

CONSULAR PROTECTION IN SLOVENIA DURING THE FIRST WAVE OF COVID-19

Abstract. *The article discusses the main characteristics of Slovenia's consular activities during the first wave of the Covid-19 pandemic (spring 2020). The results of the analysis bring us to three research outcomes. First, consular assistance at the EU level is still under the 'coordinated approach', lacking in efficiency. Second, in times of crisis management, what matters are good state-to-state connections and the people you know. Official channels are too slow and not effective. Third, high politics marginally influence consular assistance (understood here as low politics), meaning that open political questions usually do not hinder consular cooperation (as especially seen in the example of Slovenia and Croatia helping each other).*

Keywords: *COVID-19, consular protection, European Union, Slovenia, diplomatic changes*

Introduction

The coronavirus (hereafter Covid-19) that hit Europe at the end of winter was unprecedented. Even though some signals about its acuteness were already coming from China in January 2020, the European Union (EU) did not realise that Covid-19 would be such a difficult experience. The fact the threat of Covid-19 was not taken seriously is illustrated by Brglez (2020), who explains that he submitted a written question to the Council of the European Union in late January 2020 about whether EU member states were going to seek a single response to the Covid-19 threat, but received no answer until mid-April 2020, when the answer was merely lame political sweet talk. In the meantime, the situation in the EU worsened, with the number of infected people growing exponentially, and states starting to adopt individual solutions instead of common ones. At the end of February 2020, the EU tried to establish a single framework of common action to halt the spread of Covid-19, but unsuccessfully. The situation deteriorated when some member states decided to introduce strict controls on their borders

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fearing the possible spread of Covid-19. Such thinking hindered the chances of finding a common solution on the European level. The EU's crisis commissioner Janez Lenarčič tried his best to find a common (EU) solution in the battle against Covid-19, but was unsuccessful. Since health policy lies in the hands of the member states, the European Commission merely holds the "primary responsibility for organising and delivering health services and medical care" (European Commission, 2020). In the case of Covid-19, the fact that health policies are in the hands of single states has proven to be catastrophic because each member state has adopted its own policy responses: some of them, such as Sweden (and the Netherlands) (Friedman, 2020; Reynolds, 2020; Holligan, 2020), decided their strategy would be to aim for herd immunity by letting Covid-19 spread slowly, while others opted for the Singapore or Wuhan models (e.g. Italy, Spain, Austria, Slovenia and partially also Germany)¹ (Pisano, Sadun and Zanini, 2020; STA, 2020), based on restrictions to limit the virus' spread and reduce the number of those infected with Covid-19. Belgium, for example, opted for something in-between since they officially adopted severe measures, but their implementation in practice was much laxer.

The chaotic situation also influenced the protection of citizens of every EU country. Since countries were closing their borders and traveling across them was becoming almost impossible, the repatriation of own citizens became one of the main preoccupations of each EU government. This caused also a change in the task force of the consular departments at the Ministries of Foreign Affairs (hereafter MFA) that for a short period minimised work on their regular tasks and focused on the repatriation issue (Šter, 2020).

The aim of the article is to investigate the relationship between EU consular activities and Slovenian consular activities during the Covid-19 repatriation of EU country citizens. An answer to this research question is important because with the introduction of the EU citizenship the EU also assumed responsibility to develop its own consular activities. The repatriation of citizens, since it tackled all EU member states, could be such platform in which EU consular diplomacy may present its efficiency and effectiveness.

The article is structured in three inter-related parts: a theoretical part, empirical part and a conclusion. In the theoretical part, by using the method of a critical analysis of primary and secondary sources, we establish the frame for the empirical part in which we discuss consular assistance during the first wave of Covid-19 in Slovenia. The empirical part is based on the method of the analysis of news/reportage, complemented by two other

¹ These activities were not made within a clear theoretical model. Some countries decided to limit public life *ex ante*, while others did so because they were forced to (*ex post*).

methods, namely a semi-structured interview with Andrej Šter (head of the consular department at the Slovenian Ministry of Foreign Affairs) and two unstructured discussions with two senior diplomats. Finally, the conclusion answers the research question and evaluates the role of personal contacts for the performance of consular affairs in modern diplomatic intercourse.

