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THE ROLE OF EU DELEGATIONS IN EU HUMAN RIGHTS POLICY

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STUDY

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Abstract

The EU Delegations are playing a more important role in political analysis and policy shaping, thanks to their leadership in drafting the new Human Rights Country Strategies, are better able to carry out human rights diplomacy, thanks to their improved standing through the Lisbon Treaty changes, are strengthening the Delegations' structures to deal with human rights in third countries, and are improving their outreach and contacts on the ground. However, there is space for improvements by making the Delegations' performance less varied and dependent on the good will of individuals, by revising cooperation mechanisms between the diverse institutional actors involved in human rights, both in Brussels and on the ground, by integrating human rights in general EU policy, and by giving the Delegations more powers to carry out policy and diplomacy with greater autonomy.

This study was requested by the European Parliament's Subcommittee on Human Rights.

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LIST OF ABBREVIATIONS

CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
DEVCO	Development Cooperation Directorate General of the European Commission
EEAS	European External Action Service
EED	European Endowment for Democracy
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
EU	European Union
EU SR	European Union Special Representative
HoD	Head of Delegation
HoM	Head of Mission
HR/VP	High Representative for Foreign Affairs and Security Policy/Vice President of the European Commission
HRCS	Human Rights Country Strategy
HRD	Human Rights Defender
IfS	Instrument for Stability
NGO	Non-governmental organisation

EXECUTIVE SUMMARY

Empowered EU Delegations in third countries and international organisations can be at the centre of recent efforts to strengthen the EU's external human rights policy. They play an important role in implementing a set of policy objectives; their analysis and reporting can influence policy-making and -shaping; their ability to connect with local actors and gather in-the-field information and knowledge can make them a crucial 'antenna' for the EU's global network; their coordinating role of the member states' embassies can give them weight and authoritativeness within the EU and in diplomatic relations with third countries. In a nutshell, EU Delegations play crucial role in ensuring that the recent institutional and policy developments on global human rights are effectively implemented.

The extent to which the Delegations have responded to these changes is the main focus of this study, once the broader context of EU action on global human rights is clarified, the institutional changes analysed, and the policy shifts of the past few years analysed. The overall argument is that both the institutional and policy changes put the EU in the best position than ever before to pursue an enhanced human rights policy, and that Delegations have performed well in both matching and pioneering these changes. There are a number of areas that require attention, which include bureaucratic issues of coordination and cooperation between institutions in Brussels, and between staff on the ground, resource allocation, communication systems, training and integrating human rights in overall external policies, which could all support improvements on the biggest challenge human rights policy faces.

The problems of cooperation between the institutions in Brussels have had an impact on the level of cooperation between staff within the Delegations. It is crucial that the institutions involved in external human rights policy improve the level and quality of cooperation, starting from the project and political dimensions of human rights policy, but more broadly addressing these challenges with a view to improving the integration – or 'mainstreaming' – of human rights in all aspects of EU policy.

One way would be to create contact points/officials in Brussels within each institution, including the European Parliament, to exchange ideas, information and policy guidelines regularly, without creating additional layers of bureaucracy. In the Delegations, the political sections, also with the involvement of the Head of Delegation, and the development staff need to work together to ensure integration between their work, as well as with the Heads of CSDP missions, and with the sections dealing with other policies, such as trade. Requests for improved cooperation from Brussels should provide sufficient incentives to cooperate on the ground.

Improving communication systems within the EEAS and between the EEAS and member states is also crucial, given the need for trust between the parts of the EU foreign policy system especially on a delicate matter such as human rights. Improving the security of these systems would benefit the EU as a whole.

Needless to say, and given the lack of resources to put more staff to work on human rights, training becomes essential. This needs to be two-way: officials with a competence in human rights can benefit from training on more traditional diplomatic and political relations; officials with a background in diplomacy, security, political relations would benefit from an approach that puts human rights at the centre of foreign policy and from better understanding the complexity of some human rights-related issues.

On the ground, the Delegations need to improve their networks of local contacts, reaching out to human rights projects and activists working in the more remote areas. For a start, the human rights focal points need guidelines for their work. The organisation of regular meetings, exchanging information with the networks of NGOs, institutionalising networks by creating databases of contacts

would be one activity to be strengthened. Beyond the quantity of contacts, the quality of relations with human rights communities, and especially the NGO sector, could be revised. While the EU Delegations carry out regular consultations, more efforts could be made to make the exchanges more participatory, for example by sharing the priorities of the Human Rights Country Strategies (orally, as the documents are classified) and by explaining how the Delegation can support the work of activists beyond project work and financial support. This requires the planning of specific activities, with a budget, and the inclusion of these approaches in the 'job description' of the human rights focal points.

To ensure that the work the EU carries out in the field is specifically tailored to the local conditions, to allow Delegations to respond rapidly to changing situations on the ground, and to find a balance between the sensitivity/secrecy tied to certain aspects of human rights work (eg. protecting human rights defenders at risk), the Delegations and their Heads need to be better empowered to make decisions and access funding without obtaining prior permissions from Brussels. Despite improvements, EIDHR still does not offer sufficient flexibility, according to most human rights officials. A 'piggy bank' should be available for Heads of Delegation to enable them to carry out their work, especially in sensitive situations.

Accountability for the use of such 'piggy bank' as well as for the more concrete and informal work carried out on the ground should be ensured not so much through reporting, but through greater contacts between the Delegations and headquarters, through regular meetings (as the annual focal points' meeting), hearings in Parliament, and thanks to better cooperation between and within the institutions.

1.   TWENTY YEARS OF EU HUMAN RIGHTS POLICY

The wording of Article 21 of the Lisbon Treaty commits the European Union (EU) to pursue universal and indivisible human rights and fundamental freedoms in all its external activities, making it the most committed state-based actor to promoting these principles.[1]

The Article represents a culmination of over twenty years of small steps of engagement in this field, which started before the Treaty on the European Union first codified such commitment in the earlier version of current Article 21. First in development aid and relations with the poorer countries in the world, then when developing relations with the emerging democracies in Latin America, and especially with the end of the Cold War and the establishment of relations with the countries until then behind the Iron Curtain, the EU incrementally and on a step-by-step basis started introducing human rights in its public diplomacy, policy documents and stated intentions, and in its relations with the rest of the world.

Over time, in response to events, pushed by some actors within the EU which were particularly active on promoting human rights, such as the European Parliament and a few member states, in an effort to establish some guidelines for engagement especially in complex situations such as of war or conflict, human rights gradually climbed up the policy and political agenda to become the one 'buzzword' that diplomats and politicians could not omit in their public international engagements and that policy-makers needed to include in their documents and strategies.

