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The Emergence of a Network of 'European Embassies': Increasing Cooperation between EU Delegations and Member State Diplomatic Missions

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Abstract

Five years after the entry into force of the Treaty of Lisbon and at the end of the first mandate of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP), this analysis provides an in-depth view of the on-going institutional socialisation between Member State Embassies and EU Delegations. Specifically, it focuses on the Member States' perceptions of the role of EU Delegations. These perceptions can back up or restrain the EU Delegations in fulfilling their mandate. More precisely, the paper examines to what extent the socialisation between EU Delegations and EU Member State Embassies helps the Delegations to fulfil their mandate in bilateral diplomacy. It argues that EU Delegations are still under dynamic processes of institutional socialisation with the Member States' Embassies which increasingly accept and expect EU Delegations' actions. The post-Lisbon context of EU Diplomacy is consolidating a *primus inter pares* role of Delegations being central hubs coordinating and implementing EU policies on the spot.

Introduction

The European Union (EU) disposes of a large diplomatic network that is not only able to represent it but to add value and decrease the costs of Member State diplomatic missions.

Member States begin to understand the **huge potential** of EU Delegations in sharing premises, information, reports, and host non-resident diplomats. They decrease the existing network, mainly for financial reasons, and **rely more** on the services of the EU Delegations.¹

Five years after the entry into force of the Treaty of Lisbon, the formal institutional transition from Commission to EU Delegations and the setting up a fully-functional European External Action Service (EEAS) is over.² Even though the transition is complex, the Delegations have managed to pass through it without substantial additional resources, and the record is mostly positive.³

The presence of national diplomats in both the EEAS and the Delegations shows, from a neo-functional perspective, the consensus among Member States that adhering to common structures is the right path to follow in further rationalising diplomatic networks and reducing transaction costs.⁴ Even if the on-going socialisation of working practices among staff members is crucial for consolidating an *esprit de corps*, it might hinder the analysis of the dynamics happening in the external diplomatic environment on which the fulfilment of the Delegations' mandate largely depends. From an 'outside-in' perspective, the EU Delegations are still in transition marked by continuing processes of socialisation with the Member State Embassies, whose approach towards the EU diplomatic network can narrow down or broaden the Delegations' mandate.

Much of the existing research focuses on the post-Lisbon institutional transition and socialisation among staff members within EU Delegations.⁵ From a sociological

¹ D. O'Sullivan, EEAS Chief Operating Officer, speech, College of Europe, 18 March 2013 [emphasis added].

² J.-C. Piris, *The Lisbon Treaty: A Legal and Political Analysis*, Cambridge, Cambridge University Press, 2010, p. 256.

³ European External Action Service, "EEAS Review", Brussels, 1 July 2013, p. 12.

⁴ R. Balfour *et al.*, "Equipping the European Union for the 21st century", *FIIA Report*, no. 36, Helsinki, 2013, p. 49.

⁵ R. Formuszewicz *et al.*, "The Practice of Appointing the Heads of EU Delegations in the Wake of Council Decision on the European External Action Service", Polish Institute of International Affairs, August 2010, Warsaw, pp. 1-25.; M. Comelli *et al.*, "Rehashed Commission Delegations or Real Embassies", *IAI Working Paper*, vol. 11, 23 July 2011, pp. 1-30; R.-A. Marteaux, *Enhancing Coherence and Consistency in EU External Action: The Importance of Training and Selection of EEAS Diplomats*, Master's thesis, Bruges, College of Europe, 2011.

perspective, this focus on formal administrative and legal elements limits the analysis to the rational-choice considerations behind setting up EU Delegations. Hence, there is a need to move from a rational to a social constructivist perspective. From this standpoint, "socialisation implies that an agent switches from following a logic of consequences [rational choices] to a logic of appropriateness [in which] agents accept community or organisational norms as the right thing to do".⁶ This invites to see the extent to which the Member States perceive cooperation with Delegations as the right thing to do. Yet the post-Lisbon Delegations are not simply a result but a motor of socialisation from the diplomatic spot. The EU Delegations are "essential to the promotion of European Union policies, interests and values around the world".⁷ In order to understand this, there is a need to move beyond the immediate aftermath of the entry into force of the Treaty of Lisbon to identify the on-going developments and the possible emergence of 'European Embassies' for which the post-Lisbon Delegations are the corner stones.

There is no single pattern of socialisation, but varying levels and dynamics which help to understand the complexity of diplomacy. It is practically impossible to define a prototype of a fully-fledged EU Delegation in terms of role and responsibilities which is valid for all diplomatic environments. In this context, the following question arises: to what extent does the socialisation between EU Delegations and EU Member State Embassies help the Delegations to fulfil their mandate in bilateral diplomacy?

It has been demonstrated that EU Delegations in multilateral posts have mostly reached their potential in light of their relations with the Member States.⁸ Consequently, no major spill-over effect in representation, cooperation and implementation of policies is expected in EU Delegations to international organisations because of the presence of Member States, their strategic interests and their desire to retain access to international organisations. More interestingly, in bilateral diplomacy and mostly in relatively small third countries which are home to more minor Member States' interests, the dissociation of *presence in* and *access to*

⁶ J. Checkel, *International Institutions and Socialization in Europe: Introduction and Framework*, Cambridge University Press, Cambridge, 2005, p. 5. See also J.-G. March & J.P. Olsen, "The Institutional Dynamics of International Political Orders", *International Organization*, vol. 52, no. 4, 1998, pp. 1-27.

⁷ European Commission website, *Tempus Glossary*, EACEA, retrieved 10 April 2014, http://eacea.ec.europa.eu/tempus/tools/glossary_en.php.

