

Pioneers of a European Diplomatic System

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EU Delegations in Moscow and Washington

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PIONEERS OF A EUROPEAN DIPLOMATIC SYSTEM

EU DELEGATIONS IN MOSCOW AND WASHINGTON

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EXECUTIVE SUMMARY

Since December 2009, the European Union has been represented abroad by more than 130 delegations, which are an integral part of the new European External Action Service (EEAS). This paper explores the performance and potential of the delegations in contributing to a common EU foreign policy.

The delegations have to strike the right balance between performing the functions of traditional diplomatic missions, while also representing the EU as a political entity that is more than an international organization, but less than a state. The delegations act as a bridge between nascent EU diplomacy and the national diplomacies of the member states. They are also microcosms that gather together under one roof different elements of the EU's external relations, ranging from the Common Foreign and Security Policy to trade and aid, energy and migration.

The delegations have been rather successful in their three main tasks: representing the Union towards third countries, coordinating and providing services to the member states, and contributing to EU policy-making. This paper focuses on two key locations, Moscow and Washington, where the delegations are becoming visible diplomatic actors providing added value to member states as well as EU institutions. The authors argue that, following on from an early albeit cautious success, the delegations should take a stronger role in providing input into EU policy-making, promoting European interests abroad, and advancing consensus among member states' representatives in the field. The EEAS headquarters should build a stronger link to the delegations, through more active political steering and by endeavouring to make more systematic use of the work on the ground.

The European Union research programme
The Finnish Institute of International Affairs

Introduction¹

Since the entry into force of the Lisbon Treaty in December 2009, the EU has been represented abroad by more than 130 bilateral delegations.² As a major institutional reform of the EU foreign policy machinery, the Lisbon Treaty upgraded the former European Commission delegations to comprehensive EU delegations and integrated them into the newly established European External Action Service (EEAS). Today, over four years later, the EEAS is about to complete its difficult build-up phase and is looking forward to the next, fully operational stage, under new leadership to be appointed after the European Parliament elections held in May 2014.

The international context could hardly be more dramatic: the Ukraine crisis and unprecedented tensions in EU-Russia relations have created a new sense of urgency for a united, global EU presence. A key determinant in this regard is the member states' resolve to act together. Yet on a more practical, operational level, the EU's role in international affairs also depends on the institutional infrastructure of European diplomacy. Hence, this paper assesses the performance and potential of EU delegations in contributing to a common EU foreign policy.

Both scholars and practitioners have often viewed the evolution of EU external relations through a teleological understanding of European integration moving towards a federal state. Yet the EU 'foreign policy system' remains multi-layered and complex, representing a 'collective enterprise'³ of member states that continue to pursue their national foreign policies in parallel with a common EU policy.

The Lisbon Treaty increased coordination of the EU's external action, but was not a 'full-fledged federalizing institutional step'.⁴ The EEAS took on a 'hybrid' shape as a compromise result of a contest between supporters and opponents of federalization.⁵ In adapting to their new roles, the EU delegations are confronted with the post-modern nature of EU foreign policy-making⁶ and the task of pursuing 'diplomacy without a state'.⁷ Not fitting into the usual categories of the institution of diplomacy, they have to strike the right balance between performing the functions of traditional diplomatic missions, while also representing the European Union as a political entity that is more than an international organization, but less than a state.

As foreseen in the Lisbon Treaty, the EU delegations now act in close cooperation with member states' diplomatic and consular missions. Contrary to some initial hopes or fears – depending on the perspective – they are not aiming to replace or compete with the national embassies of the member states. In their daily work they have emphasized complementarity and added value to national diplomatic services. At the same time, however, the EU delegations are becoming prominent diplomatic actors in the field, with more weight and visibility than most national embassies.

1 We would like to thank Rosa Balfour, Alfredo Conte, Niklas Helwig, Christian Lequesne, and Teija Tiilikainen for their insightful comments on earlier drafts of this paper. Heidi Maurer would also like to extend thanks to the Austrian Marshall Plan Foundation and the Center for Transatlantic Relations at SAIS/Johns Hopkins University for their support to her relevant research. Furthermore, a big thank-you goes to our interview partners, who were willing to share their experiences and views with us.

2 In addition to the 134 bilateral delegations, the EU has multilateral delegations to international organizations. The implications of the Lisbon Treaty for the latter are considerably different, and thus not addressed in this paper. See Drieskens, 2012.

3 Hill, 1996, p. 2.

4 Teló, 2013, p. 31.

5 Carta, 2012, pp. 145–148.

6 See Smith, 1999.

7 Bruter, 1999.

In addition to acting as a bridge between nascent EU diplomacy and the national diplomacies of the member states, the delegations are microcosms that bring together the intergovernmental and supranational elements of the EU's external actions.⁸ This reflects a key goal of the Lisbon Treaty, namely to ensure a closer link and coherence between the Common Foreign and Security Policy (CFSP), which continues to follow an intergovernmental policy-making method, and those parts of the EU's external affairs that fall under the former Community method (notably trade and aid as well as areas with a major external dimension such as energy and migration).⁹ During its early years, the EEAS had a hard time on both fronts, struggling to ensure the commitment of the member states and fighting 'turf wars' with the Commission, which jealously guarded its competences.¹⁰