The gradual institutionalisation of human rights which occurred over the past twenty years has also led to a great number of policy initiatives, legal documents, general guidelines for diplomatic action, aid instruments and rhetorical documents and commitments for bilateral and multilateral action, raising expectations around the world and within the Union for the EU to behave as a 'normative' actor[2] with an 'ethical foreign policy'[3] by virtue of its own history and peculiar institutional set-up.

However, empirical evidence on the EU's performance undermined such claims, making the EU subject to widespread criticism on part of human rights activists around the world. Problems of consistency and coherence in the treatment of partners, of clashes between human rights principles and other more compelling interests tied mostly to security or economics, of double standards between internal practices and expectations from third countries have all tarnished the EU's reputation.[4] Over the years, human rights have also emerged as an easily manipulated concept to justify uncomfortable foreign policy choices or to keep unwelcome countries at bay. Their public appeal make it hard to keep human rights out of international diplomacy, but at the same time their interference with other equally sensitive concepts, such as national sovereignty or community rights make it extremely difficult to operationalise human rights in mainstream politics.

A few unrelated events of the past two years – especially the outbreak of the Arab Spring and foreign policy innovations introduced by the Lisbon Treaty, such as the creation of the European External

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[1] 'The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and individual freedoms'.

[2] Ian Manners (2002), 'Normative Power Europe: A Contradiction in Terms?', Journal of Common Market Studies, Vol. 40, No. 2, pp. 235-58.

[3] Hazel Smith (2002), *European Union Foreign Policy: What it is and What it does*, London: Pluto.

[4] The most prolific scholar on EU human rights and democracy promotion policies is Richard Youngs. His work is the reference point in the field.

Action Service (EEAS) – have led EU institutions and political representatives to address the means, terms and aims of their policies, in the search for improvement in terms of consistency and legitimacy, effectiveness and impact on the ground, and in internal procedures and mechanisms for streamlining policy.

By this time, the key challenges to the development of an all-rounded EU external human rights policy included political, institutional, operational and conceptual issues. The lack of political commitment and leverage on part of the various EU foreign policy actors, including member states, made EU performance haphazard and inconsistent, and often hollow; the tendency to include human rights as a 'tick the box' exercise often led to them being marginalised from the main political issues; a wide-range of implementation problems tied to institutional mechanisms and policy deficiencies; and the insufficient integration or 'mainstreaming' of human rights in the EU external relations (from CFSP and CSDP, to external assistance, diplomatic relations, institutionalised and legally based relations, but also to the external impact of internal EU policies, such trade, mobility, anti-terrorism) encapsulate in a short paragraph the sizeable challenges to building a credible global human rights policy.

2. OUTLINE AND METHODOLOGY OF THE STUDY

This study examines the evolution of the EU's external human rights policy in the context of the institutional changes introduced by the Treaty of Lisbon, which entered into force on 1 December 2009. As section 3 will highlight, the strengthening of the Delegations around the world opened up the possibility to enhance the EU's external human rights policy in a number of ways, from endowing Delegations with the political strength to carry out human rights diplomacy in third countries, to giving them a greater role in shaping EU policy, and by coordinating the positions of the EU member states on the ground. The challenges of coordination, however, are not overcome by the Lisbon Treaty innovations, with outstanding problems deriving from the role of both the Commission and the EEAS in shaping and delivering the EU's human rights policy. The other trigger to improving the EU's external human rights policy was the approval, in June 2012, of the Strategic Framework. This new document represents an overarching exercise in addressing many of the shortcomings and identifying possible ways to improve qualitatively the EU's performance in this field. Challenges remain, such as the difficulties in 'mainstreaming' human rights in foreign policy and the ambitious terms of the Framework. However, the general argument here is that the EU is in a better position than ever before to pursue a robust human rights policy.

The main findings of this study focus on how these changes are viewed and implemented in the EU's Delegations. Section 4 is organised around four main clusters of issues, each comprising sub-topics. The impact of the Lisbon Treaty and of the creation of the EEAS on the work of Delegations examines how coordination with the member states on the ground is taking shape, the vertical coordination with EEAS and the Commission (by implication drawing some insights on the horizontal coordination between the two), some staffing issues, resources, and internal coordination, and the impact of such changes on policy shaping and upstream input.

Secondly, the introduction of the Human Rights Country Strategies (HRCS) is playing an important role in both empowering the Delegations to include human rights in their political analysis, and in strengthening their role vis-à-vis headquarters in Brussels.

The third cluster looks at the EU's instruments for human rights (which have not changed as a consequence of the Lisbon Treaty), examining in particular the European Instrument for Democracy and Human Rights (EIDHR), other specific human rights-related tools, mainstream bilateral assistance, and issues relating to the flexibility of tools and programming.

Finally, the role of the Delegations on the ground will be examined, including whether and how they have adapted to the new powers gained with the Lisbon Treaty and the extent to which they can be as an 'antenna' for national headquarters in understanding local political developments and human rights needs and challenges, can act as a contact point for the local network of human rights and civil society organisations, as well as carry out human rights diplomacy on behalf of the EU and its member states.

These findings are corroborated by numerous responses to questionnaires sent out to Delegations and by interviews carried out in EU institutions in Brussels, with thirty-six EU officials having being consulted anonymously. Unless explicitly specified, the arguments developed in this study do not reflect any concrete quantitative conclusions to be drawn from the questionnaires, as the objective of empirical research was not to offer conclusions about the perceptions of EU officials on the role of Delegations in the EU's human rights policy, but to identify analytically changes occurred and challenges ahead.

The following section will discuss issues relating to 'mainstreaming', arguing that while the key responsibility for ensuring that human rights are an integrated component of EU foreign policy and the external impact of its internal policies lies at the heart of the decision-making processes (and reiterating the need for improving inter-institutional cooperation in Brussels), the Delegations can, and indeed have, make progress on mainstreaming human rights both through implementation of EU policy and the conduct of human rights diplomacy, and through contributing 'upstream' to the analytical processes shaping EU policy.

The concluding section 6 will, after drawing some general conclusions based on the findings of the study, identify some remaining general challenges to improve the EU's external human rights policy as well as some more specific areas which regard the work of the EU Delegations and the policy cycle.

It will do so in the context of the main requests from the European Parliament, also by addressing, among other things:

– The role of Delegations in contributing to policy shaping and implementation in the human rights field

– The degree to which human rights are 'mainstreamed' into the work of Delegations

– The role of Delegations in human rights country strategies and how to ensure their follow-up

– The balance between confidentiality in certain human rights situation and the accountability of EU Delegations towards the European Parliament

3. THE LISBON TREATY: WHAT INSTITUTIONAL INNOVATIONS AT THE SERVICE OF HUMAN RIGHTS?

The Lisbon Treaty did not introduce revolutionary changes to EU foreign policy, but many of the innovations are potentially relevant to strengthening external human rights policies. As is well known, the main innovations are: the creation of the High Representative/Vice President of the European Commission (HR/VP); the creation of a new diplomatic service, the European External Action Service (EEAS); and the ending of the role of the rotating Presidency of the EU in EU foreign policy matters.