⁸ See D. Dermendzhiev, *The EU delegations four years after the entry into force of the Treaty of Lisbon: Do EU member states help delegations to fulfil their mandate?*, Master's thesis, Bruges, College of Europe, 2014.

diplomatic networks is more accentuated than in multilateral fora. Simultaneously, the overall process of rationalisation of national Embassies is paving the way for a bottom-up socialisation increasing the EU Delegations' role and possibly leading to the advent of 'European Embassies', in which the EU Delegation has a leading role.⁹

The scope of this paper is intentionally limited to Delegations dealing with shared and/or parallel competences, such as development cooperation, excluding those implementing the EU's exclusive prerogatives, like the EU representation to the World Trade Organisation (WTO), mainly because of the *de facto* limited role for the Member States. It will take the role of the Delegation to analyse the degree to which it is working at its 'full' potential. In light of the Member States' missions, a Delegation can play a more complementary role, such as that of coordination in multilateral settings, or a more leading role, for example with regard to development cooperation in bilateral posts. The independent variable is the importance of the bilateral fora in terms of Member States' direct political interests and the importance given to diplomatic presence and visibility. The explanatory factors are the number of coordination meetings, the existence of arrangements on representation, burden-sharing and 'co-location' as well as other formal and informal practices of cooperation. They help to assess how the role of the Delegation is shaped according to the type of diplomatic posts and the Member States' diplomatic practices in third countries and international organisations.

The analysis is based on research on EU Delegations including books, academic articles, commentaries, official reports and studies, and also on more than ten interviews with senior EEAS and Commission officials whose contribution is key for a realistic analysis of the topic.

The first part of this paper briefly examines the evolution of the pre-Lisbon Commission Delegations. I will analyse the Treaty provisions and the EEAS Decision in order to identify the legal spirit establishing the post-Lisbon Delegations and to ascertain what constitutes a fully-fledged EU Delegation from a legal perspective. The second part studies bilateral EU Delegations and analyses their role in providing tangible outputs to the Member States. It will study the on-going practices on burden-sharing, co-

⁹ 'Access' relates to the link between power and networks of influence, while 'presence' is the physical diplomatic representations. On the disentanglement of 'presence' and 'access' in post-modern diplomacy see J. Batora & B. Hocking, *Bilateral Diplomacy in the European Union: Towards 'post-modern' patterns?*, The Hague, Clingendael, April 2008, p. 11.

location and 'lap-top diplomacy' to demonstrate the Member States' increasing awareness on the added value of the Delegations.

From Commission Delegations to EU Delegations: the rationale behind the Treaty of Lisbon's upgrade

Up to the Treaty of Lisbon, the Commission Delegations have been in a continuing transition towards shouldering more responsibilities and gradual recognition by the Member States and third actors. The Commission built up a huge network of around 128 missions serving the Unified External Service, aiming at carrying out autonomous and coherent external diplomatic relations.¹⁰ The Treaty of Maastricht further entitled the Delegations with more traditional diplomatic tasks, including political analysis and reporting, but it is only the Treaty of Amsterdam that "reoriented" the EU's missions towards more functions of the Common Foreign and Security Policy (CFSP).¹¹

Therefore, the Commission Delegations network started to fulfil duties of representation, together with the Presidency, but this was limited to non-CFSP issues. Increasingly accepted by the Member States, most of the Delegations were staffed up following the Prodi Commission's (1999-2004) process of 'de-concentration' of the management of assistance programmes to the field.¹² In addition, officials from the Directorate-General for Trade (DG Trade) were also deployed in Delegations to manage the relations with strategic WTO members, but also staff from other DGs with third-country programmes and agreements.¹³ Furthermore, the pre-Lisbon Delegations played a significant role in acceding countries and were mainly responsible for the implementation of the three pre-accession programmes (PHARE, ISPA and SAPARD)¹⁴ or for managing TACIS.¹⁵ They were also the contact points for local authorities in helping to implement the *acquis* and provided important input for the progress reports of the pre-accession phase.¹⁶

¹⁰ D. Spence & G. Edwards, *The European Commission*, London, John Harper, 2006, p. 406.

¹¹ *Ibid.*, p. 14.

¹² European Commission, "Taking Europe to the world: 50 years of the European Commission's External Service", *DG External Relations*, Brussels, 2004, p. 54.

¹³ *Ibid.*, p. 55.

¹⁴ PHARE = Pologne-Hongrie: Aide à la Restructuration Economique; ISPA = Instrument for Structural Policies for Pre-Accession; and SAPARD = Special Accession Programme for Agriculture and Rural Development.

¹⁵ TACIS = Technical Assistance to the Commonwealth of Independent States (1991-2006).

¹⁶ Spence, *op.cit.*, p. 412.

This activity demonstrates a certain degree of horizontal appropriation of the Commission's diplomatic network by various EU institutions and services. Moreover, a comment by President Prodi on this evolution aptly illustrated the state of play:

The role of the delegations has changed constantly [...]. [T]hey now [in 2003] carry out tasks relating to almost all the areas where the European Union has a part to play. This reflects the Union's growing importance as a world global player.¹⁷

Nevertheless, an important handicap of the pre-Lisbon diplomatic network were the unclear responsibilities in external representation and the lack of a formal role in CFSP coordination. The division of work between the rotating Presidency, responsible for political coordination and representation for CFSP matters, and the Delegations entrusted with the Commission's policy fields, was an important source of incoherence for the EU's external action.

Nevertheless, as noted by the Commission, "the Delegations of the External Service [...] in practice serve European Union interests as a whole".¹⁸ A few years before the Treaty of Lisbon, Delegations were in reality already dealing with areas of shared or parallel competence such as justice and home affairs or even with CFSP political analysis and reporting, thus going beyond the scope of the Commission's exclusive powers.

To sum up, the pre-Lisbon Delegations carried out a large variety of tasks, from presenting and implementing EU policies to assisting the rotating Presidency locally. However, ensuring the coherent management of these prerogatives required a joint External Service, as already suggested by the Convention on the Future of Europe (2002-03), and for which the legal basis was provided by the Treaty of Lisbon.¹⁹

The pre-Lisbon Delegations had already undergone a long period of evolution and acceptance as a result of socialisation with the Member States' missions and third actors. Having started off as Commission offices with a technical role, the Delegations were in reality by the mid-2000s quite similar in terms of involvement in policy fields to the current EU Delegations. However, the Lisbon Treaty bestowed upon the Delegations their formal role in external representation and coordination, opening the way for further consolidation of the EU's diplomatic network, new dynamics of socialisation and increased value added. Therefore, the Treaty of Lisbon

¹⁷ Quoted in European Commission, "Taking Europe to the world: 50 years of the European Commission External Service", *op.cit.*, p. 6.

