

## **BÖLL TEA BRIEFING**

### **“Who Do I Call if I Want to Speak to Europe?” – The European Union’s External Relations Policy two Years after Lisbon: an Unchanged Melody?<sup>1</sup>**

*The Lisbon Treaty raised high hopes concerning the European Union’s role as a global actor. The new treaty was expected to enable the Union to carry out a more effective, visible and coherent foreign policy – after all significant changes in the organisation of the external relations of the Union had taken place and with the position of the High Representative for Foreign Affairs and Security Policy (HR), Europe finally had the “the single phone line” once so ardently wished for by Henry Kissinger. Almost two years after the entrance into force of the Lisbon Treaty, the feelings about the new European foreign and security policy are at best mixed. Catherine Ashton is widely regarded miscast in her role as HR, the EU’s hesitant maneuvering in recent crises (e.g. Arab spring) has been just as widely and often not so mildly criticised, the development of the European External Action Service is looked on as a chaotic and sometimes irritating mystery by many outsiders and insiders alike and there are also question marks behind the role of the EU president and the role of the rotating presidency (who, officially, has no role to play on Lisbon terms regarding foreign relations). In short, there is a lot of white noise on Europe’s ‘single phone line’. Of course, each new treaty is followed by an inevitable transitional phase, but how much time can Europe afford to get its act together?*

The main question in regard to the state of the EU’s External Relations Policy is not so much whether or not it is a success – there seems to be a wide consensus that it isn’t. Rather, research today focuses on the aspect of *why* it has failed to succeed so far and what could be done to improve the situation. Reasons for the perceived lack of progress can be found in many areas, starting with the Lisbon Treaty itself and reaching to more subtle areas like wrong selection procedures for staff hiring.

In an international context, what should have brought some clarity into EU foreign relations turned out to confuse people inside and outside the EU even more than they were before the Lisbon Treaty. While the effects of this confusion might not

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harm any of the Member States (MS) at all, the results in global politics are devastating. The failure of the EU MS to agree on a common resolution in regards to the events in Libya is just one indicator of this and if nothing is to improve, many more might follow.

### **Development of the EEAS in the light of the Lisbon Treaty**

The Lisbon Treaty was designed to make for a more effective and coherent EU foreign policy, but what we see today is that there are a lot of fights and struggles over competences. Who coordinates what MS do and who is allowed to speak on behalf of the EU? As in any other fields of politics, some countries have no objections to closer cooperation on EU level, while others vigorously defend every bit of sovereignty they still possess. In regard to foreign policy, the treaties themselves often don't explicitly state which competences shall remain with the MS and which ones are to be transferred to the EU. Some areas that were previously exclusively dealt with by the Commission are now partly being transferred to the EEAS. Although it might be a bit too much to speak of a renationalisation of EU foreign politics, the MS clearly claim a bigger role in some areas like development or neighbourhood policy than they had prior to Dec 2009. So if we assume that the MS weren't just inattentive, do we then have to conclude that these loopholes in the treaties were maybe even wanted by some MS to claim back some of their lost sovereignty?

We have to ask ourselves, why the MS transfer sovereignty to the EU in the first place. Besides factors like efficiency and economies of scale, the phenomenon of blame-shifting certainly does play an important role in this. If sovereignty is transferred to the EU – even just partially – politicians can from then on point at the EU and blame the supra-national level for tough decisions that had to be taken. Especially in the field of foreign policy, decisions are quite often hard, difficult, painful and unpopular and so it makes a lot of sense to shift the blame from the national to EU level. On the other hand, one could ask whether the MS actually did give up any of their sovereignty in this respect. If we look closely, it appears that the competences ceded to the EAAS in respect to foreign policy are very feeble indeed. Apart from the fact that Catherine Ashton appears to be one more foreign minister next to the 27 that were there before, important policy areas like trade policies have remained outside of the EEAS.