Consular protection: a theoretical framework

A historical and structural outline of the formation of consular affairs

The beginnings of consular relations date back to Ancient Greece when special institutions of *prostates* and *proxenos* were established. Their main task was to enter into contacts with foreign merchants coming to their city-state and help them establish trade relations there (Udovič, 2013: 40–42). The Romans copied the Greek formula, but gave this institution a new name, i.e. *praetor mercatorum* (Puente, 1930: 323). However, Rome did not understand consular relations as only commercial ones and its perception of consular intercourse also extended to the judicial field. In this respect, we can also view the institution of *praetor peregrinus*, which the Roman Republic established in 242 BC and whose main task was to “judge disputes between foreigners (*peregrini*), or between foreigners and Roman citizens. Cases were tried under the *ius gentium*, which included foreign law and customary trade practice” (Lee and Quigley, 2008: 4). Although the evolving ‘international community’ in the following years and centuries reshaped the institution of *proxenos*, its main tasks remained mostly focused on two areas: promotion of commercial relations, and protection (of the interests) of citizens from the sending ‘state’ in the receiving ‘state’ (ibid.: 3).

The importance of consular relations and of the institution of consuls increased significantly in the Middle Ages, for two main reasons. First, diplomatic relations at that time were built on an ad hoc basis, meaning that envoys were sent to another country or ruler on one assignment at a time. This led to the establishment of ad hoc single-task missions that ceased when the task was completed. Second, the fragmentation of state-to-state relations meant that political cooperation was at a low level or non-existent, with rulers largely focusing on commercial benefits and commercial relations. When there was a need to deliver political messages or similar, this was performed by the same (commercial) envoy. Because of the growing complexity of inter-state relations already in the early Middle Ages, consular officials were divided into two groups: *consuls of traders* and *consuls of the sea*. *Consuls of traders* were local magistrates, elected by the local merchants with a majority vote for a period of 1 year, and were usually not re-elected to serve in consecutive years (Puente, 1930: 323). On the other hand, *consuls*

of the sea were appointed by their home authorities and became the judicial heads of colonies of merchants in foreign territory (Leira and Neumann, 2006/2013: 119).² The two institutions later merged into a single institution named consul, but the division within the same concept became relevant with the institutionalisation of diplomacy when two categories of consuls were established – *consuli missi* and *consuli electi*. These two categories were based on term duration and who appointed the consul. *Consuli electi* were appointed by the commercial unit in the country for a term of up to 1 year, and usually for a single task (protection of citizens, promotion of commercial relations etc.). *Consuli missi*, on the other hand, were nominated by state authorities and could have a longer term (Udovič, 2018: 97).³

The politicisation⁴ of diplomatic relations in the subsequent centuries, which included its institutionalisation, longer (stable) relations etc., artificially divided the consular and diplomatic component of inter-state relations. The dividing line was drawn based on the symbolic relevance (see Arbeiter, 2019; Arbeiter and Udovič, 2017) of the formation of intercourse. If the topic was more political, then it was diplomacy, while more administrative issues were solved by consular agents. This artificial division into diplomatic and consular relations was deepened by two ideological breaking points – the religious wars of the 16th century and the French Revolution of 1789. These two ideological factors not only determined the further development of diplomatic and consular relations, but introduced the *formamentis* of high and low politics in the field of diplomacy.

In the post-French Revolution era, consular relations were treated as a purely administrative activity of each country's foreign policy. States developed their consular relations through bilateral treaties, but by the 20th century the situation had become so complex that there was increasing momentum to unify different practices, especially those relating to consuls' field of work, their citizenship (differences between ordinary and honorary consuls), their consular immunities and privileges etc. The first such attempt was the 1927 *Questionnaire N. 9: Legal Position and Functions of Consuls* (Hammarskjöld et al., 1928), and at the Sixth International Conference of American States 1 year later (1928) the Havana *Convention on Consular Agents* was adopted. The main aim of this political action was to coordinate/harmonise the framework of consular affairs among American states

² In the High Middle Ages, we can find consuls in Pastoria (1107), Montpellier (1141), Ravenna (1115), Milan (1159), Ferrara (1181), Modena (1182), Bologna (1200), Genoa (1206) etc. (Puente, 1930: 323).

³ In fact, the words *electus* and *missus* also defined the status of the consul: *electus* meant non-professional, while *missus* meant professional.

⁴ This term is used for the introduction of political means, ends and reasons into diplomatic and consular intercourse.

(OAS, 2020).⁵ Based on the Havana text, the Harvard Law School prepared a *Draft Convention on the Legal Position and Functions of Consuls*, which was published in 1932 in the *American Journal of International Law*. The chief contribution of this draft was that it discussed all open issues related to the work, tasks and position of consular agents. However, the Second World War stopped the codification of consular law, which resumed in the late 1940s and culminated in the *Vienna Convention on Consular Relations* (VCCR), adopted in Vienna in 1963 and entering into force in 1967.⁶ The adoption of this umbrella convention allowed consular relations among states to be simplified and also empowered countries to increase the relevance of consular cooperation not only among them, but also with respect to third countries.