¹⁸ *Ibid.*

¹⁹ J. Batora, "Does the European Union Transform the Institution of Diplomacy?", *Working Paper*, no. 3, University of Oslo, 2006, p. 21.

did not create the EU Delegations *ex-nihilo*, but legally endorsed existing realities as part of the new institutional design of the EU's external action and set up the ambitious goal of policy coherence.

The Lisbon Treaty: towards EU Delegations as fully-fledged diplomatic missions?

The legal provisions on the EU Delegations in the Treaties

As mentioned above, the issue of consistency in the management of the Delegations was identified years before the Treaty of Lisbon and was reflected in the Convention's proposal for creating a common External Service responding to the needs of a wide range of policies going far beyond the Commission's competences.²⁰ The current legal provisions on the EU Delegations paved the way to enhancing the EU's *actorness* in terms of institutional autonomy and coherence on the ground.²¹ The Treaty of Lisbon's ambition to enhance coherence and visibility resulted, in the area of external action, in providing the legal basis for the establishment of the EEAS:

In fulfilling his [sic] mandate, the High Representative shall be assisted by a European External Action Service. This service **shall work in cooperation with the diplomatic services of the Member States** and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.²²

The creation of the EEAS, based on Article 27(3) TEU and formally established by the EEAS Decision 2010/427/EU of 26 July 2010, is crucial in the evolution of the new EU Delegations' role as the pre-Lisbon Delegations passed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP).²³

Furthermore, the Treaty of Lisbon reinforces the obligation for Member States and EU Delegations in third countries and international organisations to cooperate in contributing and implementing the EU's 'common approach' (Article 32(3) TEU). In the wording of the Treaty of Maastricht (ex-Article 16 TEU), it was only the Member

²⁰ S. Duke, "The Convention, the draft Constitution and External Relations: Effects and Implications for the EU and its international role, *Working Paper*, no. 2003/W/2, European Institute of Public Administration, p. 10.

²¹ J. Paul, "EU Foreign Policy After Lisbon", Center for Applied Policy Research, no. 2, June 2008, p. 19.

²² Article 27(3) TEU [emphasis added].

²³ Council of the European Union, "Decision Establishing the organisation and functioning of the European External Action Service (2010/427/EU)", *Official Journal of the European Union*, L 201/30, 26 July 2010.

States who had the obligation among themselves to favour the convergence of their action under the CFSP in the most efficient way.²⁴ Meanwhile, the EU counts on both, the EU Delegations and the Member States

to **cooperate** in ensuring that decisions defining Union positions and actions adopted pursuant to this Chapter [Chapter 2 on CFSP] are complied with and implemented. They shall **step up cooperation by exchanging information and carrying out joint statements**.²⁵

This key provision in EU primary law reveals the spirit of cooperation and complementarity of the relations between EU Delegations and Member States on the ground. The Treaty of Lisbon is consistent in using the terms 'cooperation' and 'cooperate' which further clarifies the idea of having Delegations of a similar level of importance to the Member State Embassies to co-implement the EU's common approach. Moreover, the Treaty of Lisbon consigned external representation on CFSP matters, originally the remit of the Presidency, to the EU Delegations, since Delegations are now charged with representing the whole Union:

Union Delegations in third countries and at international organisations shall **represent the Union** and shall be placed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy. They shall **act in close cooperation with Member State's diplomatic and consular missions**.²⁶

This is the newly-inserted revolutionary provision stipulating "the pivotal role in external representation by EU delegations" and standing behind "a single diplomatic presence".²⁷ Taking over the Presidency tasks in representation and coordination, the EU Delegations are now responsible for all EU competences, including the CFSP. This change shall be seen in light of the overall objective of the Treaty of Lisbon to bring more coherence and sustainability to the EU's external action.

The Presidency, especially when held by bigger Member States having significant diplomatic backing, could potentially bring important impetus in specific CFSP fields which needs to be coordinated. Even if in terms of agenda-setting there is a sense of ownership and continuity among the Troika of Presidencies, the limited six-month Presidency term is far from sufficient to fulfil sustainable foreign policy goals.²⁸ For other Member States, the new role of the EU Delegations in external representation

²⁴ I. Pingel, *Commentaire article par article des traités UE et CE : de Rome à Lisbonne*, Bruxelles, Bruylant, 2010, p. 56.

²⁵ Article 35(1) and 35(2) TEU [emphasis added].

²⁶ Article 221(1) & 221(2) TFEU [emphasis added].

²⁷ S. Blockmans & C. Hillion, "EEAS 2.0: A legal commentary on Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service, *SIEPS*, 7 February 2013, p. 38.

²⁸ O'Sullivan, speech, *op.cit.*

would eventually lead to ‘competence creep’ for the Presidency.²⁹ However, while the Presidency still has a moderate role in agenda-setting on trade and a powerful role in areas of shared competence at the Member State level, in terms of local external representation, it has no formal role in representation in areas of exclusive competence or CFSP. The Presidency retains a moderate role in areas of shared competence in international organisations.³⁰ Nevertheless, the Presidency’s role in external representation and coordination is maintained in third-country delegations and in international organisations where there is no EU Delegation.³¹ In the broader EU context, the Treaty of Lisbon says that the Presidency should help the HR/VP in fulfilling her tasks.³² Without further analysing the rationale behind limiting the Presidency’s role, the following part will focus on the EEAS Decision in order to flesh out the legal provisions on EU Delegations and their local cooperation with the Member States.

Legal provisions on the EU Delegations’ relations with the Member States

As provided for in the Treaties, the EEAS Decision further “obliges Union Delegations to work in close cooperation and share information with the diplomatic services of the Member States”.³³ The idea of supporting the Member States instead of decreasing or even replacing their diplomatic presence is further articulated in the EEAS Decision:

The EEAS shall **support** and **work in cooperation** with the diplomatic services of the Member States, as well as with the General Secretariat of the Council and the services of the Commission, in order to **ensure consistency** between the different areas of the Union’s external action and between those areas and its other policies.³⁴

Hence, the EEAS Decision’s wording when referring to the relations between the EU Delegations and Member States is that of ‘support’ and ‘work in cooperation,’ aiming at ensuring consistency. ‘Support’, defined as “give assistance, approval, comfort, or encouragement to” highlights the complementary role of the EU

²⁹ E.-M. Szabo, “Background Vocals: What role for the rotating presidency in the EU’s external Relations post-Lisbon?”, *EU Diplomacy Paper*, no. 5, 2011, Bruges, College of Europe, p. 13.