All three of these innovations represent an effort to bring together the two arms of EU foreign policy: on the one hand the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), where the member states are the main stakeholders, and on the other hand the external relations of the EU, where the European Commission played an important role in shaping policy, in carrying it out with third countries, and in managing the external assistance underpinning the EU's policies.

In practice, bringing EU foreign policy decision-making processes, policies, staffing and instruments under the same roof of the EEAS has been an incomplete exercise given that much of the programming for external financial instruments, including those relevant for human rights, remains under the management of the Commission. Also, this did not entail softening the intergovernmental decision making system that governs EU foreign policy; EU member states can still veto action on human rights issues whenever divergences occur. What the new system has arguably helped is the habit of working together and has supported continuity of engagement on certain issues,[5] both of which are highly relevant for the EU's external human rights policy.

With respect to the Delegations, the Lisbon Treaty introduced important changes. First and foremost, the EU Delegations now legally represent the Union, giving the Head of Delegation (HoD) not just legal powers but greater political standing vis-à-vis the third countries in which they are stationed. The end of the rotating EU presidency in foreign and security policy means that since the end of 2009 Delegations coordinate monthly meetings of ambassadors or of their representatives, including on human rights issues. The substance of the work of EU Delegations has, in most cases, changed from a strong focus on trade and/or aid to include more political work, supported by the diplomats coming from member states and including, in some cases, more security-related work. In other words, although overall staffing levels have not significantly increased, the competences, range of issues dealt with and role within the EU and in representing the EU has seen notable changes.

The role of the Delegations can thus be central to the EU's human rights strategy. They could be essential players in all stages of the policy cycle, from the initial analysis of any given situation, the general assessment of the situation in third countries, to shaping the policies and programmes to carry out the EU political and human rights aims, and to implement such aims through concrete projects on the ground.

Furthermore, the Delegations now also play a key role in coordinating the positions of member states' embassies on the ground including on human rights issues, and have been developing local contacts and networks which can help their political work on the ground as well as their understanding of domestic political developments which, in turn, can feed into the political reporting and analysis carried out for the EEAS headquarters, influencing the quality of the country assessments carried out by the EU.

In parallel to the Lisbon Treaty changes affecting the institutional and functional machinery to carry out human rights policy, the content of the EU's external human rights policy has also undergone considerable review during the past two-three years. The HR/VP Catherine Ashton put a substantial review of EU action in this field on the political agenda. Indeed, in December 2011 the Commission adopted together with the HR/VP a Communication which was a first step in addressing some of the outstanding challenges after two decades of human rights promotion.[6]

It addressed the problem of 'one size fits all' with a commitment towards greater differentiation between countries and situations, more tailor-made approaches, greater engagement with civil society, more integration with other sectoral objectives, such as security, crisis management or migration, more

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[5] An early assessment of EU foreign policy making since the introduction of the Lisbon Treaty can be found in Rosa Balfour and Kristi Raik (2013a), *Equipping the European Union for the 21st century. National diplomacies, the European External Action Service and the making of EU foreign policy,* Helsinki: FIIA Report n. 36. http://www.epc.eu/documents/uploads/pub_3232_equipping_the_eu_for_the_21st_century.pdf.

[6] European Commission and High Representative of the European Union for Foreign Affairs and Security Policy (2011), Joint Communication to the European Parliament and the Council, *Human Rights and Democracy at the Heart of EU External Action – Towards a More Effective Approach*, COM (2011) 886 final, Brussels: 12 December.

consistency and coherence between EU actors, including the European Parliament, and more integration of human rights in EU multilateral work.

In a bid to ensure that member states too were involved in the reformulation of the EU's human rights policy, a renewed discussion with them led to a number of key decisions in June 2012: the approval of an ambitious Strategic Framework on Human Rights and Democracy and an Action Plan with 36 points,[7] and the appointment of a new Special Representative for Human Rights (Stavros Lambrinidis). This appointment was intended to give diplomatic weight to the EU's positions in bilateral relations as well as in international organisations – a role considered parallel to the US Under Secretary for human rights and democracy – and would give human rights a high public profile. The risks are that having an EU Special Representative relegates human rights to a separate activity, secondary to mainstream diplomacy.[8]

The new Strategic Framework represented an important step forward after many years of incremental engagement, and indeed was welcomed by many working in the field of international human rights.[9] The first and possibly most important observation is the political dimension of the document buying in the responsibility and backing of the member states. If a single reason were to be found for past problems in the EU's global human rights policy it was in the haphazard and ad hoc commitment (or lack of) on part of the member states.[10] The new strategy also updates its approach to human rights to the changing global environment, for instance by taking into account rights deriving from the new wave of 'people power', such as the use of digital media.[11]

The Action Plan is particularly enlightening in its breadth and depth. The EU's global human rights policy is becoming, at one time, broader, covering a wider range of rights, and deeper, in the sense that rights are more clearly defined. In other words, in addition to the traditional conceptual clusters of political rights, economic and social rights, and group and minority rights, the EU is expanding the human rights areas for intervention and is planning targeted action on lesbian, gay, bisexual and transsexual (LGBT) rights, on freedom of religion or belief, on freedom of expression on- and off-line, the rights of indigenous people, of people with disabilities.

Some of these areas had already been developed through guidelines or actions, but a more systematic conceptualisation of old and new generation of rights, their place in EU foreign policy, and their operationalisation in practice through bilateral relations, multilateral engagement and targeted programmes was lacking.

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[7] The Council of the European Union (2012), *EU Strategic Framework and Action Plan on Human Rights and Democracy*, 11855/12, Luxembourg 25 June.

[8] Richard Youngs and Hélène Michou (2012), *EU Action to Strengthen Respect for Human Rights and Democracy in the Process of Political Changes in the Middle East and North Africa*, Study, Directorate-General for External Policy of the Union, European Parliament, EXPO/B/DROI/2011/23, Brussels: December.

[9] See, for instance, Freedom House (2012), European Union Strategic Framework a Welcome Step on Human Rights/Democracy', 'http://www.freedomhouse.org/article/european-union-strategic-framework-welcome-step-human-rightsdemocracy; Human Rights and Democracy Network (2012), The New EU Human Rights Strategy, HRDN NON-PAPER December 2012.

[10] Rosa Balfour (2012), *Human Rights and Democracy in EU Foreign Policy*, London: Routledge.

[11] Anthony Dworkin (2012), Assessing the EU's new human rights strategy, ECFR Commentary, http://ecfr.eu/content/entry/commentary_assessing_the_eus_new_human_rights_strategy, London: 27 June.

