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Towards Embassies for Europe? EU Delegations in The Union's Diplomatic System

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This Policy Paper is the eighth in a series that will be produced by the Jean Monnet Multilateral Research Network on 'The Diplomatic System of the European Union'. The network is centred on three partner institutions: Loughborough University (UK), Katholieke Universiteit Leuven (BE) and Maastricht University (NL). It also brings together colleagues from a wide range of academic institutions within the EU, and includes participants from EU institutions and non-governmental organisations. The aim of the Policy Papers series is to contribute to current debates about the emerging EU system of diplomacy and to identify the key challenges to which the EU's diplomatic system will need to respond in the short and medium term.

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Introduction

Whereas most attention of the European External Action Service (EEAS) has focused on the headquarters in Brussels, the implementation abroad of the EU's new diplomatic system has so far received little attention. Considering the history of Ministries of Foreign Affairs (MFAs) this is astonishing. After all, embassies were established long before the centres of formulating, administering and implementing foreign policy and diplomacy came into being.

The development of the EU's diplomatic system is similar in this respect. The first offices abroad were already opened in the 1950s. This was long before the EU made the bold move to establish a separate External Action Service in Brussels. However, with the Lisbon Treaty, the EEAS headquarters in Brussels have not only been set up and equipped with their own prototype foreign minister. Also, the European Commission Delegations (ECDs) have been upgraded to European Union Delegations (EUDs).

Since the Delegations constitute a direct and permanent connection between Europe and third countries, they are key instruments to provide the EU with a common voice in the world. It is therefore high time to turn the attention from Brussels towards capital cities outside of the EU. This policy brief therefore analyses and evaluates the transformation process from Commission towards Union Delegations.

- For this purpose, firstly, some historical background of the Delegations will be given.
- Secondly, the most important practical changes brought about by the Lisbon Treaty will be summarised.
- Thirdly, the main achievements and limits of the transformation from ECDs to EUDs so far will be discussed.
- Finally, three policy recommendations are put forward for the further consolidation of the EUDs.

An Incremental Diplomatic Network

Permanent representations of the European institutions in third country capitals are certainly not a new invention. They have their origins in the 1950s. When Lady Ashton started her job as High Representative of the Union for Foreign and Security Policy in 2009, there were already over 110 so-called Commission Delegations in place³. It was quite convenient for Lady Ashton to use the existing ECDs as a basis for the EEAS' network of diplomatic antennas. It was also a logical consequence of her job profile as she is not only the High Representative (HR) but also the Vice-President of the European Commission.

¹ The paper is based on intensive field research by the author on the role of EU Delegations worldwide. Next to data gathered online on EU websites and in the Union's archives, the research includes personal and telephone interviews with EU officials, member state diplomats, and third country MFA officials. Most of these interviews were conducted in Beijing, China. Telephone interviews were conducted with diplomats in New Delhi, Moscow, Islamabad and Algiers.

² The author expresses her gratitude to the Dahlem Research School for the generous financial support and to Sebastian Seidel for his helpful comments.

³ I.e. fully-fledged Commission Delegations to third countries and to international organisations, such as the UN. Additionally, the Union maintained over 30 other representative offices, for example the 'European Commission Liaison Office' to Kosovo or the 'European Economic and Trade Office' in Taiwan.

The logic of incrementalism is helpful to understand the evolution of the Union's diplomatic network abroad. The Community's founding treaties did not mention anything about establishing representative offices in non-EU countries. However, Jean Monnet was convinced that the Community needed an identity abroad. But without a master plan, the growth of the network simply reflected the increasingly diverse policy profile of the Union. It also is a function of the accession of new member states and their relations to specific third countries.

The first Delegation was opened in Washington D.C. in 1954. It was an information office of the European Coal and Steel Community (ECSC) towards Western Europe's most important ally. In the 1960s and 1970s, the majority of Commission antennas were opened in Africa, mainly to implement European development policy. This reflected post-colonial national interests of some member states as well as Community-wide arrangements on development policy. However, given the Union's increasing economic integration, representations were also opened in the capitals of the EU's key trading partners, such as Japan and later on China.

Today, the Union truly champions diplomatic representation as it ranks fourth compared to the 27 member states regarding the number of Delegations/ embassies worldwide.