³⁰ *Ibid.*, p. 14.

³¹ As provided for in the “Arrangements establishing a system according to which Member States are to take on the functions of the Presidency in third countries”, the Presidency represents the EU in countries where there is no EU Delegation, such as Kuwait, Qatar, UAE, Brunei, Nord Korea, or Delegations at the level of a Chargé d’Affaires, for example Ecuador and Costa Rica.

³² Piris, *op.cit.*, p. 255.

³³ Blockmans, *op.cit.*, p. 33.

³⁴ Article 3 EEAS Decision [emphasis added].

Delegations which is also underlined in Article 35 TEU.³⁵ Furthermore, the EU Delegation “shall support the Member States in their diplomatic relations and in their role of providing consular protection to citizens of the Union in third countries”.³⁶ Therefore, the EEAS Decision re-confirms that the Lisbon-designed EU Delegations are not supposed to compete with, but support the Member States locally. Moreover, from then on, it is up to the Head of Delegation (HoD), to represent the EU before the third country’s authorities:

The Head of Delegation shall **have the power to represent the Union** in the country where the delegation is accredited, in particular for the conclusion of contracts, and as a party to legal proceedings.³⁷

The HoD’s role is crucial for the internal processes of socialisation as they “shall have authority over all staff [...] and [are] accountable to the HR for the overall management of the work of the delegation”.³⁸ Furthermore, ensuring coherence is also the responsibility of the HoD as he or she “shall receive instruction from the HR and the EEAS, while in areas where the Commission’s power are concerned, the latter could issue instructions to delegations”.³⁹ Hence, the HoD is *de facto* the ‘EU Ambassador’ who shall be accepted as *pares* by the Member State Ambassadors in his/her new coordinating and representing role.

Bilateral diplomacy: towards a real European diplomatic network?

The EU Delegations’ complementary role: are we moving beyond?

This section will identify and analyse patterns of socialisation between EU Delegations and Member State Embassies in bilateral diplomacy. In modern diplomacy, States ensure their representation through residential presence, meaning entering into establishment agreements with the host state and setting up diplomatic missions ensuring the link between presence and access.⁴⁰ As a post-modern diplomatic actor, the EU is also opting for physical presence via its increasing networks of Delegations rather than post-modern ways of representation such as virtual or digital diplomacy. Most fundamentally this network provides solutions to the decreasing

³⁵ Oxford Dictionaries, “Definition of support in English”.

³⁶ Article 5(10) EEAS Decision.

³⁷ Article 5(8) EEAS Decision [emphasis added].

³⁸ Article 5(2) EEAS Decision.

³⁹ Article 5(3) EEAS Decision.

⁴⁰ Batora & Hocking, *op.cit.*, p. 10.

resources of the Member States and helps the EU Foreign Affairs Ministries to rationalise their external activities.⁴¹

Similarly to multilateral fora, the bilateral EU Delegation chairs local coordination meetings. Unlike EU missions to international organisations, coordination in bilateral diplomacy does not have the same implications for representation of the EU by the Delegation as the diplomatic milieu does not require such intense coordination on representation as, for example, at the United Nations. The record on coordination meetings is generally positive, as “more often than not, the EU Delegation coordinates the agendas with the Member States and chairs the coordination meetings”.⁴² The intensity of these coordination meetings, and also the concrete policy outputs, depend on the specific interests of the Member State in a policy field and their ambitions in terms of visibility in a given third country. Knowing that Member State Embassies function in accordance with a principal-agent approach with their respective Ministries of Foreign Affairs, the logic of hierarchy is still present in sensitive CFSP matters, for which “the common output of local coordination is sent from the field to coordination groups in Brussels”.⁴³ From a socialisation perspective, the taking-over of the Presidency tasks led, to different degrees and depending on the diplomatic importance given to a particular third country, to an increasingly leading role of the EU Delegations whose action is accepted and expected by Member States and third actors.⁴⁴

The EU Delegation as service-provider in information-sharing: hierarchies vs. networks

The EEAS Decision states that “the Union Delegations shall work in close cooperation and share information with the diplomatic services of the Member States”, and the Delegations provide concrete input thus demonstrating their supporting role towards the Member States’ missions.⁴⁵ The EU Delegation is thus under an obligation to work with the Member State embassies in order to “ensure that decisions defining Union

⁴¹ B. Hocking *et al.*, “Futures for Diplomacy: Integrative Diplomacy in the 21st century”, *Clingendael Report*, no. 1, The Hague, The Netherlands Institute of International Relations, October 2012, p. 68.

⁴² J. Wouters, “The Organisation and Functioning of the European External Action Service: Achievements, Challenges and Opportunities”, Study for the European Parliament, DG External Policies, EXPO/B/AFET/2012/07, February 2013, p. 70.

⁴³ *Ibid.*

⁴⁴ J. Jupille *et al.*, “States, Agency, and Rules: The European Union in Global Environmental Politics”, in Carolyn Rhodes (ed.), *The European Union in the World Community*, London, Lynne Rienner Publishers, 1998, p. 216.

⁴⁵ Article 5(9) EEAS Decision.

positions and actions are complied with and implemented".⁴⁶ It is worth mentioning, however, that the March 2010 draft of the EEAS Decision stipulated a reciprocal obligation for the Member States to share information.⁴⁷ The current wording of Article 5(9), referring only to Delegations, highlights the Member States' perception of an enhanced supporting hierarchical relationship with the EU Delegations, rather than mutual sharing of information in networks. However, the Member States also fall under the general obligation to work with the Delegations, mainly under the 'sincere cooperation' principle (Article 4(3) TEU), the loyalty obligation (Article 24(3) TEU), but also the cooperation obligation between Member State and EU missions (Article 32(3)).⁴⁸

In reality, there are some concrete political outputs shared by the EU Delegations. The Head of Delegation is instructed to send the monthly political reports to Member State diplomats who are present or accredited in the third country. But information-sharing also happens on a daily basis and covers various policy sectors, depending on the division of labour among burden-sharers.⁴⁹ Since information-sharing requires information-gathering, many Member States expect the EU Delegations to collect information "only on those matters that are within the competence of the EU, not in bilateral issues".⁵⁰ A joint daily reporting could include press reviews and analyses, minutes of meetings, but also economic and political intelligence. Undoubtedly, "reporting by the Delegation allows the Member States to progressively develop a common view", which thereafter facilitates coordination.⁵¹ Reporting on more security-based issues also takes place and is key for consolidating the diplomatic role of the Delegations.⁵²

As for reciprocity, the process of information-sharing seems to be more unidirectional. However, the flow of information and the level of politically-sensitive questions covered depend on the Member States' strategic interests and diplomatic capacities on the ground. Thus, the added value of sharing information is lower in big third countries, for instance the BRICS, while in small "forgotten countries" this input is

⁴⁶ Wouters, "The Organisation and Functioning of the European External Action Service", *op.cit.*, p. 70.