The VCCR is composed of five chapters, along with a preamble and a definition part. Chapters 1 (*Consular relations in general*) and 2 (*Facilities, privileges and immunities relating to consular posts, career consular officers and other members of a consular post*) are divided into two sections each, while the other chapters have one section each (see Table 1).

Table 1: STRUCTURE OF THE VCCR

CHAPTER	SECTION	ARTICLES
Preamble		
Definitions		Article 1
CHAPTER I	Consular relations in general End of consular functions	Articles 2-24 Articles 25-27
CHAPTER II	Facilities, privileges and immunities relating to a consular post Facilities, privileges and immunities relating to career consular officers and other members of a consular post	Articles 28-39 Articles 40-57
CHAPTER III		Articles 58-68
CHAPTER IV		Articles 69-73
CHAPTER V		Articles 74-79

Source: Own adaptation based on the VCCR.

Article 5 of the VCCR can be compared to Article 3 of the *Vienna Convention on Diplomatic Relations* (VCDR) since it lists the main consular functions. Both the VCDR and the VCCR put the function of protecting nationals of the sending state in the receiving state on top of the list. The VCCR lists the main functions of consular agents in detail, highlighting that:⁷

⁵ The Convention was adopted on 20 February 1928 and entered into force on 9 March 1929. 155 LNTS 259.

⁶ 596 UNTS 261. On 24 May 2020, it had 180 parties (originally 48 signatories).

⁷ Here we only present certain excerpts related to consular protection issues.

[c]onsular functions consist in:

(a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate [...];

(d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

(e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

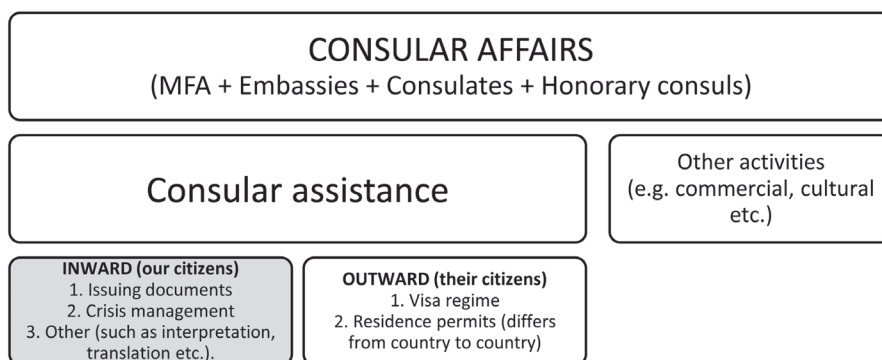
(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending States in cases of succession mortis causa in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

(h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons [...].

The functions presented above clearly state that consular posts are *prima facie* entitled to protect citizens of the sending state in the receiving state through ‘consular assistance’ (see Figure 1). Protection of interests (sometimes also called diplomatic espousal) in consular affairs as well as in diplomatic ones (see Article 3(b) VCDR) is therefore one of the main tasks in diplomatic and consular relations.

Figure 1: CONSULAR AFFAIRS IN THE BROADEST SENSE



Source: Adapted from Okano-Heijmans (2013: 480).

Figure 1 shows the importance of crisis management in the framework of consular assistance. When there is a need to help citizens of the sending state, this state can, within the limits of international law, perform all activities that prevent the worsening or improve the situation of its citizens abroad.

Consular protection in the EU

When Slovenia joined the EU, it became a member of the bloc's consular system. Even before then, Slovenia held bilateral agreements with different countries (particularly Austria) that helped its citizens in countries where Slovenia had no diplomatic or consular representation. In order to establish consular protection at the level of the Union, it was necessary to introduce Union citizenship. This was done with the *Maastricht Treaty*, but citizenship rights were amplified in the *Lisbon Treaty (Treaty on the Functioning of the European Union – TFEU)*. Its Article 20 states in paragraph 2(c) that citizens of the Union 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*”. This provision is affirmed in Article 46 of the *Charter of Fundamental rights of the European Union*, which states that

[e]very citizen of the Union shall, in the territory of a third country in which the Member State of which he or she 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 Member State.

