular representations*', Decision (95/553/EC), Official Journal of the European Communities, Brussels 1995

Council of the European Union, *Lead State in Consular Crises: Security of European Union citizens in Third Countries in crises*, 10715/07 PESC758/COCON19, Official Journal of the European Union, Brussels 2007

Council of the European Union, Council Decision '*establishing a Community Civil Protection Mechanism (recast)*', Decision (2007/779/EC Euratom), Official Journal of the European Union, Brussels 2007

Council of the European Union; Council Decision *establishing the organisation and functioning of the European External Action Service*; Council Decision (2010/427/EU), Official Journal of the European Union, Brussels 2010

European Court of Auditor. *Special Report: The Establishment of the European External Action Service*; No. 11 2014

Jureidini, Ray. *State and Non-State Actors in Evacuations During the Conflict in Lebanon, July-August 2006* in Koser, Khalid & Martin, Susan (eds). *The Migration-Displacement Nexus*; Berghahn Books, Oxford 2011

Melissen, Jan & Fernandez, Ana Maria. *Consular Affairs and Diplomacy*; Martinus Nijhoff Publishers, Leiden 2011

Merheim-Eyre, Igor. *Strengthening the Security of UK Nationals in Third Countries: FCO Consular Services in the Emerging European Consular Cooperation*; Written Evidence for the UK Parliament Foreign Affairs Committee (CON0016), 2014

Merheim-Eyre, Igor. *Quo Vadis? Conceptualising the Development of European Cooperation in Consular Protection (1993-2013)*; 2014

Merheim-Eyre, Igor. *The Europeanisation-Securitisation Nexus: The Treaty of Lisbon and the Roles of EU Institutions in Consular Protection*; 2013

Merheim-Eyre, Igor. *Europeanising and Securitising? Challenges and Opportunities in the Development of Consular Protection Cooperation Since the Treaty of Lisbon (2009-2012)*; 2013

Moraru, Madalina B. 'Protection of EU citizens abroad: A Legal Assessment of the EU Citizens' Right to Consular and Diplomatic Protection'; Centro Studi Sul Federalismo, *Perspectives on Federalism* Vol. 3 No 2 011

Okano Heijmans, Maaïke. 'Change in Consular Assistance and the Emergence of Consular Diplomacy', No. 26 Netherlands Institute of International Relations 'Clingendael', The Hague 2010
Okano Heijmans, Maaïke & Melissen, Jan. 'Foreign Ministries and the Rising Challenge of Consular Affairs: Cinderella in the Limelight'; *Discussion Papers in Diplomacy*, Netherlands Institute of International Relations 'Clingendael', The Hague 2006
UK Parliament; *Diplomatic and Consular Protection of Union Citizens in Third Countries*; European Scrutiny Committee (33569) 18821/11
<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeuleg/428-xlix/42810.htm>

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Chantery

Organisation: **British Communities Committee of France**

Country of location: France

British Community Committee of France cooperates closely with the Consular services of the British Embassy in Paris and the other Consular posts in France, and applauds their work. The BCC believes that the interests of the British people are best served by continuation of the present arrangements, and is not in favour of a greater role for European institutions in this regard. In our opinion, any initiatives towards greater cooperation between States in this area should be negotiated by the FCO with the other parties concerned.

One activity in particular is in the area of national competence, and should not be undertaken by the EU (although comparisons between Member States in this area are useful and would probably bring advantages to the UK): the registration of British citizens resident abroad. Other Member States have shown themselves to be far more competent than the UK in this regard. *A minima*, the UK should operate a simple on-line resident registration system, such as the recently abandoned LOCATE system. Such a service could also include optional overseas elector registration.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Crowe

Organisation: **Prisoners Abroad**

Country of location: UK

Question 1 : What are the advantages and disadvantages of the current system for providing mutual support between Member States in consular assistance?

Advantages: Cooperation between MS consular services can provide added pressure and a stronger voice when lobbying on mis-treatment or prison conditions.

The agreements in place ensure that prisoners can receive support in countries where no British consulate exists.

Question 2 : How might the UK and its citizens benefit or be disadvantaged if the EU were to take on a greater role in consular work?

This might provide a stronger lobbying 'voice' especially outside the EU. However many people needed consular support want assistance from a native English speaker – this is a point that is regularly raised by our clients.

Question 3 : How would either greater or lesser sharing of Member States' consular resources impact on the delivery of consular services to UK Nationals?

Greater sharing of resources might enable various forms of support for prisoners to be delivered more often.

Question 4 : What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

The advantage of a formal agreement is that it provides a sound basis for cooperation and relationships

Question 5 : What future challenges or opportunities might we face in the area of consular competence and what impact might these have on the national interest?

Continuing economic pressures on government spending.

But there is an ongoing need to support prisoners and their families. There is no magic solution to prevent people from committing crime overseas – knowingly or unknowingly and so the need will always be there.

There will continue to be an ongoing risk to the public of ex-offenders returning to their home countries if they receive no post-release support.

As travel overseas remains easy and cheap, the mobility of serious offenders is also an issue of continuing concern to all countries.

Question 6 : What would be the advantages or disadvantages of different provisions for consular work during a crisis?

Support for prisoners suffers when consular staff are diverted to deal with crises.

For some prisoners who are detained in life threatening conditions, they are in daily crisis and their welfare relies heavily on the regular contact and monitoring that only a consular service can provide.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Shalaby/Mayes

Organisation: **reunite International Child Abduction Centre**

Country of location: UK

Question 1 : What are the advantages and disadvantages of the current system for providing mutual support between Member States in consular assistance?

Reunite has no knowledge of any of our parents being provided with consular support from an Embassy of another Member State and so cannot comment authoritatively, but we assume the current system benefits British nationals who are able to access consular support and assistance in countries where the Foreign and Commonwealth Office are not represented.

We also assume there may be a financial advantage for Member States who do not have the financial capacity to establish consular services everywhere and so can ensure their nationals receive consular assistance without the full financial burden.

Although the majority of parents who seek assistance from **reunite** are British, we do also assist non-British parents and we do interact with various Member States' Consular Departments/Embassies, both in the UK and overseas, to seek consular assistance on the non-British parent's behalf. It is apparent that the quality of service provision and delivery varies across the Member States and so we assume the disadvantages for a British national seeking assistance from another Member State would be lack of expertise/knowledge in complex and sensitive cases, linguistic barriers, and erosion in service delivery.