At the same time, the Action Plan sets out ambitious goals for integrating human rights in other external policies, with a particular focus on trade, conflict prevention and crisis management, counter-terrorism, freedom, security and justice, employment and social policy. It also indicates clearly the institutions jointly responsible for making progress in these actions, together with a timeframe. This approach represents an attempt to address the long-standing challenge of mainstreaming human rights.

The annual 'Human Rights and Democracy in the World' report, published in June 2013, for the first time reported on the achievements made compared to the objectives and timeframe set out in the Action Plan. In short, the Strategic Framework and the Action Plan are the most ambitious and focused document on the EU's global human rights policy produced so far, representing an important contribution to overcoming the fragmentation of human rights actions, guidelines and programmes.

Time will tell more about its results in terms of performance, but the main challenges as far as the EU is concerned will regard the active involvement of the various components of the foreign policy system: the EEAS, the Commission and its Directorates General, the EU member states, CSDP missions, the Council, and all the other actors, indicated in the Action Plan, responsible for carrying out parts of the actions planned. In a highly visible policy area, there are risks of gaps between intentions and the realities of performance, especially in those areas where the EEAS is not leading implementation.

As far as the Delegations are concerned, the table below illustrates a number of areas in which EU bilateral and multilateral Delegations, and EU Missions have a large responsibility in making specific changes to enable the EU as a whole to implement actions. The list does not include policy content (for instance campaigning against child labour). Rather, it is intended to provide some benchmark for understanding to what extent the Delegations have been empowered to carry out EU human rights policy.

Table 1: Equipping EU Delegations

Heads of EU Delegations, Heads of Missions of EU member states, heads of civilian missions and operation commanders to work closely with human rights NGOs in the countries of their posting	Ongoing
Consolidate consultations with civil society	Ongoing
Complete a network of focal points on human rights and democracy in EU Delegations and CSDP missions and operations	End 2013
Expand the practice of working on human rights issues through human rights working groups formed locally among EU Delegations and embassies of Member states	Ongoing
Develop a toolbox for working towards a rights based approach to development cooperation, with the aim of integrating human rights principles into EU operational activities for development, covering arrangements both at HQ and in the field for the synchronisation of human rights and development cooperation activities	2013
Include human rights violations as one of the indicators for the early warning matrix in developing an EU early warning system	Ongoing
Develop and implement a voluntary initiative to facilitate the provision of temporary shelter to human rights defenders at risk	Mid-2013
Publish contact details of the human rights focal points of all EU missions, as well as EU liaison Officers on human rights defenders on the websites of the EEAS and EU Delegations	End 2012
Continue to develop local human rights country strategies in third countries, including follow-up through annual progress reports and reviews	2012-2013

Source: Council of the European Union (2012).

4. PERFORMING ON HUMAN RIGHTS: THE ROLE OF DELEGATIONS[12]

Understanding how the EU Delegations have been changing since the introduction of the Lisbon Treaty and the renewed EU approach to global human rights needs to be based on an evaluation of institutional adaptation and the degree to which the whole machinery of foreign policy making has changed to enable Delegations to carry out the new tasks assigned.

This includes examining issues of coordination and cooperation on the ground, between Headquarters and the Delegations, but also in Brussels between the institutions and the consequences of these relations on the ground. It also regards information flows, the establishment of rules and guidelines on

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[12] The bulk of the information in this section derives from the interviews and responses to the open-structured questionnaires sent to the Delegations. Given the anonymity of the responses, they will not be referred to in footnotes. Unless otherwise stated, all assertions are based on significant corroboration of hypotheses advanced.

how to implement decisions, the distribution of resources and staff, the coordination between staff. All these bureaucratic matters have a direct impact also on the ability of the Delegation to contribute to political analysis and policy shaping, and thus influence the overall ability of the EU to be relevant for global human rights issues.

4.1 The role of Delegations in the EU foreign policy system

As we have seen, the Lisbon Treaty had a visible impact on the Delegations' role in coordinating EU embassies on the ground not just on general foreign policy matters but also on human rights matters. There are differences between Delegations, with much of the success depending on the personality and authoritativeness of the Heads of Delegation and his/her deputy (where such a person exists), on the Heads of the Political section, of the staff in charge of human rights, and on the importance of the third country to the member states.

On human rights issues, leadership has been attributed to the EU Delegation. This ensures continuity of engagement, has increased the quantity and quality of discussions between the EU and its member states on human rights issues and has overall facilitated greater trust between all parties.

In multilateral Delegations, such as to the UN, the ending of the rotating Presidency has made the programming of the Delegations in line with that of the UN General Assembly, which is on a yearly rather than six-monthly basis.

The restructuring of EU Delegation staff with nearly 38% of AD staff coming from national foreign services[13] also strengthens the Delegations' skills in pursuing diplomatic relations including with human rights content. National diplomats experience and skills are seen as more deeply rooted in diplomacy and political relations compared to former Commission officials, and are in a better position to win the trust of member states. But how this translates into an improved performance on human rights issues too depends on the background of officials, their training, and on their experience in carrying out human rights diplomacy. The challenge is two-way: to train diplomats into human rights issues, and human rights specialists into diplomacy.

The end of the rotating presidency system has thus strengthened the EU's position on human rights diplomacy locally or in international organisations. In some cases, national embassies too have set up human rights focal points, and mostly accept the Delegation's role in coordinating their work. Some burden sharing with member states exists, but overall the Delegations are taking on the lion's share of the human rights coordination work. For some member states, however, 'offloading' human rights to the Delegation conveniently places the national embassy in the position of being able to carry out its business without the incurring the possible backlashes of human rights diplomacy, which includes the risks of souring relations with the governments and political representatives of third country and even of retaliation measures to protest against criticism of human rights practices. Member states can also hide behind the collective position expressed by the EU without compromising their relations with the country which is being criticised for its human rights standards.[14] The risk of this position is an uneven

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[13] European External Action Service (2012), 'Staffing in the EEAS', Brussels: 29 June (internal document; no referencing available). At that time, the Delegations had taken in the lion's share of national diplomats (37,8% of AD staff) while in the headquarters the proportion is of only 20,3%. Overall, the objective of having one-third of national staff was still to be met, with 26,9% of AD staff coming from national diplomacies.

[14] While this question was not specifically asked, this insight derives from spontaneous comments offered by a number of EU officials and was also a finding of the research carried out in the context of Rosa Balfour and Kristi Raik (eds.) (2013b), *The European External Action Service and National Diplomacies*, Brussels: European Policy Centre, Issue Paper No. 73.

burden sharing between the EEAS and the member states which could undermine the overall goals of the EU Strategic Framework.