This paper focuses on the transforming functions and roles of EU delegations within the framework of European diplomacy in two of the most important capitals: Moscow and Washington. In both locations, all member states have relatively large diplomatic representations, reflecting the importance of Russia and the US as major powers and key international interlocutors. The diplomatic environment in Washington is characterized by constant competition for attention with the US administration, although EU member states agree on the general direction of the transatlantic relationship and the role of the US as an indispensable partner and ally. Russia, by contrast, is considered by European diplomats as one of the most difficult partners in a relationship where the EU has struggled to establish common positions and a unitary voice. In spite of differences between the two capitals, both delegations have developed in the same direction in terms of finding their new roles. Analyzing

the dynamics and patterns of cooperation in these two highly political cases provides valuable insights into the area of foreign affairs where the Lisbon Treaty was meant to have the most impact. The analysis draws on extensive interviews and discussions conducted by the authors with European diplomats in Moscow, Washington and Brussels in 2013.¹¹

The paper examines three main tasks of the delegations: representing the European Union towards third countries on a wide array of issues; coordinating and providing services to the member states; and providing input into EU policy-making as an integral part of the EEAS. On the basis of our fieldwork, we argue that the delegations have been rather successful at both establishing a good working relationship with member states' diplomatic missions and bringing together the intergovernmental and supranational strands of EU foreign policy. The delegations have experienced a steep learning curve in finding their role, while operating without clear instructions from Brussels. The personalities and visions of the Heads of Delegation (HoD) and other key staff played a crucial role in this regard. The delegations have established themselves as local hubs of a network of European diplomatic actors. Furthermore, they have become serious interlocutors for the partner countries. At the same time, we claim that the work of the delegations could be more efficiently and strategically used by the EEAS headquarters and EU member states. To conclude, the paper highlights the potential for the delegations to make a stronger contribution to EU policy-shaping and the development towards a more unitary and coherent EU foreign policy.

8 For theoretical conceptualizations, see Thomas & Tonra, 2012; Henökl, 2014.

9 Duke, 2002; Carta & Duke, forthcoming.

10 Balfour & Raik, 2013a.

11 The empirical material includes 17 interviews conducted in the EU delegation and member states' embassies in Moscow; 43 interviews in Washington; and numerous interviews and more informal discussions with the EEAS officials in Brussels. For the purpose of a higher level of openness, the interviewees were guaranteed anonymity.

New rules for European representation abroad: the Lisbon Treaty and the EEAS

In the field of external relations, the Lisbon Treaty aimed to make the EU a more efficient, more unitary and more coherent international actor. Two main institutional adaptations were introduced to reach this objective: the establishment of the European External Action Service (EEAS) and the upgrading of the role of the High Representative of the Union for Foreign Affairs and Security Policy (HR) into a triple-hatted position merging the tasks of the HR, the Chair of the Foreign Affairs Council, and the Vice-President of the Commission.¹² While these changes predominantly took place in Brussels, the upgrading of former Commission delegations to full-blown EU delegations and making them an integral part of the EEAS transformed EU representation in third countries.

Before the Lisbon Treaty, it was the European Commission which, over the course of 50 years, established a network of 130 Commission delegations and offices, whose tasks ranged from explaining and implementing Community policies, writing reports about local developments, and conducting negotiations to promoting Community interests.¹³ In line with the pillar structure created by the Maastricht Treaty in 1993, which established the CFSP as the second pillar in the EU architecture, distinct from areas of Community competence and JHA, there used to be a clear division of labour: the Commission represented the European Communities, especially in the realms of trade and development cooperation; while the rotating presidency of the Council of Ministers represented the Union politically towards the host country, and was also responsible for coordinating member states' diplomatic representations on the ground. The external diplomatic representation thus closely followed the internal division between Community policies and the CFSP.

12 Piris, 2010, pp. 238–265.

13 European Commission, 2004.

The Treaty tasks the EU delegations with representing the Union, places them under the authority of the HR and foresees that they *shall act in close cooperation with Member States' diplomatic and consular missions*.¹⁴ The Council decision establishing the EEAS¹⁵ emphasizes that the delegations are an integral part of the EEAS (Art. 1(4)), and are meant to *share information with the diplomatic services of the Member States* (Art. 5(8)). Article 5 of this decision outlines some procedural aspects, but the role definition of the upgraded delegations is kept rather vague. This is acknowledged in the 2013 EEAS review, which notes that *delegations in the field had to transform themselves overnight taking on new roles with no extra resources and without consolidated instructions or advice*.¹⁶

Today, 57% of the overall EEAS staff are situated in the delegations. The size of the EU diplomatic network is comparable to that of a mid-sized European country.¹⁷ The majority of delegation staff are still Commission officials (3,500 in comparison to 1,960 EEAS officials as of June 2013), reflecting the continued prominent role of the Commission in EU external affairs. Within the contingent of EEAS officials in the delegations, almost half are member state diplomats posted to the EEAS as 'temporary agents'.¹⁸ The rest are mostly former Commission staff who were transferred to the EEAS in December 2010.¹⁹ While the latter contingent

14 Article 221 TFEU.

15 Council, 2010.

16 High Representative, 2013.

17 See comparative data in Balfour & Raik, 2013b.

18 For data, see High Representative 2013, p. 14. According to the EEAS Decision, one-third of EEAS diplomatic staff should consist of temporary agents from the member states. In 2013, the figure was indeed 32.9%, including 23.8% in HQ and 46.2% in delegations. Temporary agents are posted in the EEAS from 4 years up to a maximum of 10 years.

19 All Heads of Delegation and deputy heads, staff of the political and administrative sections, public diplomacy and information were transferred en bloc to the EEAS.

lacked diplomatic experience, the national diplomats have made an essential contribution to the strengthening of the political work of the delegations. In all, the upgrade from Commission to EU delegations did not lead to considerably more staff or other resources. Most delegations only feature one or two EEAS posts. The delegations in Moscow and Washington are the largest in terms of EEAS staff. They are thus interesting cases for investigating the contribution of the delegations to European diplomacy.

