

External Action after the Lisbon Treaty: the Case of the EU and the OSCE

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Introduction

The broader goal of the Lisbon Treaty in the area of external action was to make the EU a more efficient and powerful global actor by improving policy coherence and integrating its different foreign policy instruments. In the words of the Treaty *‘the Union shall define and pursue common policies and actions’* and *‘the Union shall ensure consistency between the different areas of its external action and between these and its other policies’*¹. One of the means to achieve this goal was the creation of the European External Action Service (EEAS), which is supposed to coordinate EU Member States and their actions outside the Union and to speak and act on the behalf of the Member States and the Union as a whole. The EEAS thereby introduced a new and unique opportunity for the EU institutions and the Member States to influence international politics, including the work of the EU in other international organisations.

This brief spells out how the EU makes use of this opportunity in the case of the OSCE by evaluating whether the promises of the Lisbon Treaty are fulfilled in the EU’s work with this particular international organisation. It draws on primary evidence gathered through interviews with diplomats from the EEAS and the Member States working in the OSCE. Ten interviews in total were conducted in the end of February and in the beginning of March 2012. Although the possibilities to draw generalizations from a study this size are limited, this survey does offer some preliminary insights worthy of further exploration.

¹ Lisbon Treaty, Article 21.2 and 21.3.

I will first give a background to the external action of the EU after the Lisbon Treaty and to the role of the EU in the OSCE. I then analyse the present and future role of the EU in the OSCE from three different perspectives:

- The external representation of the EU
- Policy coherence
- Integration of instruments

Finally, I discuss the further challenges that remain before the goals of the Lisbon Treaty are to be fulfilled.

External action after the Lisbon Treaty

After the Lisbon Treaty one of the main changes in the external action of the Union was the introduction of a new actor: the EEAS. The addition of the High Representative for Foreign Affairs and Security Policy make the EEAS somewhat similar to a national foreign service under the leadership of a minister of foreign affairs, although the EEAS has many other EU institutions dealing with similar issues to compete with. For instance, the goal of the EEAS was to ensure the consolidation of the external actions of the EU, yet several areas of external action such as trade, aid and climate policy remain under the control of the Commission. Similarly, the European Council has a significant grip on questions relating to foreign affairs and security policy, as do the individual Member States. This means that EU external policies now are formulated in four, instead of as previously three, institutional settings; in the EEAS, in the Commission, in the Council and in the Member States. Arguably this has hampered the fulfilment of the goal of a coherent European external action.

The EEAS is nevertheless a new important actor. One of the innovative sides to it is that it works in similar ways to a national foreign service, for example via its diplomatic representations in international organisations and in third countries outside the Union. For instance, local EU delegations represent the Union in the different UN

organisations, in the WTO, in the African Union, in the OECD, in the Council of Europe, and in the OSCE. The personnel of the EEAS are supposed to work together with the national foreign services of the Member States and are derived from the Commission, the Council Secretariat and through secondments from the Member States. The exact nature of the cooperation between the EEAS and the national foreign services is not set in stone but is rather an arrangement that every local EU delegation has to develop together with national diplomats on the ground.

The considerable vagaries regarding the potential, and the reality, of the EEAS's effect on the EU's role in world thus demands investigation into specific cases. A study of the EU's role in the OSCE post-Lisbon Treaty offers such an opportunity.

The EU and the OSCE

The OSCE is an international organisation consisting of 56 states from Europe, Central Asia and North America cooperating on questions related to conflict prevention, human rights and economic development, all within a broad concept of security. The OSCE is an organisation for states; international organisations such as the EU do not have the same legal and political possibilities to influence policies within it. However, special exceptions and arrangements in the internal rules of the OSCE have been made for the EU delegation to participate in the work of the organisation. Similar arrangements have been made in the United Nations where the EU for instance – unlike other international organisations with observer status – has been granted the right to speak in the General Assembly.

One of the most important tools of the OSCE is the organisation's field missions and field operations in troubled areas. This is also one of the most important assets seen in an EU perspective. The personnel of the OSCE field missions hold a significant amount of local knowledge, knowledge that is useful to both the EU delegations working in the countries concerned and for the Brussels-based offices working with these regions and countries. Effective cooperation with the OSCE field operations is

therefore in the interest of the Union, but equally or even more important for the EU is that the goals of the OSCE and the EU overlap and conform.