Based on Article 23 of the *TFEU*,⁸ the Council adopted the *Directive (EU) 2015/637 of 20 April 2015 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries* (hereafter *the Directive*), which provides the framework and details on how the diplomatic and consular protection of EU citizens

⁸ The full text of Article 23 of the *TFEU* is: “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.

The Council, acting in accordance with a special legislative procedure and after consulting the European Parliament, may adopt directives establishing the coordination and cooperation measures necessary to facilitate such protection”.

(a) should be performed, (b) how EU member states coordinate their assistance, and (c) who pays the costs incurred. Article 9 of the *Directive* enumerates the types of assistance to EU citizens which are typical cases of consular assistance (assistance in case of arrest, detention, serious illness, death, provision of documents). Among the listed activities, this article provides EU consular assistance in the case of an emergency when EU states in third countries help EU citizens with their repatriation.

This provision is further elaborated in Article 13 of the *Directive* where different approaches to how EU member states' representations in third countries should react in case of crisis are outlined. Paragraph 2 notes that member states "*shall, where possible, inform each other of available evacuation capacities in a timely manner*". Such an instruction clearly frames the possibility and duty to take coordinated action if the repatriation of EU citizens is necessary. As for the costs, the *Directive* stipulates that the costs incurred in crises are paid by the MFA of the member state of which the unrepresented citizen is a national, which may (based on national legislation) then ask the citizen to reimburse them. In this way, the assisting member state does not bear the costs of consular protection of another EU country's citizens, and it also does not require the citizen it assists to pay the costs incurred directly.

Consular assistance of the Slovenian Ministry of Foreign Affairs during the Covid-19 crisis: a pre-analysis

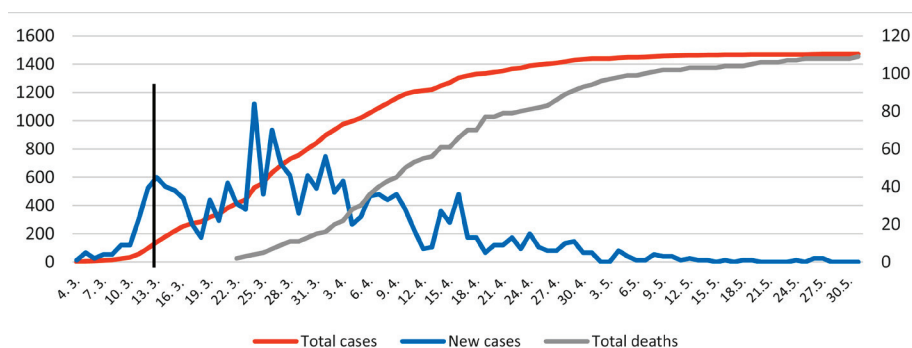
Praeludium: Political situation in Slovenia between January and May 2020

Slovenia experienced a period of political instability after its last general election in June 2018. Since the relative winner Janez Janša was unable to form a government, the President of the Republic next gave this possibility to the runner-up, Marjan Šarec. He succeeded in bringing together a coalition in September 2018, but was only able to form a minority government since one of the supporting parties, Levica (*The Left*), chose not join the government but only entered into a special agreement on cooperation with the five government parties. It was clear already from the first steps that this would be a difficult arrangement – not only because two ex-prime ministers were sitting on the government, but also because there was no majority party or main player among the five coalition parties. The *melée* in the coalition and the unstable relationship between the government and Levica led to acute instability in the government. At one point, when public support for Prime Minister Šarec was relatively high, he decided on a manoeuvre of resigning and calling for an early election. However, two of his partners in

the government (SMC and DeSUS), preferred to try to find another majority in the existing composition of the National Assembly. Finally, they reached an agreement with the Slovenian Democratic Party (SDS) and New Slovenia–Christian Democrats (NSi) to form a new coalition. On 3 March 2020, SDS president Janez Janša was appointed prime minister, and less than 2 weeks later a new government was sworn in.

The first cases of Covid-19 were officially recorded on 4 March 2020. While the numbers were increasing slowly and not dramatically at first, they started galloping after 11 March (Figure 2). What must be emphasised here is that Slovenia had a change of government right at this time (black vertical line).

Figure 2: NUMBER OF COVID-19 CASES, NEW CASES, AND DEATHS (4 MARCH TO 31 MAY 2020)



Source: Based on STA data (2020).