### **Unrealistic Expectations?**

Statistics for the past 15 years show that most Europeans do indeed want more common European security policy. But if you look deeper, you realise that they don't actually mean more 'common' security policy but more 'Swedish' policy in the case of Sweden, more 'French' policy for the French and so forth. When the Treaty of Lisbon came into force in 2009, expectations regarding the new CFSP were quite high, especially as it seemed to propel the federalist discourse. Federalists saw CFSP as a big step towards a state-like union, thereby maybe creating unrealistic expectations. The actual competences included in the Lisbon Treaty are far from establishing the EEAS as a single ministry for foreign affairs

for the whole of the EU. So the unrealistic capabilities-expectations gap might have contributed to a large degree to the frustration that many people nowadays feel for the EEAS. But seen from a bright side, the initial disappointment that people have felt may now help to create better preconditions for assessing the realities of EU foreign policies from a new angle. And with the presidency of smaller EU states (like Cyprus) on the horizon, hopes are that the EAS will be able to take over some of the policy coordination tasks for pragmatic reasons.

Another factor is the changing mood in Europe. On the way to the Treaty of Lisbon, there was an atmosphere of departure, an ambitious mood to reshape the face of Europe. But in the wake of the failed EU constitution and the financial crisis of 2008, the mood has changed. The process of ratification seems to have exhausted politicians and citizens alike, all over Europe eurosceptics are rising and the financial crises in Greece and other MS have also played their parts in undermining popular support for the EU. The creation of the EEAS, while being decided in an ambitious mood, had to take place in a sort of atmosphere of exhaustion. Other factors, unavoidably linked to the process of launching a new institution, also hindered success. In the long term, however, this might change and while many researchers nowadays are sceptic with regard to the achievements of the EAS, the hope seems to be that the CFSP might still turn into a success over time. After all, 10 years ago few people would have guessed to what extent CFSP would be established by now and what instruments already are available today.

### **Structure/Staffing**

Many a practitioner has blamed Lady Ashton, at least partially, for the failure of the EEAS. In the eyes of many observers, she lacks both ambitions for her office and a set of strong positions that would identify a clear alignment of Europe in the world. Being a woman of British nationality and with a social democratic background, Ashton seemed to be solely designated to contend different parties in Europe from the very beginning. But be that as it may, it is still dubious whether a different personality would have achieved more in the face of the strong structural constraints that come with the job. For instance, if Ashton appears weak in the middle east conflict, it is probably because she knows there is a very narrow political base to come up with a more ambitious position and if she does come up with a more ambitious proposal like the European Operational HQ, this is quickly dismissed because of the lack of assistance from the MS. If the High Representative is only the 28<sup>th</sup> foreign minister, than the position has no meaning and if Ashton is no 17 to go to Egypt, than she might as well not go. The lack of will to transfer responsibility to the EU on the highest level might be one of the biggest obstacles for a successful CFSP.

The Staffing of the EEAS poses somewhat of a challenge at the moment. Although it has been agreed that one third of the EEAS should be made up of traditional diplomats (also from the MS), the EEAS seems to have problems attracting exactly these people. This, of course, is a delicate issue because if you

want to hire the best people, these people will first have to leave their current job, which usually is with the MS. So the EEAS has to offer good salaries and benefits as well as be very attentive to the needs and concerns of the MS.

There also is a divide between diplomats and policy experts. On the one side, there are professional diplomats (be it from the MS or the EEAS) and on the other experts from the Commission. Clearly both sides – policy experts as well as diplomats – are needed to find optimal solutions. A high degree of specialisation is required for these specific issues and this expertise lies with the sectoral DGs or the ministries and these operate on a different kind of logic than diplomats are used to. Of course, there are disputes about the remits of these actors, just like on national level, and there is no easy solution to it. In today's world international policy touches upon almost every policy field and it's not clear to what extent the Foreign Affairs Council and its subordinate bodies are practically able to coordinate what is done in other council formations, nor what role the High Representative should assume in this respect. Decisions in this field will have to be taken on a one-to-one basis because a cross-the-board solution is impossible to realise if the principle of subsidiarity and all the complex shared competences are to be respected.

What also remains problematic is the lack of a controlling instance for foreign policy. The CFSP has of course remained outside the ECJ so the court cannot make any judgements on issues where CFSP and national issues are discussed.