Question 2 : How might the UK and its citizens benefit or be disadvantaged if the EU were to take on a greater role in consular work?

If the EU were to take on a greater role in consular work there may be a financial benefit to the UK as it may be possible to reduce expenditure in this area.

Our previous interactions with EU representatives have not been overly positive and we believe there is a lack of understanding, expertise, sensitivity and proactivity around consular services and, in particular, around cases of international parental child abduction. We believe it would be to the detriment of UK citizens if the EU were to take on a greater role in consular work as we believe there would be an erosion in service delivery and quality of service, and a lack of accountability and monitoring.

British consular staff liaise with the Foreign and Commonwealth office regarding cases of international parental child abduction and we believe that if EU representatives were to take on this role, this communication would be reduced and case monitoring would be compromised which would be detrimental to the cases.

Question 3 : How would either greater or lesser sharing of Member States' consular resources impact on the delivery of consular services to UK Nationals?

The potential benefit of a greater sharing of consular resources may be a reduction in expenditure for the British Government as it may lead to savings around staffing costs.

We believe greater sharing of Member States' consular resources would impact negatively on the delivery of consular services to UK nationals.

Foreign and Commonwealth Office consular staff receive excellent training and deliver an exemplary service to British nationals. Many of our parents approach a British Embassy in situations where their child has been abducted or is at risk of abduction. If a greater sharing of services leads to fewer British Embassies, this may negatively impact on the ability of British citizens to receive consular assistance and support from someone who has received adequate training, is familiar with legislation, has an adequate understanding of English, and is aware of cultural sensitivities when dealing with British families. The experience of British consular staff in these matters would also be lost.

Our parents also approach consular services to obtain Emergency Travel Documents to help facilitate the return of a child after an abduction event. The issuing of such documents can be a delicate and legally sensitive issue and if an Embassy of a different nation is dealing with the request they may be unfamiliar with UK guidelines, and may be less willing to use their discretion in certain situations as they are not only going to be scrutinised by their own government but also the UK government. This could result in a lack of decisiveness, delay, issues with communication and mistakes.

Question 4 : What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

Further legislation would contribute to the erosion of standards as it can only specify a minimum standard of assistance rather than the exemplary standard currently provided by the British consular staff.

In addition, our practical experience of current EU legislation in other matters demonstrates that some Member States have a poor record of meeting their obligations under the legislation and we do not see that there would be any difference in approach to legislation around consular assistance.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Vigni

Organisation: **Law Department, University of Siena - Italy**

Country of location: Italy

Question 1 : What are the advantages and disadvantages of the current system for providing mutual support between Member States in consular assistance?

The greatest advantage for EU citizens is to achieve assistance in those countries where their State of nationality does not have consular offices

The greatest disadvantage consists in the fact that it is not clear to what extent EU Member States must ensure this assistance

Question 2 : How might the UK and its citizens benefit or be disadvantaged if the EU were to take on a greater role in consular work?

The UK could reduce the number of consular offices and officers abroad so as to save much public money

The disadvantage for the UK would consist in missing part of its independence as to international relations

Question 3 : How would either greater or lesser sharing of Member States' consular resources impact on the delivery of consular services to UK Nationals?

UK nationals would be in general favoured by the sharing of consular services since several EU countries ensure a better assistance to their citizens

Question 4 : What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

I only see advantages because legislation may clarify the extent of the right to consular assistance which is established in art. 23 of the Treaty on the Functioning of the EU.

Question 5 : What future challenges or opportunities might we face in the area of consular competence and what impact might these have on the national interest?

Further developments might extend the role of the EU so as to allow it exercising diplomatic protection other than consular assistance.

Question 6 : What would be the advantages or disadvantages of different provisions for consular work during a crisis?

I only see advantages during a crisis since some EU Member States may have better relationships with the hosting country than the UK.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Organisation: **ABTA - Record of meeting 11 June**

Country of location: UK

Managing expectations in a shared or more closely joined up consular service

Operators speak from experience of outsourcing and shared services. Standards become harder to manage. Robust service level agreements need to be in place – no easy task. The problem is what happens when things go wrong. A complaint restitution process comes with the risk of providing something too late, resulting in reputational damage.

And tour operators bear the brunt of disappointments or frustrations with a lack of or poor consular assistance. They have representatives on the ground. And people tend to view themselves as customers before they consider themselves citizens – ‘it’s the tour company’s job to fix it’. Their reputations also get tainted by poor consular service.

And there was an appreciation of the complexity that a shared service would need to overcome.

- Citizens of Schengen countries have fewer requirements for consular assistance when travelling in the area.
- Prioritisation (perceived or real) was seen as a potentially fraught area.
- Operators know from experience that fluency in a language is not just command of vocabulary; cultural fluency matters. When people are in difficulty they need to speak to someone who understands nuance, who can provide advice in context and with an understanding of the person’s home country.

Travel Advice

Operators valued clear decision making about travel advice. From their perspective it was very important to be able to plan and implement contingencies if there is to be a level change. It was valuable to be able to feed in evidence and influence the decision making process and be given advance notice of potential changes. There was concern that the direct line to the decision makers ABTA currently enjoys might be harder if decisions were taken at a European wide level.

Different nationals also have different appreciations of risk. Bookings by Britons for the red sea resorts have not diminished, even though other EU countries have advised against travel to them.

The EU Aviation blacklist was mentioned as a potential case study for EU wide decision making on safety grounds. It is not swift.

Crises

The UK’s speed and capacity of response was valued. There was concern that sharing might mean dilution.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Bartholomew

Organisation: **Warden of the British Embassy Philippines**

Country of location: Philippines

Question 1 : What are the advantages and disadvantages of the current system for providing mutual support between Member States in consular assistance?

Firstly, it is unlikely that EU citizens of member states are aware of this reciprocity. Secondly, however, reciprocity can become a liability in two potential areas: 1) Where an EU country has very limited overseas representation - the responsibility for its citizens overseas will regularly fall on other member states 2) If costs are regularly occurred for members of these EU States without a system for cost recovery.

Question 2 : How might the UK and its citizens benefit or be disadvantaged if the EU were to take on a greater role in consular work?