The delegations are laboratories/microcosms linking different policy areas and institutions to each other. The decision to merge Commission and EEAS staff in the delegations was prone to conflict, as Commission officials continued to receive their instructions from the Commission and not from the EEAS. This institutional stumbling block has been addressed by the double-hatted position of the EU ambassador, who is tasked with co-ordinating different aspects of EU policy-making, and by an inter-institutional agreement aimed at ensuring smooth and effective cooperation between all EU actors involved.²⁰ Connecting different policy areas, represented by different sections of the delegations, is still not easy, but the division between supranational and intergovernmental domains appears to be more blurred on the ground. In comparison to Brussels, inter-institutional struggles are less of an issue, and differences between groups of staff originating from the Commission, the EEAS, and member states are more diluted. This is a major achievement in light of the challenge facing the EEAS to establish a common 'esprit de corps'.²¹

In principle, the delegations still have a different role depending on whether an issue falls under the intergovernmental or Community method, but this distinction has become less clear-cut. In the Community domain, the delegations continue their representative functions as before, so it is always the delegation

that represents the EU and negotiates with the third country. However, the post-Lisbon structures have reinforced the role of informing and coordinating with member states in the Community areas as well. Before the Lisbon Treaty, the Commission delegations generally made little effort to coordinate or communicate with national diplomats on the ground, although the level of engagement varied between locations and personalities. The new service-orientated approach and the aim to act as a coherent delegation is highly appreciated by member states, for example in the current negotiations of the Transatlantic Trade and Investment Partnership in Washington. Several national diplomats in Moscow expressed a strong demand for information on matters that fall under the Commission mandate, be it trade, visa rules, transport, or energy. They also noted a different working culture in respect of the Commission staff compared to other officials in the delegation, characterized by a technical approach, seen as a limitation in Russia where 'everything is politicized', and a somewhat more reluctant attitude towards sharing information with member states. All in all, those sections of the delegations that deal with areas of old Community competence have been under pressure to gear their work more to the demands of member states' representatives on the ground.

In the CFSP realm, the Lisbon Treaty has altered not only the tasks of the EU delegations, but has also led to changing patterns of interaction between member states' diplomats on the ground (as discussed in more detail in the next section). The delegations took over the tasks of the rotating presidency in representing the EU towards third countries and coordinating member states on the ground. So their role is to coordinate and provide services to the member states, and to represent the EU only once there is a common position (adopted at the Foreign Affairs Council in Brussels, or by a joint agreement for a demarche). The presidency country (i.e. the member state holding the rotating Council presidency) is still visible to some extent: it has a role in areas where EU competence is limited, such as consular cooperation,

20 European Commission/High Representative, 2013.

21 Pomorska & Juncos, 2014; Pomorska & Juncos, 2013.

and works more closely with the delegation than other member states. Yet, the continuity provided by the regular work of the delegations is highly valued by member states' embassies.

Coordinating and providing services to the member states

Facilitating trust among states so as to achieve the added value of cooperation is a classic function of international organizations. The EU delegations in Moscow and Washington have paid much attention to this aspect of their work, especially in the area of intergovernmental foreign policy cooperation. The starting point was challenging, as many member states' diplomats saw the EU delegations as a competitor that might overshadow national embassies and even seek to replace them. To disprove such perceptions, the delegations have tried on the one hand to make themselves useful to the member states, and on the other hand not to overstep the space assigned to them by the latter, stressing their goal to support member states in their daily work and add value through increased coordination on the ground.

The expectations of member states towards the delegations are not without contradictions. In principle, member states claim to value a proactive role and initiative by the delegations (and EEAS more broadly). In practice, however, they are cautious and protective of their own turf, for instance if they feel the delegation is trying to impose a particular view or speaks out in public on a matter where no common EU position has been agreed. Yet the initial worries of member states' diplomats have largely disappeared. The early years of the delegations have proved that they are not about to stage a coup, but seek to play a complementary role.

Regular coordination meetings at all levels

The most visible regular activity of the delegations *vis-à-vis* embassies of the member states are coordination meetings at various levels. Before the Lisbon Treaty, there were monthly

meetings at the level of ambassadors, and it was up to the presidencies to decide to what extent they would organize meetings at other levels. In the post-Lisbon setting, the meetings take place on a regular basis at different levels: Heads of Mission, their deputies, and heads of sections or counsellors. Ideally, they serve a dual purpose of being useful to member states and advancing EU foreign policy coherence. In Moscow and Washington, member states' diplomats generally appreciate the coordination meetings and acknowledge an improvement, firstly, in comparison to the pre-Lisbon time, and secondly, during the early years of the delegations working in their new capacity. The meetings are most useful if they have a well-prepared agenda and a clear purpose, and if meetings of different levels and formats are connected to each other and to the policy process. Overall, it is the regular meetings of the Deputy Heads of Mission that are considered to be the linchpin of coordination, as they are responsible for overseeing the work of all other levels.²²

The level of ambition is rather low when it comes to the goal of promoting foreign policy coherence and unity on the ground. This relates to the rather general definition of coordination and reflects the intergovernmental nature of common foreign policy. The meetings are for the most part not aimed at reaching a common position, and member states do not see this as their purpose. Many diplomats also (rightly) note that EU policy is decided in Brussels (by representatives of the member states), not in the field. This should, however, not constitute a reason not to identify shared positions on the ground and feed them to the capitals and the Brussels machinery.