Where the transition to the Lisbon Treaty provisions has been less smooth is in the field of inter-institutional coordination, especially between the EEAS and the Commission, with repercussions on the work of EU Delegation staff, some of whom respond to the EEAS, and others to the Commission. Coordination within the EEAS between the Human Rights and Democracy department and the geographical divisions has been challenging, though reportedly functioning far better than at the start of the EEAS.

Some human rights dialogues, for instance, have been carried out successfully with excellent coordination between the geographical and thematic teams. But it has been difficult (here too, reportedly improving) with the Development Cooperation Directorate General of the Commission (DEVCO), which co-manages programming with the EEAS and is in charge of key tools for human rights promotion, such as EIDHR. The trickle-down effect of these difficulties in Brussels on the Delegations is that information flows between programming and projects, on the one hand, and political dialogue on the other, is insufficient, undermining potential synergies between the political aspects and aid. Similar problems have been encountered in other areas, such as trade.

The need to improve coordination between the EEAS and DEVCO as well as the balance between programming aid and the political objectives of EU human rights policy is one area in need of change identified by numerous EEAS officials.

Other areas relevant to the vertical coordination between Headquarters and Delegations have seen steady improvements compared to when the EEAS came into being. Two-way information flows have improved, but they could be further improved by making them more systematic, by devising more user-friendly means for communication, and by ensuring more secure systems for information exchange at least for politically sensitive communication. This would also help further build trust with the member states, whose information networks are seen as more reliable than the EEAS ones, and are not exchanging sufficient information with Brussels as a consequence.[15] Rules on delivering local statements have been agreed upon, and guidelines on implementing action clarified, making the system efficient compared to the early months of the EEAS.

The envisaged yearly meetings of the newly created human rights focal points would be an excellent way to help build a culture of working together, to improve contacts between the centre and the periphery, and to build trust within the EEAS, especially between officials who have come from different institutions. The meeting held between officials working as Human Rights Focal Points in February 2013 was a first greatly appreciated occasion.

One area that requires more attention is information exchange between bilateral and multilateral Delegations, to feed in-country analysis to the work the EU Delegations are carrying at the United Nations bodies, including the Human Rights Council.

All these developments are key to improving EU analysis of human rights situations on-the-ground, of political developments in third countries, and contribute in important ways to policy shaping. Delegations' input into policy occurs at a broader political level as well as at more technical levels. EU HoD reports, political dialogue, joint political analysis and strategy, the human rights fact sheets and country strategies, the implementation of EU guidelines in a number of fields are all examples of activities through which the Delegations contribute to policy shaping in Brussels. In some cases the

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[15] Balfour and Raik (2013a).

work of Delegations has even led EU policy, for instance by working on the first drafts of the Human Rights Country Strategies together with the national embassies of the member states.

The negative side of these examples of excellence is that they show the reliance on the entrepreneurial role of individuals rather than on systemic structural change. This said, the recognition at the highest levels of the EEAS that the 'success stories' of the Delegations have been to a large extent thanks to the initiative of its individual staff can help the creation of standards and benchmarks for making future improvements, and provide guidance for recruitment and personnel policies.

4.2   Human rights country strategies

One important development is the introduction of Human Rights Country Strategies (HRCS). In 2012-2013 the first round is due to be completed, and alongside their elaboration, lessons learned and best practices for the second round of HRCSs need to be developed. EU Delegations play a crucial role. Brussels has given instructions on quantitative and qualitative analysis, and a template for the strategies. This will stimulate far more uniformity in the papers, which could have positive repercussions on overall policy choices. If the analysis contained in the HRCSs is effectively mainstreamed into the general policy towards individual countries, and thus in the work of the geographical desks of the EEAS, uniformity in standards of analysis is an important element to ascertain the relative importance of human rights issues in each particular country.

Of course, alongside similar analytical benchmarks, the actual strategies need to be tailor-made to local situations. Indeed, the HRCSs are drafted by the EU Delegations, in consultation with member states' embassies on the ground, and the process requires not just the involvement of the officials dedicated to human rights, but also of the Heads of Delegations, Heads of Political Sections (where this exists), and of the Heads of CSDP missions (where relevant). This gives the Delegations ownership and responsibility in implementing the HRCSs. Reviews of first drafts of the HRCSs have also helped improve their quality, which was uneven during the first exercises carried out. Ensuring that the national representations on the ground also follow up on the Strategies will also be an important ingredient for their success.

HRCSs are and will remain classified documents for the foreseeable future. The EEAS has asked the member states twice whether parts of the documents could be published, but the preference has been clearly expressed to keep them as internal documents only. The motivations for this choice are mostly tied to the sensitivity of the material handled, the need to protect the security of human rights defenders, the desire to avoid open conflict with third country governments, and the reliance on the discretion of the diplomats working on the ground to carry out their public diplomacy according to local evaluations of the political context.

What the Delegations can do, as was decided during the 2013 meeting of the Human Rights Focal Points, is to share the priorities orally, with the local community of human rights activists, but also with governments in third countries, where this is viewed as wise. Consultation with NGOs is becoming a standard practice, but beyond asking input from civil society actors the EU could be more pro-active and concrete in what it can offer to NGOs beyond projects. Sharing the priorities of the HRCSs, for instance, could entail explaining how the Delegation intends to pursue its work on human rights, how its work could link up with the work carried out by the local community of human rights actors, and what the latter can expect from the Delegation. This would also give civil society better tools to follow up on EU work on the field, and more accountability for the EU.[16]

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[16] See also Front Line Defenders (2013), 'How can the EU respond to the challenges faced by human rights defenders at risk?', paper by Vincent Forest presented at the European Parliament, Brussels: 28 May.

4.3 The role of Delegations in EU instruments for human rights

Bilateral assistance, such as budget support, through instruments such as the European Development Fund or the European Neighbourhood Policy Instrument, is seen by many officials as the most effective way to promote human rights, alongside other priorities such as democracy and good governance, but only in contexts in which there is full cooperation of partner governments. Even if these programmes include the pursuit of human rights objectives, their programming and operationalisation relies heavily on agreements with partner governments who channel the funding received.

Furthermore, during the past decade on average only around 10% of such assistance has targeted areas such as government, NGO development and civil society support which can be of relevance to human rights issues.[17] The challenge of mainstreaming human rights in the bulk of bilateral and regional external assistance remains outstanding, however aware of the challenge the EU institutions and DG DEVCO in particular are. Indeed, in 2012 revised guidelines on budget support make a commitment to human rights and democratic principles as a 'pre-condition' for receiving external assistance, as an aim of budget support, and as variable assessing the continuation of such support, with Delegations and the EEAS playing a role too in making such assessments also through the Human Rights Country Strategies.[18]

However, the cases in which partner governments are willing to improve their human rights standards are few, and EU Delegations are often working in hostile environments. In these contexts, of the tools available, the European Instrument for Democracy and Human rights is seen as a useful and successful tool for supporting human rights, even if other tools, such as the Instrument for Stability (IfS), can in certain specific contexts, be relevant.