UK citizens would probably be greatly disadvantaged as the consular systems in place for UK citizens are robust and proven and many EU countries have VERY limited consular services as their citizens do not travel as widely or as often as UK citizens. Again, funding would come into play, and EU consular services could well be prioritized on funding levels. On another level, response times would be MUCH slower as an integrated EU Consular Service center would spend a much longer period of time establishing identity, level of service for the specific country, understanding the issue and how it relates to the country in question and so on. It is far better for UK citizens to have a consular service which has specific responses under a known set of criteria within the purview of the FCO.

Question 3 : How would either greater or lesser sharing of Member States' consular resources impact on the delivery of consular services to UK Nationals?

As per comment above - it will depend on the source and level of funding. Also it is pretty much inevitable that whoever heads up a Shared EU Consular Services center would gravitate towards prioritizing citizens from their own country.

Question 4 : What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

There are definite advantages to formalizing expectations of consular services (paid and unpaid) on a reciprocal basis through the member countries. However, if this starts moving towards a centralised EU Consular Services concept, with EU funding from member countries, the UK will lose its Warden and grass roots systems that it has worldwide, and the level or practical, useful and rapid response consular services will become a thing of the past. Don't go in that direction!

Question 5 : What future challenges or opportunities might we face in the area of consular competence and what impact might these have on the national interest?

Always an issue. In the past European countries have had unresolved conflicts. In these situation, reciprocal consular services should be suspended as they could endanger national security. For the same reason, and integrated EU Consular Services Center should not be considered.

Question 6 : What would be the advantages or disadvantages of different provisions for consular work during a crisis?

These are always judgment calls by the in-country consular head, but there is a clear benefit to other member countries assisting another if a crisis situation is overwhelming to a particular country (e.g. diplomatic relations are broken off between an EU country and another country and the embassy is closed leaving citizens stranded there, or if a crisis hits a large company, that primarily has national of a particular EU country and there are insufficient resources to deal with the volume of principals and dependents needing assistance).

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Dickson

Organisation: **Private UK citizen now living overseas (expatriate 1)**

Country of location: France

Response No		1
Answering as		private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Dickinson
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	-
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		As I understand matters, the present system provides for consular services to be provided by the country of citizenship. Failing representation by that country, the fallback position is for another country to perform these duties. This seems a sensible approach.

<p>Q4. What do you think the disadvantages of this current system are?</p>	<p>Three problems arise: 1) The EU citizen who finds themselves in a predicament would probably have great difficulty in identifying a non UK consul to turn to, 2) Language could be an enormous barrier, 3) Staff untrained in dealing with other nationals will cause great frustration with all parties.</p>	
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>Ac more comprehensive local representation in countries where no representation is available today.</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>Greater local resources should be made available by pooling resources.</p>
	<p>Q5.3. to the national interest?</p>	<p>The UK would & quot; stay on the radar screen & quot; by being part of an influential group.</p>
	<p>Q5.4. during a crisis?</p>	<p>This could be of enormous help in unstable countries.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>UK citizens and the UK would be buried in a larger group.</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>No doubt the bureaucracy would be increased thus the level of frustration.</p>
	<p>Q.3. to the national interest?</p>	<p>The UK's identity could be diluted.</p>

	Q.4. during a crisis?	I see no disadvantage.
Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?		At a time when the role of the EU is seriously being questioned any change would add fuel to the fire. This matter should be readdressed once the reset button has been pressed and once the EU has redefined its role.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Anderson

Organisation: **Private UK citizen now living overseas (expatriate 2)**

Country of location: France

Response No		2
Answering as		Private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Anderson
	Q2.2. Organisation/company (if applicable)	Retired now Treasurer (unpaid) to Scots Kirk Paris, BCFand French senior golfers Association ASSGF
	Q2.3. Job title (if applicable)	Treasurer
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		Presumably reduced numbers of staff, so reduction in costs.

<p>Q4. What do you think the disadvantages of this current system are?</p>	<p>The Consul now provides a very limited service to British citizens in France. A few years ago the Consul was there to represent the U.K. through its various activities - the Consul General was on the committee of British Associations and so was a contact to feed back to the UK and Europe on the British Community in France, they helped British Nationals in financial difficulty and could refer them to UK Benevolent Associations like BCF, Elizabeth Finn, the British Hospital in Levallois. There are no more referrals. And what about passports.....!!! The UK Citizen in France has been abandoned by the UK Govt.</p>	
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>Perhaps a bit more local service in Paris.</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>No change many of the previous Consul staff were British, or were & quot; new & quot; Brits, so who cares if it comes from a European citizen as long as there is a bit of local service.</p>
	<p>Q5.3. to the national interest?</p>	<p>That comes from elsewhere.</p>
	<p>Q5.4. during a crisis?</p>	<p>Recent crises have been financial and worldwide, so the Consul could not help. Hopefully we will not a European crisis where the UK goes to war against a Western European Nation - so in 40 years in France there has not been a real crisis for the Consul to handle.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>Cost of Civil Servants salaries.</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>There is no longer any service - so the cost of Civil Servants salary.</p>
	<p>Q.3. to the national interest?</p>	<p>Cost of Civil Servants salaries.</p>

	Q.4. during a crisis?	Cost of Civil Servants salaries.
Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?		None

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Trillo

Organisation: **Private UK citizen - Retail Sector**

Country of location: UK

Response No		3
Answering as		Someone who works in the Retail Sector
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Trillo
	Q2.2. Organisation/company (if applicable)	Expert Africa
	Q2.3. Job title (if applicable)	Kenya Programme Manager
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		Not aware of any advantages.

<p>Q4. What do you think the disadvantages of this current system are?</p>	<p>There is no system of mutual oversight to raise each other's game for the benefit of travellers.</p>	
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>More formal responsibilities for each consulate.</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>As above - more dependable and more accountable.</p>
	<p>Q5.3. to the national interest?</p>	<p>More sharing of information, support and mutual oversight.</p>
	<p>Q5.4. during a crisis?</p>	<p>More sharing of information, support and mutual oversight.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>Not aware of any.</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>Not aware of any.</p>
	<p>Q.3. to the national interest?</p>	<p>Not aware of any.</p>

	Q.4. during a crisis?	Not aware of any.
Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?		Would bind member states to greater mutual responsibilities.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Hudson

Organisation: **Private UK citizen now living overseas (expatriate 1)**

Country of location: Spain

Response No		4
Answering as		Private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Hudson
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	-
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		I think that the British consulate has got it just about right here in Spain. There seems to be a good relationship with expatriates and good support.