EU Diplomatic Representation in Comparison

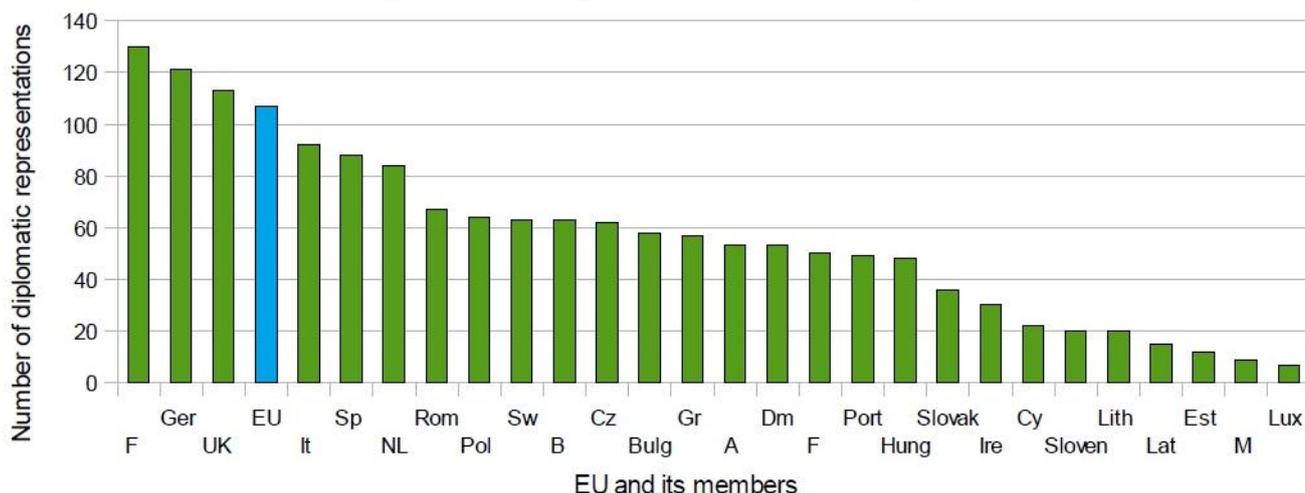


Diagram 1: EU Diplomatic Representation in Comparison⁴

But the network did not only grow quantitatively. The Delegations became more professional and their mandate spilled over to traditionally diplomatic tasks, such as the representation of the EC or the organisation of high-level visits. In the very beginning, contract agents were working in the Delegations; many of which used to be colonial administrators. Over the years, the personnel was replaced with or upgraded to Commission officials. Eventually, the ECDs received diplomatic status and protection according to the stipulations of the Vienna Convention on Diplomatic Relations. Although this formally put them on par with ordinary embassies, the member states were very sensitive about maintaining the distinction. The Commission therefore instructed the Heads of Delegations not to claim the title of EC Ambassador. To further mitigate the scepticism, the ECDs needed to prove their functional added value. The ECD in Tokyo, for example, did so by

⁴ Compiled by the author based on EU Delegation websites and websites of member state foreign ministries and embassies (accessed in February/March 2011). For the sake of comparison, only fully-fledged embassies and EU Delegations towards sovereign states outside the current EU-27 were counted (i.e. excluding member state consulates, EU liaison offices other than Delegations, embassies of one EU member state towards another, and permanent representations to international organisations). See Austermann, Frauke, "The Role of the EU's Diplomatic Representation in China Over Time", *Journal of European Integration History*, No. 35, 1/2012, forthcoming.

negotiating favourable terms for European companies to access the Japanese market.

This in conjunction with another big step in European integration, the Single European Act, made the added value of EC Delegations very clear. Consequently, in the 1980s more offices were opened and the existing ones were strengthened in terms of resources. To monitor the work of the growing external service, a central inspection was established in 1982.

After 1989, the prospect of the Union's Eastern enlargement took shape. The local Commission Delegations were key in overseeing and supporting the Central and Eastern European Countries (CEEC) on their way to fulfil the admission criteria for Union membership. For that purpose, these Delegations were entrusted with the administration of considerable funds.