During the 2007-2013 financial period, the EIDHR budget amounted to around 150 million Euros per year, a considerable increase compared to the previous years. This is partly due to the overall positive, if qualified, assessments of the tool, even if general evaluations of the instrument have not been carried out of late.[19] The key features of EIDHR are that it finances directly the organisations implementing the projects, without the prior agreement of host governments; since 2013 it can also support non-legal entities in specific circumstances, which represents an asset in countries where registration of NGOs or human rights organisations can lead to government persecution; and it finances many of its activities through small grants, some through local calls. For the period 2014-2020 the EIDHR budget will be of 1.182 billion Euros, around 169 million Euros per year.

These features make the instrument highly relevant to focus on sensitive issues, especially in hostile environments. Its impact, however, on changing the local political situation will be extremely limited. It can, in some cases, provide essential breathing oxygen for human rights defenders (HRDs), or support

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[17] See Table 3.2 in Balfour (2012), p. 40, where the breakdown of aid into categories such as NGO support or civil society development is based on the Organisation for Economic Cooperation and Development, International Development Statistics database. This database allows the compilation of comparable cumulative data for the EU and its member states, even if it does not follow the categories of EU external assistance.

[18] European Commission (2012), EuropeAid Development and Cooperation Directorate-General, Budget Support Guidelines . Executive Guide. A modern approach to Budget support, Brussels: September, http://ec.europa.eu/europeaid/how/delivering-aid/budget-support/documents/budget_support_guidelines_part-1_en.pdf.

[19] Country- or thematic-based evaluations have been carried out. For further information, see http://ec.europa.eu/europeaid/what/human-rights/studies_evaluations_en.htm.

the sustainability of civil society organisations, but its broader impact beyond the specific projects it supports will be limited.

The overall positive but qualified assessment of EIDHR is shared by many of the respondents to the questionnaires. EU Delegations play an important role in EIDHR as over half of the financing is managed directly by them. The 'deconcentration' exercise carried out in the 2000s and the 2007-2010 EIDHR Strategy both enabled the decision-making processes of human rights aid to be closer to the local realities and needs and more in line with local policies and plans. One tangible difference was made by allowing the Delegations to define the thematic priorities for the calls for proposals launched at the local level (in-country calls). Giving the Delegations the possibility of using targeted funding for Human Rights Defenders also allows for rapid interventions, if necessary.

There are a number of key issues to be addressed with this kind of small, grants-based instruments. The first is the absorption capacity of local groups/NGOs to use the funds appropriately and to make them a springboard for their sustainability. There now is an obligation for EIDHR to grant projects to local actors rather than international NGOs, which corrects the previous trend in granting funding to the 'usual suspects' of international NGOs undermining the development of local capacity building. But there remain open issues about training and the transfer of acquired knowledge.

Within the Delegations too there are problems of insufficient staffing, which make it harder to devise local strategies to support training or capacity transfer through ordinary activities of the Delegations.

The flexibility of EIDHR is a key problem of relevance to understand how EU Delegations can improve EU human rights policy. Despite the allocation of some small grants through the Delegations, the 'call for proposals' process is centralised, is not always consistent with the strategic approach required from Delegations in third countries, and the administrative process remains burdensome and hard to carry out by local NGOs with limited personnel, experience, or capacity. In addition, the calls are yearly-based and do not offer sufficient flexibility to adapt to rapidly changing local situations (in a way in which, for example, the Instrument for Stability can, as several officials working in EU Delegations in different parts of the world pointed out). There is a window of opportunity to address these shortcomings with the current debate on the next programming period. Thanks to their experience in the field, EU Delegations can provide insights on how to improve regulations and procedures to make the instruments at their disposal more operational and functional to the needs on the ground.

Finally, even in the context of project work, close working ties need to be consolidated between the EIDHR or development-trained staff of the Delegation and those involved in more political work. The human rights focal points, for example, often are represented only by staff used to working in development or on projects, while responses to human rights situations may require close collaboration with political section staff. Some issues relating to HRDs, for example, or to trial observations may require member state or EEAS diplomatic interventions for which not all staff is trained.

4.4 Representing the Union: Outreach and diplomacy

All 141 EU Delegations and 15 CSDP missions have succeeded in creating an operational human rights focal point with an official as a contact point (who does not necessarily coincide with the liaison officers). Not all have developed the second political human rights focal point. Also, not all Delegations have published such information on the website, at times due to a preference to keep the identity of the staff anonymous for security reasons, at times merely due to a delay between creating the focal

point and updating the information on the website.[20] While progress has been rapid on this objective (see table above), the insufficient level of staffing could potentially undermine these achievements. Often, officials at the human rights focal points are contract agents, locally employed staff, or Junior Professionals in Delegations. There is no doubt about their ability to carry out their functions. In fact, in many cases locally employed staff can bring a wealth of local knowledge which international experts may not enjoy.

However, there can be issues relating to age/seniority/gender which can undermine the authoritativeness of officials vis-à-vis representatives of the governments in host countries (which may be hostile) and even with member state diplomats, in those cases in which the Delegation requires backing and support from European capitals, such as in emergency situations in which a human rights defender requires protection. Here too, close cooperation and synergy between officials and overall responsibility of the political section are essential, whether or not the Delegation has created two human rights focal points.

Another related issue is that there is no 'job description' for the human rights focal points, which do not have a clear mandate, including responsibilities and workload, nor guidelines from headquarters on staffing and on uniform practices. As a consequence of this, the competence of human rights officials can vary enormously. In turn, this affects the expectations of local activists, NGOs, HRDs on the ground who are regularly consulted by the EU Delegations, but are not necessarily clear about the follow-up of the consultations nor what to expect from the Delegations apart from the possibility of receiving financial support or of cooperating on projects.

This said, the greater role that Delegations now have in managing small grants, the discretionary role they can play in supporting human rights defenders, the strengthened role Delegations have in general, the requests for greater analysis and understanding of local political dynamics have all worked towards improving the Delegations' role as local 'antennas' connecting with a broader range of actors working on the ground.

The scope of EU outreach, however, is limited in most cases to the capital cities of the third countries in which the Delegation is located. In some countries, the EU has offices in other cities and thus manages to reach out beyond the capitals. Some Delegations have managed to organise yearly meetings with human rights actors, but these efforts do not amount to a national outreach. Most of the contacts are limited to the urban human rights activists, and in most cases contacts with rural or remoter areas are circumscribed and irregular. Insufficient funding also limits the ability to organise more regular meetings by bringing activists to the capitals.