<p>Q4. What do you think the disadvantages of this current system are?</p>	<p>Not all member states play by the rules!!</p>	
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>None. I believe that UK nationals would be marginalized at the expense of other EU nationals.</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>It would become a bureaucratic nightmare and a shambles.</p>
	<p>Q5.3. to the national interest?</p>	<p>UK interests and rights would be watered down even further!!</p>
	<p>Q5.4. during a crisis?</p>	<p>It would be a as I have said above a bureaucratic shambles.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>As 5/1 above</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>As 5/2 above</p>
	<p>Q.3. to the national interest?</p>	<p>As 5/3 above</p>

	Q.4. during a crisis?	As 5/4 above
Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?		The UK would tow-the-line and obey the rules while the rest of the EU would make a token gesture and the carry on doing what they please at the expense of others!!

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Stabler

Organisation: **Private UK citizen now living overseas (expatriate 2)**

Country of location: Spain

Response No		5
Answering as		Private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Stabler
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	retired
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		No matter where we are within the European we have somewhere to turn to in an emergency.

<p>Q4. What do you think the disadvantages of this current system are?</p>	<p>We paid into one country's system for many years and although it has been our choice to leave and live abroad, it is not good to hear of other foreigners to the EU receiving benefits to which we have contributed but are no longer able to receive.</p>	
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>More help where ever you are.</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>As above</p>
	<p>Q5.3. to the national interest?</p>	<p>Peace of mind when travelling.</p>
	<p>Q5.4. during a crisis?</p>	<p>Help in your own language at a time of great need.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>Cost?</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>Shouldn't be affected.</p>
	<p>Q.3. to the national interest?</p>	<p>Improvement</p>
	<p>Q.4. during a crisis?</p>	<p>As above</p>

Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

-

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Unknown

Organisation: **Private UK citizen now living overseas (expatriate)**

Country of location: Unknown

Response No		6
Answering as		Private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	-
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	-
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		Coordinating shared EU / Member State objectives can minimise duplication, improving effectiveness and reducing the cost to Member States.

<p>Q4. What do you think the disadvantages of this current system are?</p>		<p>Member States without representation 'free ride', or ensure their citizens receive consular assistance without having to pay for it, or pay the full cost. Additionally, consular assistance for UK nationals may be reduced if Consulate staff are busy assisting non-UK nationals. (Despite being a UK national working outside of the UK I still pay tax in the UK. Moreover, States should only provide assistance to their own citizens, or with exception to non-UK citizens where the assistance is reciprocated equally).</p>
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>More cost effective - larger (EU) Consulates would be cheaper to administer.</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>None.</p>
	<p>Q5.3. to the national interest?</p>	<p>The EU may have better diplomatic access in certain countries than the UK alone.</p>
	<p>Q5.4. during a crisis?</p>	<p>There would be more resources for assisting many EU citizens at once. Diplomatic power would be enhanced as each Member State has unique diplomatic power and expertise.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>A worse service for UK citizens and diminished presence / relationship with the respective country.</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>A worse / reduced service. One EU Consulate would probably have less staff and range of services than current individual Member State Consular services combined in any given country.</p>
	<p>Q.3. to the national interest?</p>	<p>The UK's representation / specific interests or relationship would not be promoted. An EU interest would.</p>
	<p>Q.4. during a crisis?</p>	<p>None.</p>

Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

The advantages would mean that the EU would have to develop a more coherent foreign policy and therefore become a stronger global actor. The disadvantages would be that the UK may bear a disproportionate cost and services to UK citizens would be reduced.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Amos

Organisation: **Private UK citizen now living overseas (expatriate)**

Country of location: Vietnam

Response No		7
Answering as		Private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Frances Amos
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	Music Teacher
	Q2.4. Department (if applicable)	-
	Q2.5. Address	Ho Chi Minh City, Vietnam
	Q2.. Email	
Q3. What do you think the advantages are of this current system of consular assistance?		Different consulates/ embassies can provide tailored support and advice to the host country's expat community.

<p>Q4. What do you think the disadvantages of this current system are?</p>	<p>If travelling between countries it may be difficult for an expat to understand what each consulate/ embassy can do and how.</p>	
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>-</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>Perhaps provide more staffing to provide better and more convenient working hours and provide support for a wider range of issues.</p>
	<p>Q5.3. to the national interest?</p>	<p>-</p>
	<p>Q5.4. during a crisis?</p>	<p>Easier for those from smaller member states to find somewhere/ someone to help.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>-</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>Less tailored to British needs. Non-English speaking staff?</p>
	<p>Q.3. to the national interest?</p>	<p>-</p>
	<p>Q.4. during a crisis?</p>	<p>Language barriers (this would be especially important during a time of crisis to find someone who can speak in English to support you which would be expected at a British embassy/ consulate but not so at a European consulate/ Embassy).</p>

Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

Advantage - coherence between the consulates/ embassies. Disadvantage - lack of flexibility when working within a host country.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Arblaster

Organisation: **Private UK citizen now living overseas (expatriate)**

Country of location: Unknown

Response No		8
Answering as		Private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Arblaster
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	-
	Q2.4. Department (if applicable)	-
	Q2.5. Address	Alter Hof 52, D-5242 Selters
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		<p>For EU citizens gaps in provision of consular services are covered. Note: It is unknown to me if there is a system of balancing the cost of this where some EU nations have more representation e.g. Germany and Luxembourg. Such as with provision of healthcare. Trade, cultural exchanges, development and technical advice may be offered in fast smaller scope deals.- The same type of development, technical services and training or aid may come from various quarters if the coordination effort is ineffective, where a coordination of national specialities (e.g. emergency engineering, supply of emergency food, supply of temporary mobile telecommunications network) may be more beneficial.</p>

<p>Q4. What do you think the disadvantages of this current system are?</p>		<p>There is currently more coverage than would be required if EU consular services were represented where required, leaving the remainder of the representatives to pursue cultural and trade missions. e.g. Caribbean Islands.</p>
<p>Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...</p>	<p>Q5.1. to the UK, and its citizens?</p>	<p>Marginally higher coverage.</p>
	<p>Q5.2. to the delivery of consular services to UK Nationals?</p>	<p>Lower cost through the increased coverage.</p>
	<p>Q5.3. to the national interest?</p>	<p>Free up mission to deal with priorities and reduce IT outlay for payment systems, software licensing and architectural problems.</p>
	<p>Q5.4. during a crisis?</p>	<p>Coordination of police, charities, engineering needs with local governments would be more centralised.</p>
<p>Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...</p>	<p>Q.1. to the UK, and its citizens?</p>	<p>Reduced experience of staff in the long term in dealing with the general public.</p>
	<p>Q.2. to the delivery of consular services to UK Nationals?</p>	<p>Possible language barrier with consular staff.</p>
	<p>Q.3. to the national interest?</p>	<p>None</p>
	<p>Q.4. during a crisis?</p>	<p>None</p>
<p>Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?</p>		<p>Locked into contract that does not work well in practice. However, a provision could be made to tender out for a pilot project, with legislative backing, in order to evaluate the risks involved.</p>