⁴⁷ Blockmans, "EEAS 2.0: A legal commentary on Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service", *op.cit.*, p. 33.

⁴⁸ *Ibid.*

⁴⁹ Interview with Official 1, *op.cit.*

⁵⁰ Balfour, "The EEAS and National Diplomacies", *op.cit.*, p. 79.

⁵¹ Wouters, "The Organisation and Functioning of the European External Action Service", *op.cit.*, pp. 78-79.

⁵² Interview with Official 1, *op.cit.*

more appreciated by the Member States.⁵³ As regards the Member States sharing information, this is rather problematic because they are generally reluctant to share politically sensitive reports and notes on 'high politics'.⁵⁴ There are other, more technical reasons for not having a well-functioning information sharing at local or headquarters level.

To date, information by the EU Delegation is only shared among the Member States' diplomats present or accredited in the host state through the internal communication systems COREU or AGORA which are not secured. For that reason, the EU is deploying Acid, an encrypted communication system, which allows EU Delegation and Member States to be technically equipped to share information securely among themselves and directly with the capitals.⁵⁵ Successful information sharing directly depends on adequate burden-sharing, making good use of the available resources and obliging the sharers to report on sector-specific issues such as energy and trade. However, when reluctant to share information, Member States can ostensibly narrow down the EU's actorness, such as in the case of the UK not willing to 'share' intelligence with the EEAS on the Iranian nuclear dossier.⁵⁶

In addition, the level and quality of information sharing depends also on the personality of the HoD, and some countries – such as France – consider that the Delegation should focus more on political reporting providing greater substance for the Member States.⁵⁷ To sum up, more information-sharing and joint reporting leads to more common understanding and thus facilitates coordination and coherence of the EU's and Member States' actions.

The changing practice of diplomacy: challenges and opportunities for the EU's diplomatic network

The Member States' decreasing number of missions: towards a post-modern diplomacy?

"It is an exciting opportunity for the institutions and our Member States to respond to the changing nature of diplomacy in a globalised world", noted David O'Sullivan, the Chief Operating Officer of the EEAS, commenting on the future of national

⁵³ Balfour, "The EEAS and National Diplomacies", *op.cit.*, p. 78.

⁵⁴ Interview with Official 1, *op.cit.*

⁵⁵ Interview with Official 5, *op.cit.*

⁵⁶ The EU and most of the Member States participate in the Joint Situation Centre (SitCen), formally limited to intelligence analysis, but receive the SitCen's reports to the Political and Security Committee.

⁵⁷ Balfour, "The EEAS and National Diplomacies", *op.cit.*, p. 143.

diplomacy.⁵⁸ Undoubtedly, the role of Foreign Ministries is changing from a Westphalian state-centred diplomatic practice towards a post-modern diplomacy characterised by a network of action.⁵⁹ In this context, the Member States' decision to close consulates and embassies is in direct correlation with the existing budgetary constraints, leading to other decisive steps on further rationalising diplomatic network.⁶⁰ In addition, the importance given to physical presence in representing a State is also decreasing in a post-modern diplomatic environment.⁶¹ For instance, the Netherlands closed more than ten embassies and consulates during the last three years, for example those in Cameroon, Eritrea, Ecuador, Uruguay, Burkina Faso, and Zambia.⁶² Many other small- and medium-sized EU countries closed embassies or consulates.⁶³ But even if "cutting down consulates is preferred over closing embassies due to the relatively less political and economic damage involved", the question is to what extent the existence of an EU Delegation in the country where a Member State closes or reduces the staff is taken into consideration?⁶⁴ One UK diplomat noted when commenting on this issue that, "although we are working closely with the new EEAS [...], there is not and will never be any substitute for a strong British diplomatic service that advances the interest of the United Kingdom".⁶⁵ Other countries such as Finland consider that clear arrangements on 'lap-top diplomats' could reduce the damage of closing missions.⁶⁶ Meanwhile, the EEAS's priority is to keep "the largest network possible", which consists today of 140 Delegations.⁶⁷ In 2013, the EU closed its Delegation in Suriname and opened a Delegation to Myanmar and one to the United Arab Emirates.⁶⁸

⁵⁸ D. O'Sullivan, "The EEAS, national foreign services and the future of European diplomacy", speech, retrieved 23 April 2014, http://www.eu-un.europa.eu/articles/fr/article_12547_fr.htm.

⁵⁹ Batora, "Bilateral Diplomacy in the European Union: Towards 'post-modern' patterns?", *op.cit.*, p. 11.

⁶⁰ "The European External Action Service and National Diplomacies- Partners and Rivals?", Helsinki, The Finnish Institute of International Affairs, January 2013.

⁶¹ Batora, "Bilateral Diplomacy in the European Union: Towards 'post-modern' patterns?", *op.cit.*, p. 15.

⁶² Government of the Netherlands, "Dutch embassies in Burkina Faso and Zambia closing this month", official website, 13 June 2013.

⁶³ The Czech Republic closed 7 missions and opened 1 in 2012; Finland also closed 9 missions in 2011-12; while France closed 4, but opened 8 since 2008.

⁶⁴ K. Rail, "Serving the citizens? Consular role of the EEAS grows in small steps", Brussels, EPC, 20 April 2013, p. 3.

⁶⁵ R. Balfour, "The European External Action Service and National Diplomacies", *op.cit.*, p. 151.

⁶⁶ *Ibid.*, p. 57.