However, already before the first cases were present in Slovenia, Šarec's outgoing government had adopted some measures to minimise the possibility of the spread of Covid-19. Šarec's government at its 61st regular session (13 February 2020) debated the situation concerning Covid-19 in China. One week later (18 February 2020), at its 105th extraordinary session, the government already discussed the Covid-19 situation in the world and its possible implications for Slovenia. The decision it adopted was that all activities should be treated proportionately under the provisions of the *Communicable Diseases Act* (OG 33/06) (105th Extraordinary Session, 2020). The activities continued at the 107th extraordinary session (21 February 2020) when the government decided to rent an aircraft to bring back a Slovenian and Croatian citizen from Berlin where some passengers from the Diamond Princess cruise ship (CNN, 2020), quarantined in the port of Yokohama, Japan, would be landing (107th Extraordinary Session, 2020). From the aspect of consular diplomacy, this repatriation may be understood as a sort of milestone in which it was already clear that

the consular assistance of the EU would remain in words, while consular practice would be executed by national governments. The worsening situation (see 62nd Regular Session, 2020) led to the introduction of more drastic measures: on Saturday 7 March 2020, to assure public order the Minister of Health issued an *Order prohibiting indoor public events* (OG 15/2020) that banned all public gatherings of more than 500 people until the end of the Covid-19 epidemic;⁹ on 10 March, arrivals from some Italian airports were banned, and later the same day the prime minister decided to close the border with Italy for personal transport, while cargo transport was still allowed (Prime Minister's Speech, 2020). In the following days, different measures were adopted. At its 63rd regular session on 12 March 2020, the government decided to close all educational institutions, and submitted to the National Assembly an intervention bill that would help mitigate the impact of Covid-19 on jobs.

The Janša government took office on 13 March 2020, holding its 1st regular session on the same night where it established a Covid-19 Crisis Staff (*Krizni štab Republike Slovenije*). Two days later, the government started to adopt drastic measures to control and stop the spread of Covid-19. On 15 March 2020, the government suspended public transport in Slovenia (2nd Regular Session, 2020) and closed shops and markets (apart from shops selling essentials, such as pharmacies and supermarkets) (1st Extraordinary Session, 2020). The government also limited travel to Slovenia: it closed the main (and most important) Slovenian airport on 16 March 2020 (2nd Extraordinary Session, 2020), increased the strictness of control along the border with Italy on 18 March 2020 (6th Extraordinary Session, 2020), established 13 checkpoints on the border with Austria on 24 March 2020 where every incoming passenger's temperature would be taken etc. (6th Regular Session, 2020).

The strict control on borders caused chaos at them and in the country. As a consequence, the Ministry of Foreign Affairs increased its diplomatic activities on 14 March 2020 to help trucks and busses in Slovenia and on Slovenian borders pass through the country (Government of the Republic of Slovenia, 2020a).

Consular affairs in Slovenia: from ordinary work to the 2020 Consular crisis cell

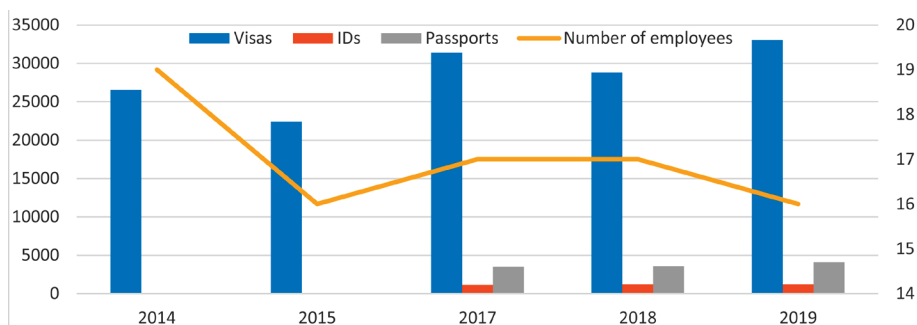
Work in the consular branch of diplomacy is normally regarded as very administrative. This is especially seen in the case of the Slovenian MFA, where the consular sector is always understood as something detached

⁹ This ban was issued just hours before a scheduled concert by Andrea Bocelli at the Stožice arena, which caused great dissatisfaction among those planning to attend it.

from 'real' occurrences in the state's diplomatic intercourse. As a result, fluctuation in Slovenian consular affairs is low, and the teams working there are solid and coherent. Moreover, only rarely do the individuals that leave the national Consular Department to serve abroad not return to the Consular Department.