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Holmes

Organisation: **Private UK citizen /general traveller (UK resident 1)**

Country of location: UK

Response No		9
Answering as		Private UK citizen /general traveller (UK resident)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Holmes
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	Retired
	Q2.4. Department (if applicable)	-
	Q2.5. Address	UK
	Q2.. Email	
Q3. What do you think the advantages are of this current system of consular assistance?		If we are in the EU we should be able to get assistance anywhere in EU.
Q4. What do you think the disadvantages of this current system are?		At present no guarantee of help depending on the country you are in?
Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...	Q5.1. to the UK, and its citizens?	Guarantee of help?
	Q5.2. to the delivery of consular services to UK Nationals?	Help as and when we need help?
	Q5.3. to the national interest?	Keep a control on who is to be or not to be helped?
	Q5.4. during a crisis?	Even in a crisis we should have rights of help?

Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...	Q.1. to the UK, and its citizens?	None
	Q.2. to the delivery of consular services to UK Nationals?	"
	Q.3. to the national interest?	"
	Q.4. during a crisis?	"
Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?		Give us all rights where ever we are in EU.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Snell

Organisation: **Private UK citizen /general traveller (UK resident 2)**

Country of location: UK

Response No		10
Answering as		Private UK citizen /general traveller (UK resident)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Snell
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	-
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		I am a UK citizen, and I can approach the UK for support.
Q4. What do you think the disadvantages of this current system are?		None
Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...	Q5.1. to the UK, and its citizens?	None
	Q5.2. to the delivery of consular services to UK Nationals?	None
	Q5.3. to the national interest?	Absolutely none

	Q5.4. during a crisis?	It would be more likely to be shut.
Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...	Q.1. to the UK, and its citizens?	Being treated as second class citizens.
	Q.2. to the delivery of consular services to UK Nationals?	Too many EU nationals to service, large queues, lots of strikes.
	Q.3. to the national interest?	The EU taking yet more powers from the UK, all without a mandate from the people of the UK.
	Q.4. during a crisis?	During a crisis, I can see EU staff being quicker to leave and shut up shop than UK staff.
Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?		No advantages - disadvantage of the EU taking more powers from the UK without any mandate from the people of the UK.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Stiles (Dr)

Organisation: **Private UK citizen now living overseas (expatriate)**

Country of location: Unknown

Response No		11
Answering as		Private UK citizen now living overseas (expatriate)
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Stiles (Dr)
	Q2.2. Organisation/company (if applicable)	-
	Q2.3. Job title (if applicable)	-
	Q2.4. Department (if applicable)	-
	Q2.5. Address	-
	Q2.. Email	-
Q3. What do you think the advantages are of this current system of consular assistance?		-
Q4. What do you think the disadvantages of this current system are?		I believe the British Embassy in each country should provide complete consular assistance to Britons overseas. The current system does not seem to address basic common sense questions of Britons in relation to their travel or migrant status. Embassies were better equipped to deal with this in the past, and many Britons now wonder " what" it is that we really have Embassies for? Embassies are now very detached from the daily needs or requirements of Britons overseas and this gives rise to some concern. I do not believe in an EU entity dealing with British issues.
Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...	Q5.1. to the UK, and its citizens?	-
	Q5.2. to the delivery of consular services to UK Nationals?	-
	Q5.3. to the national interest?	-

	Q5.4. during a crisis?	-
Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...	Q.1. to the UK, and its citizens?	More anonymous service; private information divulged to others from other countries.
	Q.2. to the delivery of consular services to UK Nationals?	Delays
	Q.3. to the national interest?	Take away more autonomy
	Q.4. during a crisis?	Slow reaction
Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?		-

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Marshall, Sir Peter

Organisation: **Private Citizen**

Country of location: UK

(1) *The Constitutional Factor*

There is so much wrong with the Lisbon Treaty that selecting its most important fault would be a demanding task. But for my money its worst feature is the way in which provisions designed for embodiment in a draft *constitution*, and which might perhaps have had an element of validity in that context, were recycled, in many cases *verbatim*, in a *treaty* supposedly of a *very different character*. We are at the moment seeing a classical example of this over the responsibilities and powers of the European Parliament in relation to the appointment of the President of the European Commission. If - repeat if - you are thinking in federalist terms of a possible United States of Europe, with the Commission as the foretaste of a central government, then giving the European Parliament a fair part of the say has an element of logic to it. But the Constitutional Treaty was thrown out by the French and Dutch voters. What's happening now is the politicisation, indeed the permanent de-naturing, of the Commission which the Founding Fathers intended from the outset – as in the Treaty of Rome - to be non-political.

Similarly, if you look at the sequence of EU decisions in the field of consular services, so clearly set out in paragraphs 5.1 to 5.7 in the Guidance Paper, I suggest that you can see not only the sort of “mission creep” which is so familiar in EU affairs generally, but also a federalist trend, including reference to the Charter of Fundamental Rights. That is enough to give pause for thought. It is one thing to extend consular facilities to nationals of another country out of the goodness of one's heart, in accordance with common tradition, especially in times of difficulty. It is quite another to enshrine in EU legislation the rights EU citizens are entitled to expect in respect of consular services from member countries other than their own. How would such rights be enforced? When resources for the provision of consular services are scarce. who would or should get priority – nationals or non-nationals? Would there be scope for litigation by dissatisfied non-nationals? What intergovernmental difficulties might arise? Would the European Court of Justice be involved?

(2) *The Functional Factor*

The sequence detailed in paragraphs 5.1 to 5.7 also illustrates how far the nature of the question has changed during the lifetime of the EU. At the start there is talk of “consular protection”, redolent of the simple, settled, homogeneous, *laissez-faire* days of classical diplomacy. The diplomats then often lived separate lives from their consular compatriots, and indeed belonged to separate services. (In the case of the UK, the separate Diplomatic, Commercial Diplomatic and Consular services were brought together by the reforms of 1943, and the ensemble was called “the Foreign Service”.)