⁶⁷ Interview with Official 5, *op.cit.*

⁶⁸ "EU to open Delegation to Myanmar and to the United Arab Emirate", *Rapid Press Release*, Brussels, 17 January 2013.

The practice of co-location is a remarkable example of the way in which Member States recognise EU Delegations as the right partner to cooperate with.⁶⁹ Co-location happens mostly in bilateral diplomatic posts in which, in general terms, Member States do not have strategic interests and particular concerns of being visible through their autonomous missions. This example also illustrates how the combination of rational-choice behaviour (in terms of budgetary constraints) and *de facto* socialisation among European diplomats on the ground results in co-location practices in many third countries. But to what extent can this be perceived as a challenge or an opportunity for the EU's diplomatic network?

Co-location: increasing awareness on the EU Delegations' potential

Co-location in bilateral diplomatic fora is an increasingly recurrent practice. Before the creation of the EEAS, many projects on co-location were concluded, for instance at the EU Delegation in Kabul to host the Lithuanian Ambassador, the EU Delegation in Nouakchott to host the UK, and the EU Delegation in Abuja to host Italy and the Netherlands.⁷⁰ In addition, the EU Delegation can share premises with institutions. The more common practice is to host the EU Special Representative (EUSR), or ECHO officials, but also CFSP/CSDP missions, such as EUCAP Nestor hosted in the EU Delegation in Nairobi, or EUCAM Sahel Niger in the EU Delegation in Bamako. Thus, in April 2014, there were 34 arrangements on co-location between both institutions and EU Member States, while 13 EU Delegations are hosting one or more Member States.⁷¹ It is worth mentioning that even countries with global interests and huge diplomatic networks entered into co-location arrangements, for example France in East Timor and South Sudan, or the UK in Iraq, Mauritania, South Sudan and Tanzania; Spain is leading with five co-locations, followed by the Netherlands with four.⁷²

But is this practice simply motivated by cost-benefit calculations in a rational-choice perspective? What are the motivations of the Member States? It is noteworthy that in press releases announcing the closing of missions or consulates, Ministries of Foreign Affairs do not link, at least not officially, the closure with the possible cooperation and eventually co-location with an EU Delegation. In a longer term, the good record of

⁶⁹ 'Co-location' has crept into EU jargon as designating the sharing of premises by one or more Member States.

⁷⁰ EEAS, "List of existing co-locations between EEAS and institutions/Member States", unpublished, p. 1.

⁷¹ These EU Delegations are in Afghanistan, Azerbaijan, Belarus, Colombia, East Timor, Ethiopia, Iraq, Mauritania, Myanmar, Nigeria, South Sudan, Tanzania, and Yemen.

⁷² EEAS, "List of existing co-locations between EEAS and institutions/Member States", *op.cit.*

co-location could lead to a “shift in thinking in that diplomatic representation might no longer be seen in strictly national terms, but instead managed cooperation with close partners”.⁷³ Beyond the rationalist point of view, and from a socialisation standpoint, the fact that Member States choose the EU Delegation to enter into co-location arrangements reveals the existence of a certain level of trust.⁷⁴ Henceforth, co-location leads to more socialisation, but does not have any legal consequences in terms of representation as the Member State concerned is represented by its officials and this has no implications for the EU’s role.⁷⁵ In terms of acceptance and prestige, the increasing number of co-location arrangements is proof that the EU Delegation is becoming more established and enjoys a certain level of trust among the Member States.

The EU Delegation as ‘House of Europe’?

The EEAS is more flexible than the Member States with its network as it rents around 80% of the premises.⁷⁶ France, on the contrary, owns 80%. In terms of the closing or opening of a Delegation, the EEAS is able to quickly re-allocate resources, but also to offer additional office space for co-location and ‘lap-top diplomats’. In practical terms, a Memorandum of Understanding is signed between the Head of Mission and the EU HoD. The Member State is hosted in the premises of the EU Delegation on the same administrative and financial conditions, for instance in case the EU Delegation rents its premises, the Member State pays the same rent per m².⁷⁷ Member States also benefit from common security and all other kinds of infrastructures and services. It is worth quoting the press release on the first co-location between the EEAS and a Member State, in this case Luxembourg:

Ambassador Marchal [EU HoD] underlined his great satisfaction of being able to contribute in a practical manner to the concrete implementation of the Lisbon Treaty in its external dimension, and all the more so since it concerns the establishment of a new Embassy of a Member State of the EU.⁷⁸

The Ambassador of Luxembourg noted the “numerous operational and practical synergies” and that “such an approach cannot but contribute to reinforcing the

⁷³ *Ibid.*, p. 58.

⁷⁴ R. Balfour, “The European External Action Service and National Diplomacies”, *op.cit.*, p. 57.

⁷⁵ Interview with Official 5, *op.cit.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ Joint Press Release, “Addis Abeba: first co-location between the EEAS and an EU member state, Luxembourg”, 22 May 2012.

profile of the EU in the third countries concerned".⁷⁹ There are additional reasons why the EEAS promotes co-location practices. First, it helps to save operational costs, both for the EEAS and the Member States and, second, to use the premises' full capacity.⁸⁰ In addition, from a socialisation point of view, it helps the overall coordination process as there is more communication between staff. Co-location also enhances the credibility and visibility of the EU as an actor as the EU diplomatic network is the frontrunner in the eyes of third actors.

However, a decision on co-location depends to a large extent on the Member States' direct strategic interests in the third country concerned. Thus, looking at the existing co-locations, they are present in relatively small African, Central Asian or Far East countries, but not in countries like Russia or China which are strategic partners both for the Member States and the EU as a whole. African EU Delegations host on average three Member State missions, followed by Middle Eastern and Asian Delegations co-locating one Member State. Thus, the motivations are most probably a combination of weaker strategic interests and cost-efficient solutions to share the security bill in unstable countries.

Therefore, the decision to further enhance the EU Delegations' role by entering into co-location arrangements depends on the Member States' ambitions of visibility in a given country. Meanwhile, these practices are making the EU Delegation a *primus inter pares* leading the coordination and increasingly delivering common products as the keeper of the diplomatic 'House of Europe' or 'Campus européen', defined as "centres of mini-diplomatic missions of the smaller member states".⁸¹

Pooling of resources and burden-sharing in bilateral diplomacy

As noted recently, "it is widely observed that the entire EU external action process suffers from a troubling waste of human resources, especially with respect to reporting".⁸² This study also provides the example of economic reports sent by each of the Member States represented to their capitals, while few of the Member States have the resources to write in-depth reports.⁸³ However, once again, this depends on the Member States' strategic or specific trade and economic interests in the country.