However, it was only with the Treaty of Maastricht that the Delegations got officially institutionalised, including their role in the Common Foreign and Security Policy (CFSP). This implied a genuine political upgrade. Despite still being called "Commission" Delegations, they supported the High Representative for CFSP Javier Solana during his visits, which deeply involved them in classical high politics. Also, the ECDs organised the travels of parliamentary delegations to third countries. In this context, the Delegations were frequently held accountable by third country authorities for the actions of the European Parliament. This latter example is another clear spillover moment in the history of the ECDs. After all, it is only since Lisbon that the Delegations represent the EU in its entirety, including all Union institutions.

To live up to the new role, the Delegation network was further professionalised in the 1990s, such as via the biannual conference of Heads of Delegations with a permanent bureau. Efforts were made to enhance staff mobility and to provide Delegation officials with proper diplomatic training. Some ECD staff regretted that with the increased professionalisation, the biggest strength was lost, namely the Delegations' flexibility. In 2000, the Commission decided to devolve this power back to the Delegations through the so-called 'deconcentration policy.' Subsequently more staff was sent into the field. As a result, the average number of staff per Delegation grew from about 20 by the end of 2000 to about 40 only eight years later.

In the following years, the Constitutional Treaty took shape. A key element of this Treaty was the development of a common European diplomatic service. Despite initial resistance, it was soon clear that the Commission Delegations would serve as a basis for the Union's planned diplomatic antennas. Notwithstanding the failure of the Constitutional Treaty, the Lisbon Treaty did not substantially change the plans to transform the Delegations. Therefore, many scholars and practitioners see the EEAS as a chance to "endow Europe with a greater voice and more influence in international affairs"⁵. In order to evaluate the role of the new EU Delegations regarding this ambition, let us now turn to the concrete changes stipulated in the Lisbon Treaty.

Delegations After Lisbon: A Coherent Foreign Service?

Even though the Delegation network has developed in an incremental way, it is fair to say that with Lisbon, a new era has started for them. The Lisbon Treaty itself does not give much detail when it comes to the exact changes. It is however very clear about one thing: the Delegations now have an official mandate to represent the European Union in its entirety. They do no longer speak on behalf of only one institution, the Commission. This has important practical consequences, firstly, when it comes to internal coordination and implementation of EU (foreign) policy abroad, and secondly, when it comes to the Union's external representation towards third states.

Third country capitals are in many ways a microcosm of EU politics. This is particularly the case for capital cities where all 27 member states are represented, such as Washington, Moscow or

⁵ Behr, Timo, Aaretti Siitonen, and Johanna Nykänen, "Rewriting the Ground Rules of European Diplomacy", *Finnish Institute of International Affairs*, Briefing Paper No.57, 31 March 2010, p.3.

Beijing. Already some time ago and without instructions from back home, member state diplomats and EU officials have decided to hold regular meetings. These meetings were seen to be useful so as to exchange information and thereby to improve the representation of the Union abroad as well as the implementation of EU policy.

Starting with regular meetings at Ambassador-level, slowly but surely also other groups were established, such as the Deputy Heads of Mission (DHOMs), the Economic Counsellors, the Development Counsellors etc. Attendance has always been voluntary. Although the turnout varies across types of groups, it is on average quite high. This is particularly the case in capital cities with difficult working conditions, e.g. in insecure environments, or in countries which are culturally and politically rather different compared to Europe. Generally, there seems to be a desire to coordinate one European voice, not only on the side of the EUDs but also on the side of national embassies. This desire is facilitated as well as symbolised through the new post-Lisbon seating order during the meetings. Reflecting the Foreign Affairs Council in Brussels, the EUD representative and the diplomat of the member state that holds the rotating Council Presidency back home in Europe sit next to each other.

Before the Treaty of Lisbon was enforced, these groups were chaired by the Ambassador of the country that held the Council Presidency. A notable exception was the Economic Counsellors groups. In Beijing for instance, this group had already been chaired and managed by the Commission Delegation before the Lisbon Treaty was implemented. This reflects the Union's exclusive competence in this policy domain. Since Lisbon, it is however the EU Ambassador and officials from the EU Delegation who set the agenda for almost all groups, who chair the meetings, who draft and send out the minutes afterwards etc. The meetings also usually take place in the premises of the EU Delegation and no longer in the embassy of the member state holding the Council Presidency. Even after Lisbon the EU only has very limited competences in issue areas such as culture or consular affairs. Nevertheless, it happens that the local EU Delegation manages these groups, too.