Slovenia has 27 embassies (which include consulates) and 5 consulates general (Triest, Klagenfurt, Szentgotthárd, München and Cleveland). One consular post is also in Shanghai, but it serves as more of a trade office than a classical consular one. Slovenia thus has more than 30 consular offices abroad altogether,¹⁰ most of which are in Europe. In the Americas, the country has four, four in Asia, one in Africa and one in Australia. In 2019, the consular sector of the MFA resolved 61,731 cases, in which it issued 4,103 passports, 1,203 IDs, and 31,018 visas (Ministry of Foreign Affairs, 2020a: 101). As Figure 3 shows, the workload of the consular sector has been increasing over the last few years. On the other hand, we should note that the staff numbers at the Consular Department of the Ministry of Foreign Affairs have remained almost unchanged.

Figure 3: NUMBER OF VISAS, PASSPORT AND IDS ISSUED BY THE CONSULAR SECTOR (AS A WHOLE)



Sources: Ministry of Foreign Affairs Annual Reports (2015–2020); Podlesnik (2020).

However, the role of consular affairs not only consists of its ordinary tasks, but also encompasses assistance in different crises and natural disasters. A detailed description of the roles and functions of the MFA as a whole (and within it the consular part) is presented in the *National Plan on Protection and Relief in the Event of an Epidemic or Pandemic of an Infectious Disease among Humans* (2016: 23), especially in section 7.1.10, which defines that the MFA (in the time of crisis):

¹⁰ Honorary consulates not included.

*establishes contacts with foreign governments and international organisations to inform them of the situation and consequences of the epidemic/pandemic [...],
informs [...] the diplomatic and consular missions responsible for the Republic of Slovenia of the situation in the country and the consequences of the epidemic/pandemic, as well as situations that may affect the safety of foreign nationals in Slovenia, [...] in case of an epidemic/pandemic abroad, [...] offers assistance to Slovenian citizens located in that country [...].*

The above-mentioned document presented the legal basis for establishing the Consular crisis cell (*Konzularna krizna celica* – KKC) that was formed mid-February 2020. Since the situation worsened in the following 2 weeks and questions from Slovenian citizens about how they could return home increased, the KKC became more structuralised and task-oriented. The intensively growing workload also called for a better place to work. Hence, by the end of February 2020 the KKC was working in three compartments: 7 working stations were in one of the main buildings of the MFA (*Mladika*), while 3 were on the premises of the consular department (MFA, 2020c). At these working stations, up to 20 people worked daily,¹¹ half of whom came from the Consular Department, while the rest joined the group from other MFA departments and directorates. The head of the KKC was Andrej Šter, Head of the Consular Department. Although in the process of repatriation, eyes were set on the KKC, an important part in the repatriation process was also taken by 45 diplomatic and consular posts abroad, presenting a sort of proxy between the people who wished to be repatriated and the KKC that was searching for platforms for repatriation. Another important aspect during the time of the crisis was that the KKC performed excellent public diplomacy¹² in which Andrej Šter was the frontman, explaining the situation every day, providing information on how many Slovenians had been repatriated, where challenges and possibilities remained etc.¹³ His straight-

¹¹ There was some variation and the number changed on a day-to-day basis (Šter, 2020).

¹² One instrument of KKC public diplomacy was the 'Motivational wall' on which KKC members posted different messages intended to raise the moral of the group. Most messages expressed gratefulness (such as *Thank you; My respect; Well done as always; You are incredible etc.*), some were symbolically Slovenian (related to Slovenian national characteristics, such as *Our son came back from India. His mother already makes the soup*), some were 'funny' showing the non-awareness of people about the complexity of the moment (*One called us if he can go to Udine to buy ceramic tiles; A madam would like to go to Krk to close the windows on her holiday cottage; Are you going to provide a vegetarian meal on the return flight?*).

¹³ In those days, there was almost no TV news report, livestream, radio programme etc. that did not feature Šter with at least one statement about issues related to the repatriation of Slovenian citizens.

forwardness and frankness made him a sort of a national hero,¹⁴ people perceived him as effective and efficient, as a person who knows what he is doing. It is thus not surprising that some Slovenian media described him as “the major star of the Slovenian public administration” (Krušec, 2020). Yet Šter’s bluntness not only mythologised his work, but also the work of the KKC as a whole. Even though people did not know who members of the KKC were, they were often labelled as national heroes.

The organised repatriation started on 17 March 2020, 1 day after the MFA published a repatriation form (see Figure 4) that served as a request and a database for the repatriation of Slovenians.