⁷⁹ *Ibid.*

⁸⁰ Interview with Official 5, *op.cit.*

⁸¹ M. Emerson *et al.*, *Upgrading the EU's Role as Global Actor: Institutions, Law and the Restructuring of European Diplomacy*, Brussels, Centre for European Policy Studies, 2011, p. 63.

⁸² Wouters, "The Organisation and Functioning of the European External Action Service", *op.cit.*, p. 76.

⁸³ *Ibid.*

Furthermore, the pooling of resources could be based on practical arrangements between the EU Delegation and the Member States, making the best use of officials' expertise (shared reporting). As a matter of example, separate teams could cover different sectors or thematic policies. The same division of labour could also apply to daily activities such as press reviews, notes and media communication.⁸⁴ As regards burden-sharing, there are good examples on thematic cooperation on human rights matters. For instance, the EU Delegation to Mexico and the Member States represented (21 national Embassies) divided the country on a geographical basis and every burden-sharer is responsible for a respective region.⁸⁵ The practice of joint human rights reporting and elaboration of common local human rights strategies create also a sense of ownership by the Member States and improve the implementation of the EU's human rights policy.⁸⁶

Other examples of burden-sharing in bilateral diplomacy are cases in which the EU representation is exercised by a Member State.⁸⁷ As to ensure coherence, the EEAS and/or the Commission guides the Presidency, but also the Member States can make suggestions on CFSP action or coordinate local statements and démarches.⁸⁸ Furthermore, in cases where the rotating Presidency has no mission, the EU opted for practical arrangements on a six-month period of representation with the Member States disposing of resident missions in these third countries.⁸⁹ Hence, even in cases where the Presidency or a Member State represent the EU, the EEAS shall ensure that the EU's priorities are followed.

In practice, it seems that the EEAS and the post-Lisbon EU Delegations are boosting more integration and burden-sharing with the Member States.⁹⁰ In order to further improve this, more cooperation is needed between the HoDs, the EEAS and the Ministries of Foreign Affairs as well as closer coordination on possible common actions on the ground.

⁸⁴ *Ibid.*

⁸⁵ Interview with Official 8, 15 April 2014.

⁸⁶ *Ibid.*

⁸⁷ Up to December 2013, there were 21 countries where a Member State represents the EU.

⁸⁸ EEAS, "Guidelines for EU cooperation in third countries", Brussels, November 2011, unpublished, p. 6.

⁸⁹ EEAS, "EU Diplomatic Representation in third countries: First half of 2014", Brussels, 12 December 2013, unpublished, p. 4.

⁹⁰ R. Balfour *et al.*, "Learning to dance to the same tune? The European External Action Service and National Diplomacy", Brussels, European Policy Centre, 17 January 2013, p. 1. Another example could be the development of a network of security experts coming from the Member States in the EU Delegation.

Towards a European diplomatic system: the EU Delegation as motor of socialisation?

The 'European diplomatic system' could be defined as intra-European foreign policy management driven by Brussels and the Member States' foreign ministries.⁹¹ The emergence of such a system, however, depends on a clear division of responsibilities and on common diplomatic training in order to consolidate a shared diplomatic culture. Without further linking the evolution of the nature of diplomacy and its practice in light of globalisation and regionalisation in world politics, the question arises how the EU can respond to the decline of traditional state-centric diplomacy? In the EU's complex multilevel practice of diplomacy, Member States are no longer able to work according to strictly national timetables which are increasingly Europeanised by the EU's agenda, resulting in the emergence of an intra-European diplomacy.⁹² A prime example is the Presidency trio where the agenda is formulated in a process of permanent interaction with the institutions. Therefore, the EU diplomatic system is seen as a bi-multilateral diplomacy of two interconnected levels – the EU Delegation and the Member States.

Increasing the awareness of Member States of the EU Delegation's added value is a product of socialisation. Member States suggested, for instance, the need to strengthen political sections and reporting in the Delegations. Accordingly, in 2011-12, 120 new Administrators positions were opened only for political sections.⁹³ In addition, the Member State diplomats represent already 45% of the staff in Delegations, which is less from the approximately 35% of national diplomats at the EEAS. Therefore, Member States are aware of the potential of the EU Delegations and the fact that they send more national diplomats to Delegations reveals the high level of trust and the arising common vision of a European diplomatic system.

But if we assume that Member States are committed to count more on EU Delegations, could this be a challenge for the EU's diplomatic network in a context of decreasing numbers of national embassies and consulates and a reluctance to increase the budget of the EEAS? For instance, the EEAS "has based its draft budget for 2014 on a rigorous approach and a search for economy across the board".⁹⁴ This draft budget foresees a reduction by 1% of the number of posts, but also a

⁹¹ B. Hocking *et al.*, "Towards a European Diplomatic System?", *Discussion Paper in Diplomacy*, The Hague, Clingendael, 2005, p. 15.

⁹² Batora, "Bilateral Diplomacy in the European Union: Towards 'post-modern' patterns?", *op.cit.*, p. 13.

⁹³ Interview with Official 5, *op.cit.*

⁹⁴ EEAS, "Draft Budget 2014", MDR A1/TB/D(2013), Brussels, 2013, p. 1.

downgrading of senior level officials and reductions in the allowances for staff in EU Delegations, while the EEAS requests a net increase of 4% of its budget.⁹⁵ The overall increase for EU Delegations was by 0.8%.⁹⁶ This increase goes mainly for remunerations and entitlements of statutory staff (+4.5%), buildings and associated costs (+3.4%). Finally, the overall budget for Delegations for 2014 is around €322 million.⁹⁷ In general terms, a Delegation's budget is determined according to its mandate and should be able to guarantee its fulfilment (on average from €1 to 3 million for a Delegation).⁹⁸ From an administrative point of view, there is no differentiation between bilateral and multilateral EU Delegations.⁹⁹ Even if the budget of the EEAS was increased, while considering the need for more cost-effective diplomacy, a more ambitious increase of the budget is needed to further use the EU Delegations' full potential. As a matter of comparison, the EU-27 diplomatic and consular networks cost €7,529 million in 2010, or €15 per capita, compared to only €1 for the EEAS.¹⁰⁰

To sum up, further consolidation of the EU Delegations' role would certainly boost the creation of a 'European diplomatic system', which will most probably appear in small mini-diplomatic bilateral settings, in which the EU Delegation will play a central role. Meanwhile, in big bilateral posts dealing extensively with development cooperation or the European Neighbourhood Policy, the EU Delegations are challenged by complex issues of horizontal coherence, but also by the lack of sufficient capacities to cover and follow all the initiatives coming from the Member States.