²² In Moscow, Deputy Heads of Mission meet monthly. In Washington, the deputies meet weekly, while the ambassadors only meet once per month. In the US, a stronger coordination mechanism has been evolving for decades. See Taylor, 1980.

Member states' diplomats in Moscow and Washington characterize the coordination meetings as valuable for exchanging views, networking, receiving information about the activities of the delegation and other member states, and improving their analysis of what is going on in the partner country, its relations with the EU, and its bilateral relations with other member states. The meetings frequently host high-level Russian or US guest speakers, including officials, politicians, experts and activists. In Washington, most member states value the meetings as an opportunity to gain access to higher levels of state department and White House officials than they would be able to reach on their own. In Moscow, this aspect is somewhat less relevant, since high-level Russian officials are reportedly less keen to address the EU28 together.

Unsurprisingly, it is the smaller and mid-sized member states in particular that experience the added value and efficiency of coordination and information-sharing. They appreciate the opportunities provided by the delegations to receive information from local stakeholders, as the need to follow a broad range of topics often goes beyond what they would be able to manage with their limited staff. They assess that the delegations largely treat member states equally, which has been very important for generating trust.

A hostile environment and/or tensions in relations with the partner country impose specific demands on the delegation. The lack of a secure meeting room in the delegation is seen as a major problem by some member states in Moscow, and the EU delegation in Washington was one of the diplomatic targets exposed to US intelligence service activities, as revealed by Edward Snowden.²³ EU coordination meetings are characterized as 'quasi-public'. In Moscow, some diplomats feel they cannot speak openly, for example about domestic developments in Russia. Yet even a secure meeting room would

not solve the problem of lack of trust among member states and the concern that whatever is said among the 28 might be leaked. Highly confidential matters are not likely to be raised at the coordination meetings, whatever the security measures.

Political reporting

A major change for the political sections of the EU delegations has been the new task of regular reporting and analysis.²⁴ Given the different nature and quality of political reporting in comparison to the more technical reports by the Commission, this was not an easy adaptation for many former Commission officials. Yet, after the first few years the delegations are generally seen as capable of high-quality analysis and reporting, not least because of the very competent national diplomats that have been gradually recruited to the delegations.

There were initially no guidelines for the delegations with regard to political reporting, including no rules on the sharing of reports. Generally, it is up to the Heads of Delegation and their staff to determine how and to what extent they share reports and other collected information, both with member states on the ground and with the headquarters in Brussels. More recently, the delegations have been instructed to share as much as they deem possible with member states on the ground. It is then up to the national embassies to integrate the information they receive from the EU delegation into their reporting back to the national capital.

Member states' perceptions of reporting by the delegations are ambivalent: on the one hand, they appreciate this service and praise its efficiency. On the other hand, they tend to think that the delegations do not share enough, and they demand more transparency with regard to the reports that the delegations are sending to Brussels. Shared reporting is important not

23 See e.g. *The Guardian*, 30 June 2013.

24 For a pre-Lisbon analysis, see Bicchì, 2013.

only because it provides the smaller member states in particular with additional information and analysis, but it can also help to promote shared positions, generate trust and encourage member states to share their information. It is the task of the delegations to lead the way in fostering a culture of sharing. At the same time, member states should acknowledge that the delegations need to be able to report to Brussels without sharing everything with the 28. Shared reports need to be carefully balanced and have a 'high level of political correctness', as one interviewed diplomat in Moscow put it. Both the delegations and member states prefer oral and informal exchanges to sharing reports, which seems to fit well into the everyday pattern of diplomatic practice.

It is a challenge for member states that the sharing of information is still rather one-dimensional, with the delegation doing most of the sharing. Several interviewed diplomats saw the somewhat limited readiness of member states to share among each other and with the delegations as being problematic. Member states often cite practical considerations (principally the language limitations), but this cannot hide the more fundamental problem of a lack of political will, trust and commitment to promoting a common foreign policy.

Inadequate security is also an issue when it comes to sharing reports. ACID, the EEAS's new secure information-sharing system for local information-sharing, is not yet used in all locations and by all member states. However, even with ACID, there is no guarantee that the reports will not be leaked. In Washington, a different network called 'Agora' has been put in place, but is only used actively by the delegation. The need to further develop the secure 'sharing of information, including of classified and sensitive material' has been acknowledged in the EEAS review (p. 11) and confirmed by the Council.²⁵

25 Council, 2013.

Testing the limits: consular cooperation and defence cooperation

The limits of the space within which member states allow the delegations to operate were tested during the 'Greenpeace affair' in Moscow in late 2013. In a nutshell, what happened was that the Russian authorities detained 26 Greenpeace activists from 17 countries, including a number of EU member states, during an action in the Arctic Sea in September 2013. The activists were charged with piracy and eventually pardoned in December.

The EU delegation was willing to coordinate member states' efforts to work towards the release of their citizens. The concerned member states underlined their national competence in consular affairs, did not want to turn this into an EU-Russia issue, and were only ready to accept a limited, facilitating role for the delegation. As a result, coordination meetings were held on the delegation premises, chaired by the presidency country, and open to all member states. Even that was too much in the view of some member states, but appreciated by many. The affair showed that consular cooperation is an area where member states are very sensitive to enhancing the coordination role of the delegation.

It was a similar story in Washington, where the delegation in 2013 proposed to look into a more coordinated way of having an impact 'beyond the beltway', namely to consider how member states' consular services in various US states cooperate and could support the EU delegation, which only has an office in Washington. This idea was generally welcomed by member states, but the way in which the proposal was put forward and formulated gave rise to concern and resistance. Member states did not want the EU delegation to have the power to directly charge their consuls with certain tasks, also considering that this might involve extra costs. So they insisted that the EU delegation would have to coordinate with them before the consulates would be asked to support EU visits and other activities outside Washington.