Figure 4: REPATRIATION FORM

The image shows a screenshot of a web form titled "Korak 1" (Step 1) for repatriation. The form is in Slovenian and includes the following fields and options:

- Osebnostni podatki** (Personal data):
 - Ime** (Name): META (with "Obvezni vnosi" below it)
 - Ime** (Surname): VZOREC (with "Obvezni vnosi" below it)
 - Nadvoj bivanja** (Country of residence): POLJANSKA 26 (with "Obvezni vnosi" below it)
 - Kraj bivanja** (Place of residence): LAUBLJANA (with "Obvezni vnosi" below it)
 - Datum rojstva** (Date of birth): 03051978 (with "Obvezni vnosi" below it)
 - Št. potnega lista** (Passport number): P000123341 (with "Obvezni vnosi" below it)
 - E-mail**: META@VZOREC.SI (with "Obvezni vnosi" below it)
 - Telefon**: 0123456789 (with "Obvezni vnosi" below it)
 - Dodatni opis** (Additional description): empty text area.
- Na potovanje v tujino se odpravljam** (I am traveling abroad):
 - Sam
 - S turistično agencijo
 - Čez družinske članke
 - V skupini s prijatelji/znanjci
- Naziv potovalne agencije** (Name of travel agency): empty text area.

At the top right of the form, it says "v1.003". At the bottom right, there is a "Konec" (End) button.

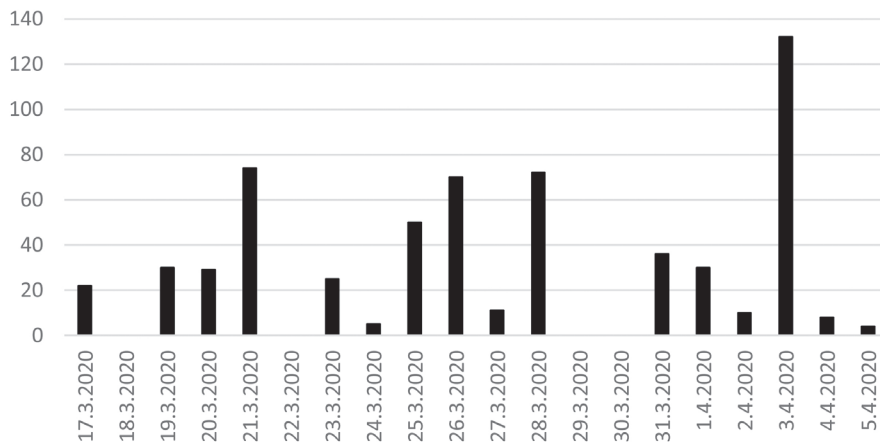
Source: Ministry of Foreign Affairs (2020b).

There was an extensive campaign for this form in traditional and electronic media so Slovenians abroad had the possibility to follow the instructions of the MFA and Slovenian diplomatic and consular representations in their country of stay. According to the information obtained, most repatriations were performed between 18 March and 6 April 2020. In that wave, the MFA directly assisted in the repatriation of 674 Slovenian citizens (Figure 5) and 136 foreign nationals, and another 2000 Slovenian citizens returned home safely with indirect help (or suggestions) from the MFA and Slovenian diplomatic and consular representations. The number of Slovenians requesting repatriation decreased by mid-April, so the government decided to

¹⁴ When a group of Slovenian citizens refused an opportunity provided for them to return from the Canary Islands, Šter did not use diplomatic language to describe them.

dissolve the KKC on 26 April 2020 (Government of the Republic of Slovenia, 2020b).

Figure 5: 'FREE OF CHARGE' ORGANISED REPATRIATION ACTIVITIES OF THE MFA (17 MARCH TO 4 APRIL 2020); NUMBER OF PEOPLE REPATRIATED



Source: MFA (2020c).

Although it seemed to the public that the repatriation efforts had concluded by mid-April 2020, Andrej Šter emphasised in an interview that the operation was “not over, just transformed. Until the end of April, we mainly helped those Slovenians that were abroad as tourists and were caught by the situation unprepared. Now [the interview was made on 23 May 2020 – comment added] we help Slovenians that had a reason to stay abroad” (e.g. students or people with a residence permit) (Esih, 2020: 7). In this interview, he also stated that “every day we answer 400 to 600 questions over the phone and a few hundred e-mails” (ibid.). As Šter (2020) pointed out, those questions were no longer related to far-away countries, but everyday issues in countries that mostly border Slovenia (health services in a foreign country, cross-border work permits etc.).

Regarding the expenditures needed for the repatriation, Šter (2020) quotes the figure of EUR 350,000, which is quite low for all the activities undertaken for the repatriation of more than 600 Slovenians. Upon discussing the numbers with different people, we expected that the state could charge the costs of the flights and related activities. Some of our interlocutors said that this was the initial idea, but it soon became clear that the main issue would be who to charge. That is why the decision-makers opted for free assistance. Šter implicitly confirms that this was the right decision by

stating: “[...] The amount is relative. To me, it’s a lot of money, but it’s a different story if we take into account the ratio between the costs and benefits” (Esih, 2020: 7).