The broader notion of “consular services” makes its appearance in para 5.7, though even here the emphasis still seems to be on consular protection: ie on what could be described as the “justiciable” end, rather than the “positive” end, of the human rights spectrum.

This is light years away from concept of “consular services” relevant to the 21st century of highly mobile, heterogeneous countries living together and competing, by means of soft as well as hard power, in a global village – the background to William Hague's statement which you highlight in

para 5.8. A more elaborate idea of what is, or could be, involved emerges from the text of “Our Purpose”, as carried on the FCO website. “Our Priority Outcomes for 2014-2015” are divided into three groups: “Security”, “Prosperity” and “Consular”. If their collective coverage is seen as comprehensive, and their interdependence is as great as their detailed wording would suggest, the word “consular” has to be interpreted very widely.

The idea that the UK should provide to the nationals of other EU member countries the full range of services and support specified or implied in William Hague’s statement, let alone the idea that nationals of such countries could have the right to demand them, is absurd. But where do you draw the line? And might the EEAS, under a new Commissioner, have wider ambitions than at present? And will the present draft directive (para 5.18) outlive the Commission or die alongside it?

All this suggests that the provision of consular services, however defined, should primarily a matter of national competence. And that any conferral of competences on the EU should be rigorously subject to the principles of proportionality and subsidiarity.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Surname: Searle

Organisation: **Representative of an NGO or Civil Society**

Country of location: UK

Response No		12
Answering as		Representative of an NGO or Civil Society
Q2. The consultation process is entirely transparent, and we publish all responses. If you are happy for your comments to be attributed to you and/or your company please tell us your..	Q2.1. Name	Searle
	Q2.2. Organisation/company (if applicable)	Lucie Blackman Trust - Missing Abroad
	Q2.3. Job title (if applicable)	Chief Executive
	Q2.4. Department (if applicable)	-
	Q2.5. Address	1-17 Union Rd, Ryde, Isle of Wight, PO33 2ER
	Q2.. Email	matt@lbtrust.org
Q3. What do you think the advantages are of this current system of consular assistance?		Unrepresented citizens do receive some support, coordination does exist to a degree.
Q4. What do you think the disadvantages of this current system are?		No set of standards across states, no governing body assuring standards.
Q5. If the EU were to take on a greater role in consular work, what do you think the advantages would be...	Q5.1. to the UK, and its citizens?	-
	Q5.2. to the delivery of consular services to UK Nationals?	Extra capacity for support in regions where UK consular support is stretched.
	Q5.3. to the national interest?	Joined up working with member states.
	Q5.4. during a crisis?	Coordinated response - partner working on DVI for example.
Q. And if the EU were to take on a greater role in consular work, what do you think the disadvantages would be...	Q.1. to the UK, and its citizens?	Less support potentially from own embassies due to:
	Q.2. to the delivery of consular services to UK Nationals?	Existing consular teams burdened with extra workload
	Q.3. to the national interest?	-
	Q.4. during a crisis?	Less control potentially

Q7. What would be the advantages or disadvantages of formalising cooperation in this area through further legislation?

Standards set across EU could be advantageous. Loss of control and decision making in best interest of UK and citizens could be a problem.

Review of the Balance of Competences: Foreign & Commonwealth Office - Consular Services

Organisation: **Facebook consultation, Foreign & Commonwealth Office facebook page**

Country of location: UK

Post 1: Seeking help from a foreign embassy?

“At the moment, each country in the EU is responsible for providing consular assistance to their own citizens. But if there is no British Embassy in a country that you travel to, you are entitled to ask for help from the Embassy of any other EU country. In the same way, citizens of other EU countries can ask for help from the British Embassy if they don’t have their own embassy in a country they travel to. What do you think the advantages and disadvantages are of this system?”

This post appeared in 2706 people’s Facebook news feeds.

May 30 at 4:12pm · Like · 1	Potkins - Free riding. It's hard to imagine a situation where there isn't a British embassy but another European nation has one.
May 30 at 7:22pm · Like · 1	Forster - The situation does exist - at times. It matters not, whether an EU member or not ; various countries help one another when called upon. In the recent past, Canada for instance, has assisted.
May 31 at 12:05pm · Like · 1	Mumford Alex - Hague has increased the number of Embassies we have overseas outside EU at expense to the taxpayer and jobs for the boys, probably to have a toe in the door for machinations against China and co-operation with USAs empire building. Where we did not have, other nations embassies have served well enough in a traveller's crisis.
May 31 at 6:06pm · Like · 1	Shorrocks - The system works well enough but it should not be an excuse for the reduction in British embassies and high commissions, let alone for a greater EU presence with EAS embassies. The British diplomatic network is the envy of the world and should remain as such.
June 3 at 9:46pm · Like · 1	Elliott - It seems as if there are about 15 countries in the world where there is no UK representation. Most of these seem to have French representation. Perhaps the FO would like to comment on the frequency of lack of representation, either by UK, or a EU member or the EU itself.
June 3 at 9:48pm · Like	Elliott - Consular assistance appears to be declining for UK citizens. One cannot register with the embassy any more, the system of wardens is declining. What do consulates do for UK citizens anyway?
June 4 at 1:01pm · Like	Jardine - I believe the Foreign Office is spending much money on things are not appropriate but not enough on what it is supposed to be doing, ie Consular services as you state Peter, can be lacking. In an increasingly unstable world, they are needed more than e...See More

June 6 at 11:14pm · Edited · Like · 1	Minami BJ - British embassy is assisting only British Passport holders so basically British people can't ask too much in return unless UK extends services to EU citizens. They don't even support anything to British citizens(not passport holders), settlement visa holders nor commonwealth countries's passport holders so I really wonder how much EU should support back. Currently some EU countries supporting each other have more help to each other and I truly think that is very fair. I am very sorry if I am mistaken but this is what I found out on the UK embassies's website abroad and my friends were shocked.... little bit as UK is the head of many territories and plays very important roll in the world.
June 11 at 3:58am · Like	Sykes - Services have been cut back drastically so there's no point complaining. You get what you pay for, either re think on consular and embassy funding or deal with what's there.
June 11 at 4:00am · Like	Sykes - better information giving on national TV and at the passport application point would help people understand what is and isn't available when traveling.
June 16 at 9:19pm · Like	Anderson - but lets also help Commonwealth citizens. i'd rather go to an aussie for help than a latvian in time of crisis !
June 21 at 12:40pm · Like	Sharpe - I'd just like my passport to arrive in time to travel in August!
June 25 at 12:21pm · Like	Purkis - With an ever expanding Global Market, British Subjects are present in most places in the world, so the Government should expand the number of Consulates and Honorary Consulates to assist those in need
June 26 at 10:45am · Like	Walsh - I have never had to seek consular services from abroad, (Greece where I live). However renewing my UK Passport was difficult. You rejected my first two photographs, the second time for 'not being professionally printed'.....but it had c...See More
June 30 at 12:52am · Like	Plumb - I agree with Purvis. AS HonCon in Iquitos, Peru, I get a lot of requests from NZ & Australia, not to mention, Canada & USA, to give assistance.