Another controversial case was the proposal by the delegation in Washington to hold regular meetings for military attachés, which was resented by some member states. The idea was to bring military personnel together for the purpose of exchange and discussion. The first issue of contestation was who would be chairing those meetings, as there is no military attaché in the delegation (as yet). In the end it was agreed that the Deputy HoM would act as chair, while the delegation actively pushed (albeit unsuccessfully to date) the idea of acquiring additional staff with military expertise. Most member states did not regard the prospect of such meetings as absolutely necessary, but nor did they oppose them, as long as the aim of the attachés was simply to ‘meet and talk’. Yet, some member states were fundamentally opposed to the idea because of concern over ‘competence creep’.

In sum, considering the importance of Russia and the US as key international partners, one might have expected considerable turf battles between the delegations and member states’ embassies. This, however, has not been the case. National diplomats appreciate the added value provided by the delegations thus far, and were impressed by their quick transition. Before the Lisbon Treaty, they were hardly in touch with the member states, but today the delegations have become hubs for providing services and coordinating the exchange of information between member states. On the other hand, the role of the delegations should not be exaggerated. They have been cautious not to overstep the space that member states allow them to occupy; and the term ‘coordination’, as it is used by the actors involved, does not necessarily refer to the adaptation of positions, but rather follows a broad understanding of exchanging information and communicating with each other. The delegations are also constrained by limited resources and will not be able to take on additional tasks without extra staff. Moreover, when it comes to consular affairs, and defence and security matters, member states disagree on the possible role of the delegations.

Representing the Union

Representation and the more process-oriented task of maintaining a good relationship and open line of communication with the host country is a core function of diplomatic work. For member states’ diplomats, bilateral contacts with the partner country are an unarguable priority in both Moscow and Washington, and it is out of the question that their diplomatic work in those capitals would ever be replaced by a joint European representation. Being a member state of the EU consequently has secondary relevance. The large member states, particularly permanent UN Security Council members (but also Germany and Italy), are determined to maintain their national prestige and influence. For the smaller ones, the EU is more important as an umbrella and amplifier, but they are no less preoccupied with national visibility and reputation.

Nonetheless, EU delegations have become de facto important diplomatic actors in third countries. Before the Lisbon Treaty, their status varied, depending on the attitude of the host country: in some countries the Commission delegation was accredited as an embassy, while on other occasions the Commission delegations were considered representations of international organizations.²⁶ This vague status has now been erased, and the delegations are gradually being recognized as comprehensive EU representations in political affairs as well.

The EU delegations have developed better access to local actors in Moscow and Washington than the embassies of most member states. The Heads of Delegation are visible, high-profile figures. In Washington, a new HoD was appointed in 2010. The choice of person, Vale de Almeida, who was Commission President José Manuel Barroso’s former chief of staff, caused initial

26 The EC delegation in Washington had already acquired diplomatic status in 1971. For a legal analysis, see Wouters & Sanderijn, 2011.

resentment among member states²⁷, which had been pushing for an experienced national diplomat to fill this important post. Yet, because of the initial resentment, Almeida emphasized even more strongly the need to be of service to the member states in all areas covered by the EU delegation and repeatedly reassured national ambassadors that he was not going to infringe on national mandates and interests. It was also helpful that a senior French diplomat, François Rivasseau, was appointed Deputy HoM. Member states' diplomats perceived him as 'one of us', and as someone who is able to relate to their concerns and who understands how they work. In Moscow, a new HoD, Fernando Valenzuela, was appointed in 2009. He also had long experience in the Commission and was seen to pursue a cautious, professional but not very active line in taking over the new functions and establishing a new relationship *vis-à-vis* the member states' embassies. He was followed in September 2013 by a high-profile Lithuanian diplomat and former foreign minister, Vygaudas Ušackas. The latter introduced a more proactive, ambitious and visible approach that was by and large highly valued by member states, but which also met resistance as it was occasionally perceived to overstep the limits of his mandate.

Apart from being actors that represent the Union as a whole, the delegations are an arena for local partners to reach all member states: representatives of partner countries use coordination meetings as an economical way to communicate with the 28 at one go. The challenges of gaining access are different in Moscow and Washington: in Washington it is difficult to reach a high-ranking official for most member states. The US had actively pushed the idea of meeting all EU member states in the delegation at the same time for debriefs and other exchanges even before the Lisbon Treaty. With the new role of the delegation, such exchanges with the EU28 have become standard practice. In Russia, it is often difficult to gain access at

all. The administration works in a very hierarchical manner, and only officials that are 'high enough' are allowed to meet outsiders. As noted above, high-level Russian officials are not keen to address the EU28 together.

In spite of differences between locations, third countries have an important role in pushing member states closer together. Publicly, the US position is to support coordination among EU members, as it adds efficiency when dealing with a coordinated group rather than with 28 individual countries. Yet, practice shows that it depends on the topic at hand, and that the US in a very strategic manner also knows when to approach member states bilaterally, namely when there would be an unfavourable EU opposition. Local actors in Washington often criticize the 'schizophrenic' behaviour of the delegation, as it 'wants to do things but at the same time does not want to be perceived as doing things'. In other words, the delegation tries to be involved and visible towards the host country, but at the same time does not want to be perceived (by member states) as taking a political stance. This often leads to taking a superficial and empty stance in the public discourse, which does not help to position the EU as a political actor.