These regular meeting schemes have had an important impact on coordination and information exchange already before Lisbon. However, the fact that the EU Delegation is now permanently in charge of the organisation and administration is helpful in a variety of ways. Permanently centralising the coordination rather than switching every six months according to the Council Presidency results in a better institutional memory. Not only is one institution responsible for the coordination; also, EU Delegations are better resourced than most other national embassies in order to fulfil this task. This is particularly the case for very technical groups, e.g. those that deal with environmental or financial matters. As a result, the EUDs emerge as true information and coordination hubs. These strengths also have led to the EU coordinating common reports on the general situation and on specific developments in the host country. The EUD sends these reports to Brussels and the EEAS headquarters forward them thereafter to the member state capitals.

More continuity and coherence from within the EU has had an impact on the EU's representation towards the host country's government, too. Thus, the EU is now entrusted with the permanent presidency in third country capitals. This way, the diplomats who officially represent and speak on behalf of the EU do not change every six months anymore. Both EU- and host country officials have more incentives to invest in a long term relationship. Personal relationships in diplomacy are still vital, both despite and because of modern communication technology. After the publication of leaked diplomatic cables by Wikileaks, face-to-face meetings are likely to have gained importance.

The fact that the EU Delegation takes over the permanent Union Presidency has also brought quite some relief for smaller member state embassies. In this context, another spillover can be observed: already before Lisbon, the ECDs have performed a sort of 'shadow-Presidency', particularly so when small member states were in charge. Some member state diplomats regret that they will no longer have the opportunity to represent the EU for one semester. Indeed, the trade off of increased continuity is the loss of member state visibility towards the host country's

authorities and its public, which the rotating Presidency used to entail. Moreover, a permanent Presidency also implies less dynamism and enthusiasm than one that only lasts six months. However, the member states' embassies had to partly or even completely put aside bilateral issues with the host country during that period. This is no longer necessary after Lisbon. Moreover, in a Union of 27 and more member states this prestige has become a very rare occasion. Quite some diplomats also see a neutrality advantage in letting the EUD perform the Presidency by default, rather than letting member states take turns.

In order to nevertheless 'make up' for the loss of the Presidency abroad, the EUD is designed as an institution that aggregates the interests of all member states and EU institutions towards a specific third country. This shall be ensured through the new make up of the Delegation personnel. In the desire to create a truly common European foreign service, one third of EEAS staff shall come from national MFAs. Member states temporarily second diplomatic personnel to the EEAS and its EUDs. At the time of writing there was not yet much empirical evidence when it comes to this aspect. It therefore remains to be seen how national diplomats and EU officials work together in the new EUDs.

Overall, the transformation of Commission Delegations towards EU Delegations has certainly been an important step to make European Union foreign policy more coherent. The above analysis shows that the EUDs are helpful in providing the Union with 'one voice' in capital cities all over the world. The transformation has however not taken place without obstacles. Let us therefore now move to the key issues in implementing Lisbon abroad.

European Embassies? Not quite...

The Delegation network has been said to be the highly devolved. It is quite an autonomous system of diplomatic representation compared to national foreign services. The visibility and efficiency of EUDs are therefore to quite some extent in the hands of the individuals working there. However, the work of the Delegations in general and the transformation from ECDs to EUDs in particular are of course not independent of what happens back home in Europe.

The official date that was picked to transform the first batch of Commission Delegations into Union Delegations was 1 January 2010. The fact that after the ratification of the Lisbon Treaty, the EEAS first had to be set up turned out to be a serious obstacle in quickly delivering what the EEAS was expected to achieve. When it comes to the new EUDs, this resulted in a mix of feelings: many diplomats report that they did not perceive any change in the first year of the supposedly new EUD-era. For once, even before Lisbon, the Commission Delegations practically already functioned like EUDs in many ways. Another reason was the lack of new personnel. Many key positions in Brussels as well as in the Delegations abroad first had to be filled. Simply put, the faces did not change on 1 January 2010.