These limitations are serious in countries where HRDs in remote or rural areas are particularly at risk. Here, the EU Delegations would need to institutionalise contacts to ensure continuity over time, especially in light of staff turnover; organise regular meetings and exchanges to build trust between the people engaged in human rights issues, and travel around the country to visit project work sites also with the aim of expanding the network of contacts.

In the countries neighbouring the EU, the creation of the European Endowment for Democracy (EED), which is soon to become operative, may support efforts to engage with local actors, including those involved in more political work (including party political or opposition politics, and not just human rights work). Should the EED manage to tap into the knowledge accumulated by the EU Delegations by

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[20] This information was confirmed through interviews at the end of May 2013, by which time 106 Delegations had published contact details of the human rights focal points on the EU website. Of these, 82 had both an operation and a political contact.

consulting with them and taking into account their activities to avoid duplication and search for synergies, there are opportunities to widen the breadth of local actors the EU engages with.

Beyond the ability of the Delegation to fully implement the focal points, there are other issues related to staffing and human resources that are worth pointing out. Human rights work would ideally require both in-depth technical knowledge and political and diplomatic skills to bring human rights to an appropriate level of importance in bilateral relations. For this reason, the creation of two human rights focal points, one operational dealing with projects, the other political is a crucial step in strengthening the Delegations' capacity.

However, the two focal points and their staff will need to work together and these synergies need to be replicated upstream, in other words in coordination between the EEAS and DEVCO. The use of available tools and their appropriate management in line with the overall human rights and political objectives remains a major challenge. In the Delegations themselves, there are cases of excellent working relations as well as less shining examples. The point is that where transition has worked, it has been due to the efforts of individuals rather than to institutional mechanisms for coordination between the two lines of intervention. Other options to fill possible gaps between technical and political knowledge include training.

Thanks to the Delegations' role in coordinating EU national embassies on the ground, to the role they play in including human rights in the monthly discussions, and to the HoD, their deputies and the Political Councillors working also on human rights issues, the Delegations have been strengthened in their ability and authoritativeness to carry out human rights diplomacy with third countries. Here too, the quality and personalities of the Heads of Delegation and the Political Councillors play an important part in building trust between ambassadors, so the overall performance of Delegations varies. Some believe that the member states are also more inclined to trust national diplomats rather than former Commission officials.

These developments have also given the Delegations more autonomy in managing their human rights diplomacy vis-à-vis third countries. Démarches need to be agreed in Brussels, but Delegations are making better and increased use of local statements which need to be agreed in principle but do not require the approval of the twenty-seven member states on the wording of the text. At the UN level, more coordination between member states is needed, given the partial implementation of the Lisbon Treaty provisions for the EU's international representation.

Local human rights strategies have been developed, human rights issues are regularly raised at meetings with third country government representatives, press releases and communication focus on human rights, and Delegations have regular contact with the local human rights organisations. As was to be expected, all respondents to the questionnaires raised critical points about the effectiveness of these strategies, the wide variety of impacts and responses they receive from the local partners, and a series of variables which make it impossible to reach generalisations about the impact of EU Delegations' human rights diplomacy.

Table 2: Tools available for Delegations' human rights work

Diplomatic

– Local statements
– Delivery demarches
– Preventive measures and diplomacy for HRDs
– Public diplomacy
– Follow-up of specific cases
– Local human rights dialogues
– Contributing to human rights dialogues (carried out at Brussels level)

Analysis

– Human Rights Country Strategies
– Regular reporting to EEAS geographical and thematic desks
– Regular reporting to EU Delegations in international organisations
– Contributing to human rights dialogues (carried out at Brussels level)

Projects and grants

– EIDHR small grants
– IfS (where relevant)

Contacts/outreach

– Meetings with civil society for high level EU officials
– Regular meetings with civil society representatives and HRDs
– Regular meetings with political actors engaged on human rights issues

Coordination/working within the EU foreign policy system

– Coordination of EU member states' human rights activities
– Coordination with work of like-minded countries
– Coordination with EU Delegations in IOs
– Annual meetings of HR focal points
– Regular meetings and consultations with European Parliament

Other

– Observing trials
– Follow-up of cases
– New technologies and media (guidelines are in the process of being developed)

5. THE CHALLENGE OF INTEGRATING HUMAN RIGHTS IN EU FOREIGN POLICY

Integrating, or 'mainstreaming' in EU jargon, human rights into foreign policy and the external dimension of internal policies remains one of the biggest challenges and most ambitious aims of the Strategic Framework. Much of the work to achieve these aims needs to be done at the centre of the foreign policy making system rather than at its periphery, in other words between the EEAS, the Commission, the Council, the member states, rather than through the Delegations.

Nonetheless, there are ways in which EU Delegations can put into practice more integrated policies on the ground and contribute 'upstream' into the EU's analytical and reporting process. It is remarkable that only three of the respondents saw no change in the Delegation's role in mainstreaming and that all others saw important or qualified improvements taking place. These are due both to the Lisbon Treaty innovations and to the new Strategic Framework and Action Plan.

The coordinating role of the Delegations is singled out as the most important change leading to more synergies with the member states. The latter also play a part in drafting the Human Rights Country Strategies, which further ensures their commitment to the jointly agreed priorities. It also gives greater weight, relevance and visibility to the human rights diplomacy carried out by the Delegations, even if suspicions of the motivations of some member states remain. The enhancement of the political section of the Delegations has improved analytical and reporting capacity, which has an impact both on relations with the member states' embassies and on 'upstream' contribution to EEAS country analysis in Brussels.

The Strategic Framework and Action Plan helped improve not just internal procedures, priorities, working methods and mechanisms by specifying changes to be made and by providing guidelines on how to make them. They both gave clarity over the role of human rights in overall EU policy and gave these greater visibility and relevance, with an impact on the ways in which Delegations deliver messages and entertain their relations with third countries. This has helped mainstream human rights in bilateral political relations, regardless of the specific provisions (eg. whether a human rights dialogue is in place or not) with that country.

Challenges in the Delegations remain, with insufficient resources highlighted as the main limitation to consolidating the work done. Training to ensure cross-fertilisation between political and technical experts could also help mainstreaming, as would overall training of general/political/economic experts in the Delegations but also in the EEAS Headquarters (for instance training in human rights issues of officials working at the geographical desks). Delegations also highlight the need for programming and political work to be better coordinated and some complain of an insufficient inclusion of human rights in external assistance projects and programming. Here too, coordination at the top between the Commission and the EEAS would be a requirement.