Russia, by contrast, prefers an approach of divide and rule, but it has been inadvertently promoting a sense of unity among member states with its confrontational approach and by creating similar problems in bilateral relations with a number of countries (notably trade restrictions).

A successful example of joint representation in Moscow on a politically sensitive and controversial matter was a hearing in the Russian Duma on the human rights situation in the EU in May 2012. The Head of the EU delegation spoke on behalf of the Union at the hearing. The event was preceded by the lengthy preparation of a joint position by the member states, and the process succeeded in bringing the member states closer together and made them more aware of each others' views. On a more cynical

27 *The Washington Times*, 2010; *The Telegraph*, 2010.

note, human rights is a rare foreign policy issue that member states gladly delegate to the EU, so it does not complicate bilateral political and economic relations.

Diplomatic practices are changing, with more emphasis being put on providing in-depth analysis through reporting to the capital, while at the same time coordinating various national actors on the ground and promoting sectoral interests, such as trade and investment promotion. These trends are observable both in the US and in Russia. Member states generally appreciate the EU delegation taking the lead in addressing highly technical issues (such as financial affairs; food safety and consumer protection; or transport issues).

However, in Russia the picture seems more mixed than in Washington due to the confrontational atmosphere in EU-Russia relations. Trade promotion is a top priority for member states' bilateral relations with Russia, but the ground rules fall under the Commission mandate. Member states realize that they are member states if and when trade problems occur. Russia has been targeting many countries with similar trade restrictions, often citing health standards, but failing to provide adequate grounds for its complaints. Member states usually try to address the problems primarily through bilateral dialogue. Since the restrictions are seen as symptoms of deeper problems in EU-Russia relations, it is considered inadequate to address them merely as technical violations of trade rules. Exchanging views and experiences at coordination meetings is regarded as useful. If and when member states opt to address a trade dispute through the EU, it is primarily a matter for Brussels, but the delegation does its share of 'trouble-shooting'.

Another observable trend relates to increased burden-sharing among the delegation and member states in the field of public diplomacy. This field is perceived as increasingly important, but the resources available to the member states are shrinking. EU delegations' budgets are limited in this regard, and notably smaller than

what presidency countries were used to having at their disposal before the Lisbon Treaty, but the delegations use the principle of synergy and efficient cooperation to support member states.

Member states are keen to fly the national flag at cultural events, business forums, or expert gatherings abroad. Due to cost-saving considerations, cooperation with the EU delegation is increasing – national flags can be flown next to the EU flag. Linking together what used to be separate national programmes can bring advantages even to the largest member states. In Washington, the EU delegation provides mailing lists, organisational support and a venue for organising events, and tries to involve local actors. It is important for the delegations to continue working to enhance the common visibility and joint public face of the EU in the realm of public diplomacy.

Providing the 'eyes and ears' for shaping EU policy

A traditional role for embassies is to be the 'outpost' for their capital and to provide analysis and information, so that policies adopted in the capital are well-informed and well-considered. Before the Lisbon Treaty, the Council could request Heads of Mission reports, which were drafted under the lead of the presidency country ambassador, whereas the Commission delegations reported only to the Commission services in Brussels. Since the Lisbon Treaty, the EU delegations have been tasked with informing the EEAS, Commission services, and other EU actors such as MEPs. Member states' representations can still be involved in drafting joint reports, but it is now the EU delegations that take the lead.

As mentioned above, the Lisbon Treaty and the EEAS decision provided rather limited instructions when it came to the work of the delegations. In practice, it was largely up to the EU ambassadors and their staff to define and implement new working processes in cooperation with the member states. On a positive note, this gave the experts on the ground room

to establish the role that they deemed most appropriate. This leeway probably resulted in a stronger ownership role for national diplomats to support the delegations. However, after the initial build-up phase, it is necessary to develop a stronger and more systematic link between the delegations and HQ in order to make better use of the delegations in EU foreign policy-making. There is growing awareness of this task in the EEAS in Brussels (as also pointed out in the EEAS review). Thus far, there is only a vaguely institutionalized regular exchange of information and analysis, which may depend on personal links between the staff involved. Several interviewed diplomats were of the opinion that the delegations and their work have not necessarily been valued enough in Brussels.

The link between delegations and EEAS HQ should be improved both top-down and bottom-up. In terms of receiving information and instructions top-down, the delegations have been in an ambiguous position because of the lack of clear instructions and/or feedback on their work from Brussels. No clear definition has been provided of the scope of their competences towards the host administration and vis-à-vis member states' embassies, including a clear delimitation on where and when the delegations can and should take the lead. With a more clearly defined mandate and stronger backing from Brussels, delegations would be able to act in a more assertive and proactive manner, especially in political affairs where they need a clear role assigned to them by the High Representative, the Foreign Affairs Council, and the member states.

Furthermore, the delegations are not always well informed about relevant Brussels processes. For example, national embassies often receive summaries of the Council meetings in Brussels faster than the delegation staff. National diplomats serving in the delegation have an advantage here that benefits the delegations, since they usually receive national reporting from their home country's representation to the EU.

In the bottom-up flow of information and insights, the delegations' contribution to EU policy-shaping is weak, although improving. As working methods in the EEAS are only taking shape, delegation staff have often been uncertain as to what to share with whom in HQ. In daily routines, it is now the desk officer for a specific country in the EEAS that provides the link to the delegation. The EEAS HQ could make more regular requests for specific contributions from the delegation, for instance for upcoming summits and other high-level meetings. The delegation is in the best position to assess the motives, aims and tactics of the partner country. Analysis and policy proposals by the delegation, drawing on exchanges both with local partners and member states' representatives in the field, should feed back more strongly into the EU policy-making process. In top locations such as Moscow and Washington, delegations can benefit from the network of very experienced member states' ambassadors and use their collective expertise to provide input into EU policy-making.