Post 2: Should the EU do more or less?

“While there are currently no formal proposals, it has been suggested that this arrangement could be extended. EU countries could jointly provide consular assistance or the EU itself could provide consular assistance to all European citizens. If the EU were to take on a greater role in consular work, what do you think the advantages and disadvantages might be to the UK and its citizens generally?”

This post appeared in 2568 people’s Facebook news feeds.

May 30 at 4:31pm · Like · 1	Molloy - NO!.....The LESS we have to with the EU....The BETTER!
-----------------------------	---

May 30 at 4:40pm · Like · 1	Melson – I'm all for it if it's cheaper! not sure quite how it will work though, as consular support is done through the embassy.....
May 30 at 6:05pm · Like	Mumford - Should be a multinational office in each EU country. Policies and protocols agreed along same lines as, of course!, Brit lines as now. Legal, penal and extradition being a particular policy ... And this time look after Brits unlike when Extradition worked out or rather caved in to USA wishes, traitorous ... And another example of when we feel these days politicians and diplomats don't actually work for us the People but for their buddy class. When EU Parliament / agreements rationalised to 21st century and countries as now then better able to tell what required in this new idea. When EU reformed it should be built in that it reassessed at 20 yr intervals.
May 30 at 6:18pm · Like	Mumford - I do not see the EU combined dealing with individuals when have travelled outside EU as then the historical relationship diff European countries have had with rest of world come into play
May 30 at 6:55pm · Like	Jardine - These ideas are a further step towards the federal Euro state, which is intended, while many people in EU countries just
May 30 at 6:59pm · Like · 1	Jardine - want to leave the EU. I find it really ironic that a week after so many people sent a very clear message by voting UKIP,
May 30 at 7:03pm · Edited · Like	Jardine - the FCO asks people if they'd like more EU involvement in UK. Even for a Government run by Mr Dim&Dodgy, that is dense
May 30 at 7:35pm · Like · 1	Ansell - Did you people hear about the European election results? We want the EU to do less, not more, in fact we want to come out. By just asking this question suggests you are not listening or you are taking the p**s. Would you like a full scale revolution? If you don't watch out, that is exactly what you will get.
May 30 at 8:10pm · Like · 2	Forster - Existing Consular arrangements operate perfectly well: what need the EU ?
May 31 at 4:48pm · Like · 1	Jardine - A, their sheer stupidity is extraordinary. Within a week of those results, 'would you like more EU involvement?'
May 31 at 4:50pm · Like	Jardine - It's intensely irritating but the level of stupidity is hilarious. Dumb and dumber.
June 2 at 5:04pm · Like	Foreign Office Thanks for your contributions so far. We've changed the question to open up the discussion to consider more perspectives.

Post 3: What about in a crisis situation?

“Have your say on Consular services and the EU - what about in a crisis situation? A crisis is an exceptional incident that is affecting or might affect large numbers of British Nationals. Do you think there should be special considerations for an EU role in crisis situations?”

In the following types of crisis situations, the FCO might provide exceptional help and assistance to those affected.

- An incident in which large numbers of British nationals may have been killed or injured, or which

continues to pose a danger to British nationals. This includes terrorist attacks, major transport accidents, major pandemics and natural disasters such as earthquakes, hurricanes and tsunamis.

- Civil or political unrest which causes us to advise you to leave the country and which might eventually require the assisted departure or evacuation of British nationals.

- Events which – whilst not generally threatening lives – cause disruption and hardship to large numbers of British nationals. This includes incidents such as volcanic ash, the collapse of travel companies and major airport shutdowns.”

This post appeared in 4604 people’s Facebook news feeds.

Time and additional information	Facebook comment
May 30 at 4:19pm · Edited · Like · 3	Stephen Charles Phillips The EU shouldn't be doing anything in Britain until the people have been able to have a say on EU membership through a referendum. I was never asked about EU membership and it's actually illegal anyway because the Lisbon Treaty (EU Constitution) made the EU a legal entity, a foreign power, and Treason is defined as handing sovereignty of Britain to a foreign power.....
May 30 at 4:28pm · Like · 2	Sarah Mumford Yes, as due by morality and courtesy of countries that have a say in our lives we being in EU. When the whole of EU set-up is re thought this should be something on agenda ... As should already be - they can hold us to H&S, HR but would not assist in a terrorist crisis?!
May 30 at 6:42pm · Like	Isobel Jardine Absolutely Stephen C. P., what is interesting I find, is that after the massive signal sent by peoples' anti-EU vote,
May 30 at 6:45pm · Like	Isobel Jardine the FCO asks a question like that. Someone has said on Cameron's FB, he wants to delay the referendum until 2017 because
May 30 at 6:47pm · Like	Isobel Jardine provision under Lisbon Treaty would prevent it that year. Which is what I thought. It's true as you said, the law was
May 30 at 6:48pm · Like	Isobel Jardine broken signing the Treaty, they had no right whatsoever to do that.
May 30 at 7:15pm · Like · 2	Raymonde Forster It's an understanding. There have been numerous examples, of the one - offering facilities to all, at time of crisis on foreign soil. That the EU thinks now, to assuming some formal role here - is to extend a beaurocratic process; bearing in mind that, typically, an off the cuff ingenuity is often necessary note on Typical: don't expand the drag chute
May 31 at 9:03am · Like · 1	Oli Brawn Not getting in on the whole anti/pro EU thing, but the important thing about the Lisbon treaty is thaT it is fundamentally not a constitution,. The EU constitutional treaty was rejected and scrapped in 2001, the Lisbon treaty simply took elements of that treaty, mainly giving certain EU institutions a legal basis, but definitely did not attempt to introduce a full codified constitution, as this had already been rejected by member states.
May 31 at 12:04pm · Like	Isobel Jardine Lord Weidenfeld with some home truths for EU and US : http://mundodeimagens.net/mass-media-in-the-eu-elections.../