Indeed, the main challenges are at the political level. The Strategic Framework has been devised and approved with the support of the member states, but it requires commitment across the board of actors to make sure it is properly implemented. The situation in Mali is already exemplifying emblematically the need to integrate human rights across the broad range of interventions: military, police,

development aid, transitional justice, humanitarian aid, involving a multiplicity of actors without any clear line of coordination.[21]

6. CONCLUSIONS: OPEN CHALLENGES AND AREAS FOR IMPROVEMENT

The dual process of institutional change through the implementation of the Lisbon Treaty and of policy shift thanks to the Strategic Framework have laid the foundations for the creation of a more coherent and consistently pursued external human rights policy. While it is early to give an overall assessment, with respect to the role of Delegations, the positive changes have included:

–   A greater knowledge of human rights worldwide thanks to the work of empowered and more professionally endowed Delegations

–   More 'bottom up' support of local actors

–   More flexibility in the implementation of projects on the ground, though improvements are required to address rapidly changing situations or emergencies

–   More and improved analysis and upstream policy shaping and influencing, thanks to the introduction of human rights country strategies

–   A greater authority conferred to the EU Delegations thanks to their coordinating role, even if member states at times find the division of labour (human rights to the Delegations, business and 'high politics' to the embassies) convenient

–   Greater integration (or 'mainstreaming') of human rights in the general aims of bilateral and multilateral foreign policy, at least at the bottom-up level.

Even if these developments represent positive shifts, challenges remain. Staffing and human resources, as is to be expected, is one area most respondents raised as needing attention. It goes without saying that increased staff would improve performance. However, given that this option is unrealistic for the foreseeable future, it would be worth exploring how to make virtue out of necessity.

Officials working primarily on human rights issues are, of course, a small percentage of EEAS officials. Improving training in human rights issues for the generalists and for the experts in other fields (such as trade and security) and for those at Headquarters working on the geographical desks could represent a great improvement not just to the EU's overall understanding of and performance on human rights issues, but would also contribute to mainstreaming human rights into other policy areas. In turn, training these officials together could also play a part in improving working relations between the EEAS and other institutions and actors in the EU's external relations system.

This study has highlighted that these exercises would be particularly necessary to improve working relations between DEVCO and the EEAS with the aim of providing more joined-up programming on human rights issues, to make them more in line with local political and human rights strategies. This would have a positive impact also on the working cultures within EU Delegations, which have so far relied on individuals being able to work together rather than on streamlined procedures for coordination and a joined up hierarchy of decision-making.

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[21] For a recent appeal of human rights organisations, see Euractiv (2013), 'Human rights concerns loom as EU hosts Mali conference', Brussels, 14 May, www.euractiv.com/development-policy/human-rights-loom-eu-prepares-ho-news-519682 .

Finally, this could also help address the shortcoming in general bilateral assistance: human rights, rule of law and democracy should figure far more prominently in the general assistance the EU provides to third countries and incorporated in the concrete single aims of larger scale bilateral projects, for instance by mainstreaming human rights in projects related to security cooperation, migration control, rural development, police training. If the EU wants to have an impact in third countries beyond supporting human rights empowerment, it needs to ensure that its bilateral assistance does not relegate human rights to circumscribed activities.

The shortcoming on coordination between the EEAS and DEVCO can be considered as the single most important setback to the improvements that have been put in place. If the EU will proceed in attempting to mainstream human rights in all external policies, inter-institutional cooperation needs to be addressed more systematically. This need not require setting up special structures. Contact points between the Commission Directorate-Generals, the EEAS, the Council of the EU and the European Parliament, with regular meetings and information exchange, could provide a sufficient level of cooperation to create more synergies in Brussels, with potentially positive trickle-down consequences in Delegations too.[22]

Within the EU foreign policy system, more secure and user-friendly communication could also improve. While there is a communication system between embassies and Delegations on the ground, information flows between Brussels and the Delegations are still, reportedly, lacking security systems. Even information to and from Delegations in sensitive countries is insufficiently protected. Investing on better communication systems could also entail positive repercussions on the trust between the actors in the system, especially in the member states' diplomatic networks.

The Delegations' ability to engage with a broader range of local actors has no doubt improved over the years, but there is room for maximising this work. First of all, in the countries in which the EED will become operational with its grants, synergies can be sought to avoid duplication and strengthen local capacity. Secondly, measures can be found to ensure greater continuity of contacts notwithstanding staff turnover in Delegations, such as special databases.

Regular meetings and a greater exposure to local contacts would all help establish more continuous and fruitful relations with the local communities and provide the mutual personal trust which is necessary to work in this delicate field. Geographical outreach beyond capitals will remain problematic. While solutions (such as touring the country to meet human rights activists) can be found in certain tranquil contexts, in other hostile environments visible diplomacy of this kind can put lives at risk. But some activities can be of help. Working with the embassies of like-minded countries also helps expanding contacts. Visiting the sites of projects being carried out thanks to the support of the EU, or European and like-minded countries could also provide fruitful occasions to build up networks. Establishing a budget to hold regular meetings with all activists would certainly help. Finally, alongside local NGOs, Delegations can also cooperate with international NGOs with the aim of benefiting from their network of local contacts, together multiplying opportunities for expanding the EU network on the ground.

One structural solution to these challenges is to allow Delegations more discretionary power and access to resources. Delegations could propose a general plan on how to increase and improve local contacts but would have the autonomy to carry it out. Given their upgrade in terms of political work, decision-making procedures could also be simplified to enable them to carry out such work. Indeed, most member states grant their local representations more autonomy than EU Delegations, which are stifled

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[22] I am grateful to Vincent Forest, Head of the EU Office of Front Line Defenders, for this suggestion.

by bureaucratic regulations. A 'piggy bank' for human rights issues could be envisaged, allowing the Delegations or the focal points, with the agreement of the HoD, to use small funds to finance ad hoc meetings if and when the occasion arises and without long-term planning and without consulting all levels of hierarchy.

There are risks involved: supporting the 'wrong' people, wasting EU resources, and being insufficiently transparent and accountable. However, hitherto the unwillingness to take risks has been one of the reasons behind the insufficient flexibility of EU instruments. The most appropriate level at which decisions need to be taken regarding the work the EU carries out in hostile contexts needs to be the level on the ground. While broad guidelines can be found to make, for instance, presentations of the general lines of intervention of the human rights country strategies, the Delegations should take on the main responsibility in deciding how to ensure a combination of general accountability to the institutions in Brussels and discretion about the concrete work carried out on the ground.

Monitoring, following up on, and making the work of Delegations accountable to the EU institutions can be achieved through other, more informal, channels, such as through the already operational annual meetings of the human rights focal points. The participation of HoDs and HoMs in European Parliament activities, such as hearings, better cooperation and information exchange between the institutions before official visits and delegation trips are organised too can help the dialogue between institutional representatives working for human rights. In other words, rather than seek a blueprint for reporting on activities, some flexibility and adaptation to local situations could provide a compromise between transparency and outreach to local actors and engagement on the ground. The strengthened and empowered Delegations are the most appropriate actors to establish that balance.

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