The main way for the EU to achieve coherence between EU policy and OSCE policy is through the local EU delegation and the national diplomatic delegations of the EU Member States in the OSCE. There is a close and relatively well functioning coordination between the EU delegation and the Member States. Already in the early 90's EU Member States started to coordinate their common positions and statements towards the OSCE and coordination continued from there. According to the diplomats working there, EU coordination vis-a-vis the OSCE is unusually frequent and institutionalized compared to other international organisations. One of the causes behind the early development of the coordination is the cyclic nature of the OSCE. Meetings are held every week at ambassadorial level and several expert groups meet on a monthly basis. The frequent interaction between the diplomats have provided the basis for the intense EU coordination.

The conditions for the EU institutions to be an active partner in the OSCE are therefore favourable. The already institutionalised forms of cooperation between the EU Member States should simplify increased engagement post-Lisbon Treaty. Against this background the EU in the OSCE provides a good empirical case for studying the promises of the Lisbon Treaty. Yet, there are still some challenges that have to be met before the EU can attain the goals of greater coherence, integration and influence in the context of the OSCE. One is the thematic duplications of the EU and the OSCE, another is the weak ability of the EU to find use of existing institutional tools and finally the gap between the political and the economic power of the EU in the OSCE.

The external representation of the EU

At the local level the EU delegations are supposed to lead the Member States and promote the collective interests of the Union. They are supposed to play a more

leading role than the rotating presidencies did, since the aim of the EEAS is to make the EU more visible and more decisive in international politics. The EU is supposed to set the agenda, formulate proposals and build alliances with other key actors. EU institutions were represented in international organisations and in third countries before the EEAS existed, of course, through the then-representations of the Commission. However, the Commission representatives acted within a very limited role. The nature of their work was passive and reactive rather than active and the representation did not deal with foreign and security policy in the same comprehensive manner as the present EU delegations. Their role was to observe and report on matters of concern for the Commission, which were mainly trade- and aid related issues.

Since the Commission representatives worked mainly behind the scenes as a link between the Commission and the Member States the external representation of the EU in the OSCE was mainly managed by the rotating presidency. After the treaty, changes in the EU delegation have meant that EU representatives have successively started to take over some diplomatic work, although the rotating presidency still plays an important role. However, since the personnel of the EEAS are derived from three different sources, the different background of the officials working within the EU delegations might obstruct the development of a common organisational culture. On the other hand, the long term mandate supposedly gives the delegations greater political leverage and enhances the impression of a coherent external representation of the EU.

Inferring from the interviews, the goal of a greater political impact after the creation of the EEAS has at least partially been reached in the OSCE. The two dominant powers of the organisation have traditionally been the United States and Russia, but in later years the EU has become the third key actor. Interviews with European diplomats in the OSCE revealed that the political power of the Union had grown with the new EU delegation. This power was however fluctuating and sensitive to changes in leadership and personnel. A 'reality-check' was given by some European diplomats

who in interviews commented that the added-value of the EEAS had not yet been realized. The EU delegation did the same work as the rotating presidencies had once done; some of the interviewees even thought that the EU delegation added complexity to decision-making and generated some confusion. In short, even if the EU on some occasions had taken the role of a political leader, it did not live up to the expectations of all the Member States.

Officials interviewed for this study also mentioned that the EU delegation did not have the same potency and standing that history and tradition had given the rotating presidency. It lacked powerful tools and its new institutional role was sketchy. This means that the delegation has few channels to work through. The main established channels are speeches, written statements and the weekly dialogue meetings with the partners of the EU – not many more vehicles for influence compared with pre-Lisbon Treaty times. Most diplomats interviewed thought that this was insufficient and argued that these channels had been less effectively used with the EU delegation in the lead as compared to the rotating presidency.

One way of giving the EU delegation a more pronounced role could be to fill it with more policy content. Programs and policies in other EU institutions relating to the work of the OSCE could be used to bring substance into the role of the EU delegation in the OSCE and contribute to a greater integration of EU programs and EU-sponsored programs running in different institutional settings.