In many locations, joint reports by Heads of Mission have traditionally been an important instrument for shaping EU policy. However, HoMs reports are not used in Washington. In Moscow, the only joint reporting exercise is the annual human rights report. The disadvantage of providing more joint reports is that it is very time-consuming to carry out joint drafting among 28 members whose views on the EU's Russia policy are not easily reconciled.

A lighter option, which the delegation in Moscow has started to practise, is summary reports of member states' views composed by the delegation on the basis of discussions at coordination meetings (for instance, such a report was delivered on the Eurasian Union). Such reports are useful both for member states and for Brussels.

To sum up, the flow of top-down instructions and strategic guidance, and the bottom-up provision of ideas and expertise will need to become more systematic and balanced in the

years to come. A stronger link between EU delegations and Brussels policy-making has much potential to add value to European diplomatic efforts.

Conclusions and policy recommendations

The delegations have been more successful than the EEAS headquarters in adapting to the new EU foreign policy architecture. First, they have succeeded better at creating a sense of ownership among member states and have started to prove the added value of the EEAS to the latter. Second, they have been more pragmatic in bringing together different elements of EU external relations across institutional boundaries, ranging from the supranational trade and aid policies to the intergovernmental CFSP. They have been in a structurally more favourable position to do so, thanks to having staff from different institutions under one roof, and one superior. The delegations also keep improving their performance to become high-profile diplomatic actors vis-à-vis the partner countries, bringing more visibility and continuity to the EU's representation abroad.

At the same time, the new system is still in flux and its operation in the field has been defined in a largely bottom-up manner, with limited instructions and input from the headquarters in Brussels or member states' capitals. The link between the delegations and the EEAS headquarters has been relatively weak in comparison to the diplomatic structures of states. The delegations have also shown caution in building up their presence and taking their place amidst member state embassies. Their contribution to a single voice or at least harmonized messages from the EU to external partners is modest to date. The delegations serve many masters, including the EEAS, Commission and member states, thus having to perform many difficult balancing acts between different functions and tasks. The ability to integrate these actors is at the core of the goal to create a more unified EU foreign policy, which motivated the Lisbon Treaty reforms. European capitals (including

Brussels) are key actors in this process, but the delegations can act as pioneers of a more holistic European diplomatic system.

The conclusions reached here draw largely on the case studies conducted in Moscow and Washington, but they have broader relevance for European diplomats across the globe. In spite of notable differences (briefly described above) between the two cases when it comes to the political environment and nature of the relationship between the EU and the partner country, our research points to similar working patterns and challenges when it comes to the relationship between the delegations and the EEAS headquarters, and locally between the delegations and member states' embassies. Due to our focus on two of the largest capitals, the paper did not look at some aspects of the work of delegations that are relevant only in smaller locations, such as burden-sharing with member states via shared premises and the use of laptop diplomats, and communication with member states not represented on the ground.

The recommendations based on our findings are particularly timely now that the EEAS is completing its initial build-up phase and is about to enter a new period under new leadership and with full operational capability. In order to make better use of the delegations as a part of European diplomacy, the following recommendations can be made:²⁸

Firstly, following an early, but cautious success, it is time to *raise the level of ambition*. The delegations can and should take a stronger role in providing input into EU policy-making, promoting European interests abroad, and advancing consensus among member states' representatives in the field. In the coming years, special emphasis should be put on efficient information feeds, analysis and

28 With the possible exception of the last point, the recommendations can be pursued within the existing legal framework.

recommendations from the ground into the EU policy process.

Second, the delegations have to *fine-tune the balance between their three core functions*: representing the Union, contributing to EU policy-making and adding value for member states. During the initial phase, they have placed much emphasis on the third aspect. In some locations, the system of coordination among member states is taking up too big a share of time and attention. In this respect, the delegations should continue to organize and host well-prepared coordination meetings, with links between levels and sectors and a clear agenda, but they should also consider the motto 'less is more': the quality of the coordination meetings is more important than the quantity.

Third, the *EEAS HQ should strengthen its connections to delegations* through providing more active political steering, strategic instructions and constructive feedback; making more systematic use of bottom-up input from the delegations; and informing the delegations in a more timely manner about relevant Brussels processes. The work of the delegations is still not valued and used enough by HQ. It is crucial to strike the right balance between giving clear instructions and providing the space for actors on the ground to shape their interaction and patterns of representation according to their local expertise.

Fourthly, The *EEAS headquarters and delegations should engage in more strategic planning and more proactive identification of cooperation possibilities* with member states on the ground. Actively defining a mutually agreed focus would also allow local activities to be aligned more closely with the policy debates taking place in Brussels. Based on better strategic planning, the delegations could become *bolder and more proactive in representing European interests abroad*. This requires stronger input from HQ as well as the consistent backing of member states, also at the highest political level.

The delegations have generally made a good effort to ensure transparency towards member states, their equal treatment, and a culture of sharing. A maximum degree of transparency is essential for enhancing a sense of trust and ownership among member states (but the latter need to acknowledge that complete transparency is neither possible nor desirable). Fifth, there is scope for further *increasing the sharing of reports and information* by the delegations; developing efficient, user-friendly, inclusive and comprehensive communication flows; and intensifying briefings and shared analyses, especially in the areas of Commission policies.

In addition, *member states should make their contribution* to the culture of sharing and allow EU diplomacy to draw on member states' resources. For instance, delegations could use cooperation with member states in intensifying public diplomacy and outreach beyond capitals. While the delegations foster a sense of being in the same boat, it is largely up to the member states to decide to what extent they want to steer the boat together.