May 31 at 12:05pm · Like · 1	Isobel Jardine The Lisbon Treaty went to far, and with no referendum of any kind, our Government (not this one of course) signed away massive rights and issues of sovereignty.
May 31 at 1:08pm · Like	Ian Bullions SCP: stop talking nonsense! The answer is yes! We welcome any help we can get when we are in need/difficulty. Europeans if you find S C Phillips and I in a sinking boat leave him to drown, I will come willingly
May 31 at 4:39pm · Like	Isobel Jardine As Raymonde F wrote, it already happens informally, countries help each other. But not due to formal ties.
June 1 at 2:29pm · Like	Valery Lesenko Offer simple Friendship: "The simple truth is that you work the miracles by yourself and your own hands." Alexander Grin. Friendship is always without tricks, with tricks it's not a friendship. I love your city and the people in it ... I want to be friends with you... I would like your city to have a Friends' Club ... I am ready to build and to transfer the ownership of a Friends' Club to you and a right to decide what and how to develop in the city for people... If you have the smart friends, please share information with them... about creating a Friends' Club... P.S. Happiness is the highest friendship which is based not on habit, but on the mind ... with such friendship a person loves his friend through faithful and good will. Author: Augustine Aurelius
June 2 at 10:32am · Like	Isobel Jardine I just posted to State Department, re all Syrian rebel groups including al Nusra admitting being allied against ISIS. The FSA - or many groups of it - has of course been fighting allied with al Nusra for 2 years, as I have frequently pointed out, as hav...See More
June 2 at 2:09pm · Like · 1	Rosamund Wilkinson I have just returned to live in Turkey and although the consulate/Embassy gives info about residence permit via Facebook I am pretty surprised that it is not possible any more to register as a British citizen living abroad. What happens if our local despot blocks Facebook or if there is a serious problem and British Citizens need to be contacted - if there is an earthquake or an outbreak of civil war? How will British citizens be contacted? I am very pro the use of internet but not that we should rely on FB alone
June 3 at 9:31pm · Like	Peter Elliott I was stuck in Albania during a period of civil unrest. Fortunately my company got me evacuated before the airport closed but my boss was airlifted from the central stadium. I think that any assistance should be co-ordinated irrespective of the nationality of the affected. However, I wonder if the EC bureaucracy is sufficiently flexible to support a mass evacuation.
June 4 at 12:41pm · Like	Rebecca Robertson Hallo Sir,there are 47 Kenyan Stundents in Ukraine in war zone area of Lugansk, they have been contacting the embassy in Moscow since weekend for evacuation but nothing is fruitful, Please help them evacuate, since all other citizens have been evacuated by their governments and there is no hope for them. Thank you Sir
June 4 at 12:42pm · Like	Rebecca Robertson That's all the information I have for now,its very serious situation
June 4 at 5:43pm · Like	Isobel Jardine The vile Hague doesn't condemn Kiev bombing of Donbass, he lied of course and praised Kiev for 'restraint'. If Assad
June 4 at 5:46pm · Like	Isobel Jardine bombs al Qaeda affiliates, Hague protests. Bit of a difference, just like his US puppetmasters. And then of course there

June 4 at 5:49pm · Like	Isobel Jardine was his support for Kiev, neo Nazis, while lying and saying there weren't any there. Funny thing about Hague, he
June 4 at 5:51pm · Like	Isobel Jardine frequently seems to have sunk as low as is possible, but he always manages to get even lower.
June 4 at 6:46pm · Like · 1	Julian Rogers Khan Jr. Dear H We have an emergency and we urgently need your help to speak to President Koroma about the gross injustice we have endured. The situation is worse that even when a court order have been made yesterday in our favour, the relatives of the Chief J...See More
June 5 at 1:03pm · Like · 1	Igor Merheim-Eyre Good folks, just to put this FCO post into context. This is not about some political power grab. This is about cooperation between Member States in times of crisis to protect you, on your holidays and trips around the world. At a time of falling national budgets and global insecurity UK and other governments are cooperating together to protect their citizens. Similar cooperation exists with the US and Canada - it's not about bureaucracy, it's about responding fastest where it matter the most - and, thanks to the Lisbon Treaty, you all have yhe right to walk into consulate of any EU Member State if FCO is not present, and seek protection from them.
June 9 at 5:57pm · Like	Robert Mancera How about this affecting so many British Citizens every day....
June 9 at 5:57pm · Like	Robert Mancera https://www.facebook.com/photo.php?fbid=460118997455947&set=a.302470443220804.1073741826.100003735514766&type=1&theater
June 9 at 5:58pm · Like	Robert Mancera It must be almost 30oC out there currently - the queue to leave Gibraltar to enter Spain for people on foot is over an hour long.
June 9 at 5:59pm · Like	Robert Mancera The queue is formed of British Workers, Gibraltarians, Tourists - but all are being controlled by the Border Queue as if they are all Tabacco Smugglers...
June 11 at 3:52am · Like	Philip H Sykes Basic Travel Insurance to countries outside the EU should be mandatory. This would reduce issues placed on all Consular services and enable swifter reaction time to more serious cases.
June 12 at 4:35am · Like	Bob Jp At present you have a crisis with in the passport office. Caused by downsizing. Its hell trying to get a passport renewed because you fools shut of the passport services in The British embassy in many places in the world. Bloody crazy in my opinion.
June 12 at 4:38am · Like	Bob Jp EU should not be involved in British matters overseas. Is this another sell off of sovereignty. You now want EU to be in control of British affairs overseas. TRAITORS!
June 12 at 11:43am · Like · 1	Sahba H Hu Save Akraib!
June 12 at 1:04pm · Like	Ivy Wright No .. the EU should back off from issues that have nothing to do with trade between Europe
June 30 at 12:49am · Like	Joseph Bernard Plumb Sensible comment by Peter Elliott. In time of crisis, multi-national collaboration may be unwieldy as a policy, but could be goos to cooperate together to assist people, or get them out of a country.