### **The International Context**

What has been criticised frequently - and what was also meant to be solved with the Treaty of Lisbon - was the lack of a single phone line under which one could call Europe. But two years after the implementation of the Treaty, the situation hasn't improved much. The Commission delegations in third countries are all supposed to be replaced by EEAS delegations but, of course, the MS embassies will also remain in most cases. To further increase confusion, the role of the High Representative, the President of the European Council and the Presidency of the Council of the EU aren't clearly stated anywhere. It seems that the European Council has tried to take some lead in foreign policy, which could be evaluated in different ways. On the positive side, one could say that leadership by the European Council is exactly what EU foreign policy needs – political leadership. If the Heads of States manage to find consensus on a particular issue, the idea can usually quickly be worked out by the tools provided by the EEAS. It is *finding* that consensus that poses the real problem here because in theory, this procedure has obviously been available before the Treaty of Lisbon was ratified. This is exactly the downside of the European Council leadership: that the prospect of having 27 different MS struggling for agreement, each with a long and complex history of international entanglement, is not very comforting at all.

If Lady Ashton was to fulfil her role as an agenda-setter among the foreign ministers, the EU would first have to agree on a common strategy, which would have to include a list of priority countries and issues. It would have to decide that conflicts in certain regions or over certain issues concern Europe more than others and then act on that basis. But as seen in the case of Libya, the 'one voice' with which Lady Ashton was supposed to speak has never been realised. A crisis happening in Europe's own neighbourhood, with a UN mandate to intervene and the Arab League even asking for intervention – and still, the EU doesn't manage to act in a coherent way. To this day, it remains doubtful whether an intervention by some MS would have been successful at all, had the Americans not offered some initial support. And looking at NATO: without American leadership, the cacophony of voices in Europe becomes just as visible as on EU level. Indeed, some politicians have even said that CSDP is dead because of the German behaviour in the Security Council and looking at recent developments like the Franco-British Defence and Security Co-operation Treaty of 2010, the return to bilateral agreements instead of EU consensus seems to be attractive once more.

The EU has often claimed to be a preventive force, to step in before a situation escalates. But to do so, to act effectively on the international level, it lacks an intelligence gathering capacity. Instead, the EU has to rely on MS to share their information, which some (usually the smaller ones without much capacity) happily agree to do, while others (the ones who actually do have the information) are unwilling to share anything at all. In the end, Europe often has to rely on information given out by the US, which makes it half-blind in effect. In a situation like this, it is very difficult to plan ahead, not only militarily, but also in regards to diplomatic and economic efforts. By lack of an early warning system, the EU has to rely on the coincidence that a benign MS will have a plan ready in the drawer when an unforeseen situation arises.

One effect of this inability to plan effectively is the sole deployment of EU forces in missions that are designed not to fail and where it looks like the EU is doing a good thing. It could be argued that this is due to the fact that means are always limited, especially with a variety of issues at stake, as always is the case with 27 MS. But how long does the EU really want to stick to this strategy? Maybe the time for 'testing the machinery' is over and instead of performing 12 operations with almost no relevance, the EU should focus on one or two operations where it could make a difference. The effectiveness of EU forces in this respect would also have to be reconsidered and the much discussed system of pooling and sharing would have to be put to actual use.

## **Conclusion**

What all the different opinions, criticisms and assessments regarding CFSP after the Lisbon Treaty have in common is the positive outlook that most researchers and practitioners retain, despite the apparent lack of visible success. Declaring the current problems as start-up difficulties would definitely be euphemistic

because CFSP has existed for a long time by now and the problems at hand lie much deeper than just institutional issues. Still, it has to be recognised that a Common Foreign and Security Policy is likely one of the most ambitious goals the EU has ever set for itself and the hurdles on its way are obviously quite high. If the CFSP is ever to be successful, it must not become a naval-gazing activity where the EU simply states what it wants without taking into account how realistic that is in view of what is possible in the international context. Rather, it has to come up with a simple, basic strategy that all MS can agree on and with an EEAS structure that is build to follow through on this strategy. MS will have to dare to let the High Representative take the lead and although that doesn't have to mean that all particular interests are synchronised, there has to be some sort of unity. If the EU wants to be an actor on the world stage and take seriously its promise of promoting democracy, liberty and human rights, it has to come to terms with itself and get rid of national reservations. Undoubtedly, this would lead to a much more federalist character of the EU but instead of seeing this as a necessary evil, one could also look at the chances it offers for Europe and the world at large.



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This project has been funded with support from the European Commission.  
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