Other diplomats report that the first year was filled with insecurity. One reason was that the date chosen for transformation came by surprise for both the member states and more importantly for Delegation staff themselves. The second reason was that the exact division of responsibilities within the EEAS as well as its relation to the Commission, to other institutions, and to the member states first had to be figured out. It is well known that this process turned out to be a genuine 'turf fight'.

Naturally, the inter-institutional rivalries about the nascent EEAS headquarters were and still are felt in the Delegations abroad. There are for instance deputising problems if the vice Head of Mission comes from a member state foreign service and thus can act on behalf of the EEAS only and not on behalf of the Commission. The rivalries have also led to insecurities about the lines of reporting and the accountability of the EU Delegations vis-à-vis Brussels. Keeping Commission and EEAS finances separate turns out to be an additional administrative burden for Delegations.

This transition phase has also had an impact on host countries' authorities. Some did not feel a great change when it came to the role of EU Delegations and their relationship to member state embassies. Others were confused and disappointed by the Lisbon promise of a more united European Union. To them it is clear that the EU can only achieve this goal in the long term. EUD staff has therefore been very busy to explain the exact changes and the transitional period to the host countries' authorities and to the public. Due to the persisting focus on development in many third countries, a former high-level EU official expects that the Delegations will continue to be perceived as donor organisations. In contrast to such scepticism, Catherine Ashton shows strong trust in her Delegations as diplomatic tools that represent and implement a common European interest abroad. This became evident when she recently opened a new EU Delegation in Tripoli⁶.

Although *de facto* the Delegations have performed traditional diplomatic tasks for a long time, the Commission Delegation staff has not been composed of trained diplomats the way that embassy staff of national MFAs is. Inasmuch as nation-state embassies are increasingly populated by officials from line ministries to provide technical expertise, the EU Delegations have to catch up on diplomatic personnel in the classical sense. In order to tackle this problem, the Commission has started to invest in proper diplomatic training some time ago. It was mentioned in the previous section that with Lisbon it is now possible for member states to send their diplomats temporarily 'to Europe'. As far as this innovation is concerned, it turns out to be rather easy to attract top people from member states' MFAs to apply for posts as EU Ambassadors. By mid-2011 there were however only very few national officials working in the lower administrative echelons of the EEAS.

When it comes to the relationship of EUDs and national embassies, the most fundamental question is the long term future of national diplomatic representation. Many if not most member states' MFAs are under heavy financial pressure, especially since the outbreak of the financial crisis. This has led them to downsize or to close consulates and sometimes even embassies. Instead, they concentrate their resources in strategically important places, where they have to implement a very dense bilateral agenda. Nowadays, these places are notably the US and the BRICs.

If the EEAS and the EUDs prove to genuinely and efficiently represent all EU member states, then this may be an additional factor when it comes to decisions about rationalisation in MFAs. However, national diplomats see the EEAS and its Delegations at best as one variable among many when it comes to the question of reshuffling, opening, or closing embassies. Moreover, the actual influence of the EEAS in this question will only be seen in the long term. With increased interdependence, the bilateral agenda of Union member states with third countries may have shifted to some extent from traditional high politics towards low politics. Nevertheless, bilateral agendas tend to expand rather than to shrink. Bilateral diplomatic representation of Union member states is therefore highly unlikely to vanish.

As previously mentioned, all 27 Union members maintain large embassies in Washington, Beijing, and Moscow, 26 are present in Cairo and Tel Aviv, and 25 member states have an embassy in New Delhi and Tokyo. Coordination in these places is thus a challenge for the local EUDs. The higher the variety of national interests that have to be consolidated on the ground, the more complex this task becomes. The possibility of duplication of resources is high in these cities, too. On the other side, there are over 70 countries worldwide with between zero and five member state embassies. Respectively, diplomats observe a higher sense of European unity in African capital cities compared to Moscow or Beijing. The EUDs' role in centralising European diplomacy is therefore likely to be much higher in the former than in the latter. Furthermore, the extent to which EUDs can centralise European diplomacy also depends on the demand by the host country. Many non-European states still hold nation-state sovereignty very high and prefer to deal with states bilaterally rather than with the EU. National embassies are therefore still needed.