Lastly, member states will at some point have to (once again) *openly discuss the envisaged nature of the European diplomatic system* and clarify the limits of intergovernmental coordination by the delegations: should it only cover the CFSP or be extended to other issues such as defence and consular cooperation? Clarification is necessary, but maintaining a degree of flexibility might also serve all the actors involved. It remains a delicate task to strike the right balance between EU activeness and respect for member states' autonomy.

BIBLIOGRAPHY

Balfour, R & K Raik, 'Equipping the European Union for the 21st century: National diplomacies, the European External Action Service and the making of EU foreign policy', *FIIA Report 36*, 2013a.

Balfour, R & K Raik, 'The European External Action Service and National Diplomacies', *EPC Issue Paper No. 73*, 2013b.

Bicchi, F, 'Information exchanges, diplomatic networks and the construction of European knowledge in European Union foreign policy', *Cooperation and Conflict* (early view), 2013.

Bruter, M, 'Diplomacy Without a State: The External Delegations of the European Commission', *Journal of European Public Policy* 6(2), 1999, pp. 183–205.

Carta, C, *The European Union Diplomatic Service: Ideas, preferences and identities*, London and New York: Routledge, 2012.

Carta, C & S Duke, 'Inside the EEAS' institutional sinews: an institutional and organizational analysis', in R Balfour, C Carta and K Raik (eds) *The European External Action Service and national diplomacies: from complementarity to convergence?* Farnham: Ashgate, forthcoming.

Council, 'Council Decision of 26 July 2010 Establishing the Organisation and Functioning of the European External Action Service (2010/427/EU)', *Official Journal L* 201/30–40, 2010.

Council, 'Council conclusions on the EEAS Review, General Affairs Council meeting Brussels, 17 December 2013', 2013, [online] Available at: <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140141.pdf>.

Drieskens, E, 'What's in a Name? Challenges to the Creation of EU Delegations', *The Hague Journal of Diplomacy* 7(1), 2012, pp. 51–64.

Duke, S, 'Preparing for a European Diplomacy?' *Journal of Common Market Studies* 40(5), 2002, pp. 849–70.

European Commission, *Taking Europe to the World: 50 years of the European Commission's External Service*, 2004, [online] Available at: <http://www.eeas.europa.eu/delegations/docs/50_years_brochure_en.pdf>

European Commission/High Representative, *Joint Decision of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 28 March 2012 on Cooperation Mechanisms concerning the Management of delegations of the European Union, JOIN (2012) 8 final*, 2013.

The Guardian, 'New NSA leaks show how US is bugging its European allies', *The Guardian*, [online] 30 June 2013, Available at: <<http://www.theguardian.com/world/2013/jun/30/nsa-leaks-us-bugging-european-allies>>.

Henökl, T, 'Conceptualizing the European Diplomatic Space: A Framework for Analysis of the European External Action Service', *Journal of European integration*, 2014, [online] Early view via <<http://dx.doi.org/10.1080/07036337.2013.865731>>.

High Representative, *EEAS Review*, 2013, [online] Available at: <http://eeas.europa.eu/library/publications/2013/3/2013_eas_review_en.pdf>.

Hill, C, *The Actors in Europe's Foreign Policy*, London: Routledge, 1996.

Piris, JC, *The Lisbon Treaty: A Legal and Political Analysis*, Cambridge: Cambridge University Press, 2010.

Pomorska, K & A Juncos, 'In the face of adversity': Explaining the attitudes of EEAS officials vis-à-vis a new service', *Journal of European Public Policy* 20(9), 2013, pp.1332–1349.

Pomorska, K & A Juncos, 'Manufacturing 'esprit de corps': the case of the European External Action Service', *Journal of Common Market Studies* 52(2), 2014, pp. 302–319.

Smith, ME, 'The Framing of European Foreign and Security Policy: Towards a Post-modern Policy Framework', *Journal of European Public Policy* 10(4), 1999, pp. 183–205.

Taylor, P, 'Political Cooperation Among the EC Member States' Embassies in Washington', *Journal of European Integration* 4(1), 1980, pp. 28–41.

Telegraph, 'New EU ambassador in Washington claims transatlantic authority', *Telegraph*, [online], 12 August 2010, Available at: <<http://www.telegraph.co.uk/news/worldnews/europe/eu/7941313/New-EU-ambassador-in-Washington-claims-transatlantic-authority.html>>.

Teló, M, 'The EU: A Civilian Power's Diplomatic Action after the Lisbon Treaty. Bridging Internal Complexity and International Convergence', in M Teló and F Ponjaert (eds) *The EU's Foreign Policy: What Kind of Power and Diplomatic Action?* Farnham: Ashgate, 2013, pp. 27–63.

Thomas, D & B Tonra, 'To What Ends EU Foreign Policy? Contending Approaches to the Union's Diplomatic Objectives and Representation', *The Hague Journal of Diplomacy* 7(1), 2012, pp. 11–29.

The Washington Times, 'Europe Calling (Embassy Row)', *The Washington Times*, [online] 10 August 2010, Available at: <<http://www.washingtontimes.com/news/2010/aug/10/embassy-row-105097517>>.

Wouters, J & D Sanderijn, 'The EU, EEAS and Union Delegations and International Diplomatic Law: New Horizons', Leuven Centre for Global Governance Studies, *Working Paper No 62*, 2011, [online] Available at: <https://ghum.kuleuven.be/ggs/publications/working_papers/new_series/wp61-70/wp62.pdf>.