Policy coherence

One of the aims with the creation of the EEAS was to make EU external action more coherent and integrated. Since large parts of the EU's external policies - defined as actual policies and the goals of those policies - still remain within the Commission, the Council, and the Member States, the EEAS was intended to bring these disparate policies together.

There are a number of EU policies and programs that have bearing on the work of the Member States and the EU delegation in the OSCE. The Neighbourhood policy and the Eastern Partnership, under the control of the Commission, are some examples. The Eastern Partnership Comprehensive Institution Building program is for example working in Armenia to strengthen national institutions. The EU Advisory Group also provides policy advice to the Armenian authorities in areas such as human rights, democracy, justice, freedom and security². At the same time the OSCE has an office in Yerevan, Armenia, working with the exact same questions³. Similar programs are run in parallel without any clear connections or cooperation. However, the effect of these multiple efforts would probably be bigger if the contents of one program fed into the content of the other one and if experiences were exchanged. This is an instance of common policies duplicating, rather than reinforcing, one another in the EU and OSCE.

Regardless, the Lisbon Treaty has had some positive effects in enhancing policy coherence. European diplomats in the OSCE reported that coordination with Brussels had become better post-Lisbon Treaty. They had more meetings together with the EEAS-personnel, giving the diplomats in the OSCE a better understanding of how their work related to the work in Brussels, but also how their work was different. It was described as a process of mutual learning and increased understanding, though the positive effects were mostly internal and not yet visible to the external partners of the EU. In the longer run, however, internal coherence may be on the rise and might have positive effects on the EU's external representation by laying the ground for a more consistent and efficient European foreign policy.

² http://www.eeas.europa.eu/armenia/index_en.htm

³ <http://www.osce.org/yerevan>

However, the interviews also revealed that many European diplomats in the OSCE felt that they were not appreciated in Brussels, that their work was not seen as politically significant and that the OSCE was not seen as an important partner for the EU. This perceived neglect from the side of the EU may explain why many projects in the EU and the OSCE seem to duplicate each other, instead of mutually strengthening each other. There were also examples that came up in the interviews pointing to disparities between the policies pursued in Brussels and in Vienna.

In short, the EEAS has so far not been the vehicle for coherence in EU external action policy that many hoped for. The main difficulties for the EU delegations and the EEAS in representing the EU seem to be the limitations on what they can properly interpret as 'their own' policy areas. The only policy area the EEAS can interpret as their own is the Common Foreign and Security Policy (CFSP). Important subjects such as aid and trade still lay within the Commission. To transfer trade from the Commission to the EEAS was never on the table, and the Commission also managed to keep (for the most part) control over the areas of aid and development. In the view of the Commission, the complete transfer of external action policy areas from the Commission to the EEAS might have risked important achievement made by the Commission in the past.

These issues relate to the overarching question about where to draw the line between foreign policy and other policy areas. In today's globalized world policy areas such as trade and fisheries have major implications for external action. What limits the EEAS is that it has been given a very small piece of the external action cake, and in practice, its own internal coherence is structurally compromised by staff continuing to represent different EU institutions.

As such, the main way for the EU to pursue a consistent line of policy in all institutional settings is to link the institutions and their different policies together. One way forward is to build an overarching rationale for common policies, within which individual policies can be linked more coherently. The idea is that if policies in

different institutional settings are led by the same priorities they will become more alike, which in turn will open up more opportunities for cooperation and interaction, also leading to greater political impact for the EU. Discussions about a European grand strategy are taking place in the political and academic sphere, for instance in the politically initiated project *European Global Strategy*⁴. The project seeks to formulate a global strategy based on the interests and values of the EU, with the aim to improve the Union as a global actor by giving it an idea about where it should be heading and by enhancing the political will to take it there⁵.

Furthermore, the EU needs to develop routines for allowing different institutions to work more effectively together, as has been done between the EU Member States in the OSCE and the EEAS headquarters. Routines for cooperation between EU institutions and even within different parts of the same institutions would make them more aware of how other institutions are working on the same topics, which in turn could generate synergies between projects and programs inside and also outside of the Union. While the idea of an overarching European strategy would work from the top to the bottom, the idea of developing routines for cooperation at all levels is bottom-up or horizontal. A common strategy would try to lead the work of the institutions from the top level by giving directions and setting up goals, but different parts of the EU institutions could also develop routines and structures for cooperation adapted to their specific institutional environment.