⁶ See http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126035.pdf

A small number of EU member state representatives sitting around the EU coordination table in third country capitals is however not a guarantee for a unified voice. For once, the strong presence of single EU member states in a particular country can dominate the European voice in the respective capitals. Moreover, the EU Delegations' enhanced competences cannot do away with the different decision-making methods back home in Brussels, especially the prevalence of unanimity in CFSP. For diplomacy in third country capitals this means that EU Ambassadors cannot speak on behalf of the entire EU unless all member state Ambassadors have agreed to let him or her do so.

This latter point is a reminder that despite the increasingly blurred distinction of high and low politics, diplomatic representation is still at the heart of nation-state sovereignty. There is thus still considerable scepticism concerning the transformation of the once technical Commission Delegations into much more political EU missions. One example is the introduction of a military attaché in key capitals worldwide. Although the EEAS has a mandate to also coordinate security and defence matters, EUDs struggle to complement their personnel with a 'uniform'.

Apart from latent state sovereignty sensitivities, the scepticism is linked in part to the post-Lisbon experience of member state diplomats. Some of them have urged the EU Delegations to live up to their new task more quickly, particularly when it comes to sharing information. One of the reasons for this deficiency is the lack of secure information channels within EUDs. It is thus not by accident that the most political EU coordination groups (HOM, DHOM, Political Counsellors) also have the highest attendance rate. Apart from the wish for a united voice, this also reveals a desire on the part of the member state embassies to keep some control over the EUDs.

Seen in a different light, the EUDs are also dependent on the political and diplomatic expertise of the member states embassies. Thus, diplomats of a founding EU member state report that they assisted the Delegation a great deal when it took over the EU Presidency on the ground. In another location where the EUD chairs the coordination group for consular affairs, the Delegation can also rely on member states' help. After all they have much more experience in this area.

Towards One Voice in Third Country Capitals: Policy Recommendations

Policy makers have already realised that the responsibilities of the different EU institutions as well as national MFAs vis-à-vis the EEAS centre needed to be clarified and implemented as soon as possible. Without clarity back home in Brussels, it is hard for EU Delegations to build greater coherence of the EU abroad. Based on the above analysis there are three more ways through which a speedy and efficient consolidation of Delegations can be promoted. Through these measures the Delegations' potential in providing the EU with a common voice in the world is likely to be strengthened.

→ Firstly, the added value of the Union Delegations must be clear to all parties involved, especially so to national MFAs and their embassies. Notwithstanding the politically upgraded mandate of EUDs compared to their predecessors, the ECDs, diplomatic representation still touches very sensitively on member states' sovereignty. Therefore, the EUDs should refrain from engaging in power politics with member state embassies. Instead, through concrete action Delegations should make clear their importance as a coordinator, as an accessible information and expertise hub, and as a centralising force when necessary. The incremental development of Delegations, during which functional complementarity prevailed over competition, seems worth continuing.

→ Secondly, a high level of openness, transparency, and information sharing between the EUD and the member states' embassies is also important for the development of the Delegations themselves. After all, a previously very technocratic institution is in the process of being transformed into a much more political one, including many traditionally diplomatic tasks and characteristics. In order to learn from the member states in this respect, more efforts have to be made to attract national diplomats for an EEAS-secondment.

→ Finally, although a more unified 'voice' for Europe may be desirable, there nevertheless needs to be a balance between coherence on the one hand and room for specific needs on the other. This balance must be drawn when it comes to the immense variety of capital cities where EU Delegations are placed. The representation of the European Union in Islamabad is just very different from Beijing. In order to strike a balance a sort of 'Open Method of Coordination' across EUDs worldwide could be helpful. Thereby the institutional memory of each individual Delegation could be strengthened while exchange and promotion of best practices could be encouraged.

The Diplomatic System of the EU Network, funded by the European Commission's Jean Monnet Programme, brings together three partner universities with a strong tradition in the study of European integration in its international context. The lead partner is Loughborough University, and specifically its Department of Politics, History and International Relations and Centre for the Study of International Governance. The other partners are Katholieke Universiteit Leuven, from Belgium, and Maastricht University, from the Netherlands. Each partner is responsible for key events and a research strand. In addition selected experts drawn from EU and Member State institutions and from relevant sections of civil society will be invited to participate in selected network activities.

Nothing in this paper should be construed as representing the views of any EU or national institution, including those represented in the network itself. For further information about the network and its activities, please visit <http://dseu.lboro.ac.uk>