What comes out from the analysis of the MFA (2020c) document is that the amount was not spent only on the repatriation of Slovenians, but also included other nationals repatriated by the Slovenian authorities. This created a sort of *quid pro quo*, with Slovenia helping other countries and others helping Slovenia. Šter (2020) confirmed the importance of good bilateral relations by saying they had a greater impact in the Covid-19 crisis than EU solutions. Paraphrasing Šter’s interview for the paper Večer (*cf. supra*), we may say that the EU missed an opportunity to become a more important player in consular relations. “I saw no EU flag carrier”, Šter illustrates, criticising the European Union, “there were only national means of transportation” (Esih, 2020: 9). Šter also emphasises that in such a situation the only thing that matters is “who to call”, and continues “we used connection that we and our colleagues have – from personal to those related to work. In harsh times only personal contacts and relations counts” (Šter, 2020).¹⁵

Finally, the issue of Covid-19 assistance is also a matter of demand. Diplomatic and consular officers can assist people only if they wish to be helped. This means that diplomatic and consular assistance can be useful when an individual understands that the state is willing to help them, but they are not obliged to utilise this help. On the other hand, there are certain relations and protocols between states that should be respected. In the case of a group of people who refused repatriation from the Canary Islands through Poland at the last minute, the issue was not that these people would be forced to come back, but more that they should not bend the rules of inter-state cooperation. If they had decided to remain in the Canaries, they should not have asked for repatriation, and vice-versa, if they had requested repatriation, they should not have hesitated while the window was still open. As was evident in the days to follow, the window of opportunity for the repatriation of Slovenian citizens was quickly narrowing.

Conclusion

In the introduction, we set a research question about the role of ‘national’ and ‘European’ in the system of consular assistance. What we realised is that, although the EU has a legal framework for the consular assistance consular assistance and cooperation, *via facti* it still remains in hands of EU member states. This is an important conclusion since officially the EU after the

¹⁵ For the role of personal contacts and relations on the decision-making process, *cf. Lange and Svetličič (2009), Svetličič and Cerjak (2015), Udovič and Svetličič (2018)*.

adoption of the Lisbon Treaty is also trying to find a common denominator in the area of member states' foreign policy. As such, consular relations and consular assistance in times of crisis could be a first step towards a single framework of EU diplomacy and towards the unification of activities. An important step in this direction was the adoption of the 2015 *Directive*, but what is lacking is practice. In the Covid-19 first wave, the EU tried to help the member states, but only a few activities were done on the EU level. Our perception is that the EU could do more. Not only by focusing on the coordination of consular assistance, but by promoting (and also achieving) a single approach to it. The EU can and should become a single player in consular assistance. One possibility would be that member states leave the lead state approach and replace it with a single European External Action Service consular assistance.

Another lesson learnt from the first wave of Covid-19 is that in diplomatic relations (understood in a broad sense) personal contacts are far more important than other factors (e.g. membership in the EU, foreign policy orientation etc.). Since there is a lack of time, and time must be used efficiently, calling somebody you know personally is far more effective than taking the official channels. Diplomacy in a time of crisis therefore side-lines the official communication and uses unofficial channels. This finding is not only relevant from the theoretical point of view, but from the practical one – and should also be emphasised in the courses of the newly-established Diplomatic Academy at the Slovenian MFA.

Finally, the Slovenian experiences also present another important finding, becoming important at a time of renovation of Slovenia's Foreign Policy strategy. In foreign policy and diplomacy, what really counts are not high-level declarations, official statements, and maybe open (political) questions, but day-to-day (concrete) cooperation. This was seen in the case of the repatriation of citizens where Slovenia and Croatia worked together promptly and efficiently, without making any problems for each other in the face of their unsettled (political and diplomatic) issues.

To conclude: the work of diplomatic agents during the first wave of Covid-19 in Slovenia reaffirms the statement made by Bojko Bučar (2007: 875), that “diplomacy in the 21st century did not change dramatically – some changes occurred in qualitative and quantitative determinants, but its functions are still the same”. Complementing Bučar's definition, we can say that not only did the functions remain the same, but also the essence of diplomacy. What in diplomacy matters most (and this is also shown by the Covid-19 crisis) is who you know (personally) and what this person is willing to do for you (and your country).

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