Integration of instruments

The hope with the Lisbon Treaty was not only that EU external action policy would become more coherent; the instruments – defined as the means used to achieve the

⁴ <http://www.europeanglobalstrategy.eu/>

⁵ Fägersten, Björn, *How grand is Global? Notes on a European Strategy*. Ui Brief n 14, 2012.

policy goals - would also be integrated via the EEAS. The Union has many instruments for external action at its disposal. Some examples are the bilateral relations and the financial instruments of the Commission and the economic and military power of the Member States.

The question is how many of those instruments are under the control of the EEAS. As mentioned above the only policy area the EEAS can claim as its own is the CFSP. The two main instruments within this area are diplomacy and the mechanisms inherent to the Common Security and Defence Policy (CSDP). Decisions relating to CSDP, however, lay in the hands of the Member States; the only instrument thus remaining for the EEAS being diplomacy. This explains some respondents who thought that all the EU delegation did was ‘talk’ and make written statement without backing the statements with actions. One diplomat put it in the words of the EU delegation being the ‘face’ of the Union; it sent political signals by speaking on behalf of the Member States, but behind the face there was not much substance yet. Even if some diplomats were critical of the situation, officials from the EU delegation claimed they were only trying to act within their policy mandate with the instruments the Member States had decided to give to it.

A pervading view among the diplomats in the OSCE was that the collective economic weight of the Member States – in the OSCE the EU Member States together pay approximately 70 percent of the organisation’s annual budget – created a demand for a bigger political responsibility at the EU level. Many respondents, in comparing the parity between the EU’s economic weight with its political instruments, pointed out a disjuncture: the economic power of the Member States was not reflected in the political power of the EU in the OSCE. Part of the explanation, according to some respondents, was the lack of direct EU financing in the OSCE. The OSCE is financed directly by the Member States and the Union as such is not sponsoring projects or contributing to the OSCE budget. Since the Union lacks the financial channels that the states have, it can only promote its interests through words and statements, which in the eyes of some officials makes it less powerful.

One way of increasing the political power of the EU in the OSCE could be to coordinate the financing of the Member States and to synchronise their priorities regarding the funding of projects and functions in the OSCE. The budget negotiations of the OSCE is still an area where the Member States more often speak for themselves rather than in concert through the EU delegation. Alternatively, the Union could gain more influence if at least some of the economic resources that went into the OSCE from the Member States were channelled through the EEAS instead of through national institutions. To let the EU become an influential political player in the OSCE, the Member States might also need to let go of or share some of their own economic and political control.

This is part of the broader dilemma: the EEAS possess no operational funds on its own, only an administrative budget covering costs such as personnel and offices. Since the Commission is responsible for the budget, the EEAS must always negotiate for extra funds. The work of the EEAS might become easier if they could directly manage the budget covering the CFSP, including not only the administration but also additional operational costs. This might give the EEAS greater political leverage since they in that case would be able to back up their words with actions.

Conclusion

The goal with the Lisbon Treaty in the area of external action was to make the EU a more efficient and powerful global actor by making its external representation more uniform, its policies more coherent and its policy instruments more integrated. The EEAS was meant to be a vehicle for integration, something that has not succeeded completely due to the limitations on what the EEAS can properly interpret as ‘its own’ policy areas and via which instruments the EEAS can represent the Union. Since there are still several institutions controlling the external actions of the Union, one idea is to achieve coherence by linking policies to overarching common priorities. Another idea is for the EU to develop routines for different institutions working

together, as has been done between for example the EU Member States in the OSCE and the EEAS headquarters.

If the Member States want the EEAS to be a more important political player at the regional and international level, the Member States might need to consider taking steps that allow for a drawing together of the EU's economic weight and political power. The EEAS may also need autonomy vis-à-vis the Commission in its managing of the budget. In short, small practical improvements seem the best way forward to ensure that the promises of the Lisbon Treaty are borne out in practice. Continued competition between institutions and Member States will neither strengthen the EEAS and the EU delegations, nor enhance the external action and representation of the European Union in the OSCE or any other international organisation.

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