The Delegation support and evaluation: what role for the Member States?

This part will show the extent to which the Member States share their expectations and provide feedback on the EU Delegations to the EEAS. The EEAS Delegation Support and Evaluation Service (DSES) will for this purpose be analysed. The Service's responsibilities of guiding and supporting EU Delegations (while also mandated with financial and administrative audits) derive from the EEAS Decision stipulating that the operation of each Delegation shall be periodically evaluated.¹⁰¹ In practice, every Delegation needs to be evaluated once within the four-year mandate of the HoD,

⁹⁵ *Ibid.*, p. 2.

⁹⁶ *Ibid.*, p. 8. This net increase amounts for €2 480 894.

⁹⁷ "Budget European External Action Service", Section X, Budget, Lex Europa 2014, p. 35.

⁹⁸ Interview with Official 5, *op.cit.*

⁹⁹ *Ibid.*

¹⁰⁰ Emerson, "Upgrading the EU's Role as Global Actor: Institutions, Law and the Restructuring of European Diplomacy", *op.cit.*, p. 10.

¹⁰¹ Article 5(5) EEAS Decision.

which is done by conducting on-the-spot evaluations.¹⁰² The DSES's missions (usually consisting of 2 people) cover the work of the Delegation as a whole (EEAS and Commission competences except for external cooperation programmes), and evaluate the implementation of and contribution to EU policies (the quality of reports), the use and management of resources (integration of the staff); security issues such as protection of classified information, and overall financial and administration management.¹⁰³ The Service can adapt the criteria according to the specificities of the environment in which the EU Delegation operates.¹⁰⁴ Before going on mission, the team consults the cabinet and the respective EEAS desks and Commission services "as well as other key stakeholders".¹⁰⁵ But do Member States have a say in the evaluation of EU Delegations? Interestingly, the Mission Statement foresees that:

Over time and where possible the DSES may also be tasked with conducting joint missions with Member States covering both EU Delegations and Member State Embassies, subject to definition of the scope of such missions (limited to EEAS remit).¹⁰⁶

Furthermore, the team should also have contacts with MS Ambassadors and/or representatives of international organisations. In practice, there are many formal and informal on-spot contacts which facilitate acquiring local feedback, while in Brussels regular meetings are organised between the General Secretariat of the EEAS and its counterparts in the Ministries of Foreign Affairs.¹⁰⁷ The DSES also provides advice to the HoD and to the EEAS with concrete points on how to improve the effectiveness, efficiency and quality of their activities. This could be particularly helpful for a national diplomat appointed as HoD who does not have enough EU-related experience.¹⁰⁸ Interestingly, some recommendations in the evaluation reports and the Action Plans (elaborated after each mission) may also be addressed to the Commission.

The DSES feedback on EU Delegations demonstrates that they execute well their post-Lisbon responsibilities, but more needs to be done for the integration of all staff members, the reinforcement of security measures (almost everywhere) and the need

¹⁰² EEAS, "Mission Statement - Delegation Support and Evaluation Service", 15 November 2012, unpublished.

¹⁰³ *Ibid.*

¹⁰⁴ Interview with Official 11, EEAS, Brussels, 15 April 2014.

¹⁰⁵ EEAS, "Mission Statement", *op.cit.*, p. 2.

¹⁰⁶ *Ibid.*

¹⁰⁷ Interview with Official 11, *op.cit.*

¹⁰⁸ *Ibid.*

to strengthen the EU Delegations' administrative and financial capacities.¹⁰⁹ Therefore, there appears to be a good coordination by the EU Delegation which certainly enhances its role, while in the long term the above-mentioned shortcomings need to be tackled in order to use the EU Delegations' full potential.

Conclusions

This paper examines the extent to which the socialisation between EU Delegations and Member State missions helps Delegations to fulfil their mandate in bilateral diplomacy. It has been demonstrated that Member State Embassies increasingly accept and expect EU Delegations' actions. Furthermore, the study has shown that there is neither one prototype of Delegation, nor a single mandate, but rather a complex variety of Delegations fulfilling different roles according to the key policies involved and the degree of socialisation with the Member States. The EU Delegations are in a continuing process of institutional socialisation with the Member State Embassies in which the EU Delegations' actions are increasingly in line with the logic of appropriateness. In the meantime, the Member States' willingness to cooperate and the EU Delegation's resources and management, as well as the role of the Head of Delegation, determine the extent to which the Delegation fulfils its mandate.

The post-Lisbon responsibilities of the EU Delegations are in the process of consolidating a *primus inter pares* role of Delegations as central hubs implementing and coordinating EU policies on the spot. Research into bilateral diplomacy examined key developments in co-location and burden-sharing, highlighting the dynamic processes of socialisation which reveal the emerging perception among Member States of an EU diplomatic network which they can trust.

In the near future, the erosion of the link between presence and access to diplomacy can lead Member States to rely more on the EU diplomatic network. Expectations are that in small third states, the 'European Embassy' will become a reality as an example of cost-efficient post-modern diplomacy. This would lead to a higher degree of coherence and trust between Member States and EU Delegations as a product of continuing socialisation. To speculate further, we could expect EU diplomats to formally represent Member States in these countries which is now impossible as national and diplomatic law do not allow delegating the right to represent to a non-state actor.

¹⁰⁹ *Ibid.*

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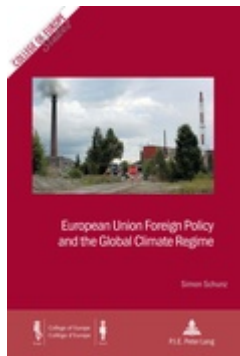
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