

All change or no change ?

Foreign policy after Lisbon

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Many aspects of the Lisbon Treaty lend themselves to radically different assessments. Its provisions relating to the involvement of national Parliaments in the European Union's legislative process can be regarded either as enhancing or restricting the role of national legislatures. The Charter of Fundamental Rights can with equal plausibility be seen as an inspiring commitment by the Union to the liberty and well-being of the individual citizen, or as simply a generalized litany of rights which are either already secure or too vaguely formulated to be enforced. The Treaty's extension of Qualified Majority Voting in the Council's decision-making is at first sight wide-ranging, but does not affect what is by far the most important remaining area of unanimous decision-making, that concerning fiscal matters.

The clauses of the Lisbon Treaty which bear on the external relations of the European Union have been similarly subject to widely differing interpretations. Those wishing to praise the Treaty frequently claim that it will enable to the European Union to pursue in its external relations a much more coherent, constructive and influential course than it can now. Those unpersuaded by this assertion point out that the Lisbon Treaty does little or nothing to change the existing decision-making structures of the Union in external affairs. Ironically, the Union's most enthusiastic friends and its most vigorous critics are to be found in both camps of analysis. There are radical Eurosceptics who predict that the Lisbon Treaty will destroy any possibility of independent external action by the Union's member states; and there are enthusiastic integrationists who fear that the Lisbon Treaty will do nothing to mitigate what they see as the chaos of competing national foreign policies.

It is clear that the Eurosceptics and integrationists cited above cannot both be right in their assessment of the Lisbon Treaty's impact. It is much more likely that both should be wrong, if in varying degrees. The juxtaposition of their contrasting expectations is however illuminating. The Eurosceptics and the integrationists can both point to central elements of the Lisbon Treaty to support their arguments. Article 24,2 of the new Treaty on European Union (amended by the Lisbon Treaty), calls on the member states to "conduct, define and implement a common foreign and security policy" accompanied by the "achievement of an ever-increasing degree of convergence of Member States' actions." The High Representative and the new External Service of the Union are entrusted with the task of bringing this about. Article 24,3 binds member states to mutual solidarity in support of the common foreign and security policy. Eurosceptic critics believe themselves on firm ground when they point to the ambitious rhetorical aspirations of the Lisbon Treaty, and the infrastructure set up by the Treaty apparently designed to achieve these ambitious goals.

Integrationists on the other hand do not have to look far into the Lisbon Treaty to see their opposite fears confirmed. Article 24, paragraph 1 of the new Treaty on European Union warns that "The common foreign and security policy is subject to specific rules and procedures." All that follows makes clear that these "specific rules and procedures" differ little from the way in which the Union's foreign policy has traditionally been conducted, with the role of national governments being predominant and consensual decision-making the overwhelming norm. In contrast to the broad policy domain of internal security, where the Lisbon Treaty marks the final abandonment of the intergovernmental consensual decision-making introduced by the Maastricht Treaty, the Lisbon Treaty largely maintains for external affairs the decision-making procedures which have been in force since the Maastricht Treaty's signature in 1991. The Lisbon Treaty emphatically does not take one step that integrationists would have wished it to take, namely any significant extension within the area of foreign policy of the traditional "Community method" of decision-making. Had the Union's governments been willing to accept

such an extension, it would have been a powerful signal of their renewed commitment to making a reality of their proclaimed goals in the field of European external policy. In the event, the signals of commitment they have given, essentially the reinforcement of the powers of the High Representative and the setting up the External Action Service, are much less definite. It is the evolution and functioning over the coming years of the reinforced post of High Representative and the new organization of the Action Service that will determine the real impact of the Lisbon Treaty on the Union's foreign and security policy.

Few definite conclusions as to the future course of events can be drawn from the circumstances surrounding the appointment of Lady Ashton as High Representative. It is perhaps disappointing that in choosing Lady Ashton the heads of state and government do not seem to have asked themselves simply who would have been the best possible candidate as the new High Representative. Lady's Ashton's appointment was clearly the result of an agreement between the members of the European Council which concerned not merely her post, but that of the non-rotating President of the European Council as well. It may have seemed to many members of the European Council that the combination of a Christian Democrat candidate from a smaller country, Mr Van Rompuy, and a Labour candidate from a larger country, was an attractive one. Such calculations can hardly be surprising to even superficial observers of the European Council's traditional procedures for making appointments. But the manner of Lady Ashton's appointment is an early reminder that national governments fully intend to be intimately involved in the evolution of the European foreign and security policy. It may even be that some members of the European Council believed that their leading role in this field would be protected by the appointment of a relatively inexperienced person with little in the way of personal power and authority beyond that given her by the member governments. The criticism to which her conduct in office has already been subjected, in which certain national governments have at least acquiesced, may equally reflect some such calculation of perceived national interest.

Whatever Lady Ashton's personal merits or shortcomings, it would however be a trivialization of the debate if discussion of the European foreign and security policy after Lisbon concentrated excessively on her personal position. Individuals can grow in competence and authority with time, as did Mr Solana. On occasion, the weight of office can prove unmanageable even for initially promising office-holders. Subjective impressions of Lady Ashton's initial competence are infinitely less important than the fact she has been appointed to a post with significant responsibilities, and significant resources to carry them out. At a time when there is so little objective data on how well she has carried out her new responsibilities, it is much more useful to consider in greater detail the nature of these responsibilities and ask what the objective likelihood is of anyone's holding her office being able to carry them out.

The most important new power given to Lady Ashton which her predecessor did not possess is that of chairing the meetings of the Foreign Affairs Council and the right to make proposals to this body. She will then be obliged to carry out the instructions she receives from the Council, but her capacity to shape those instructions will clearly be enhanced by her chairmanship of the Council and her right of initiative. If she is able regularly to construct a robust consensus within the Council, leading to clear instructions for her to represent a distinctive position of the European Union in global and important bilateral fora, then she will have carried out much of the responsibility conferred upon her by the Treaty of Lisbon. She does not yet however possess the crucial instrument given to her by the Lisbon Treaty for the execution of these responsibilities, the European External Action Service. It is only when this Service is established and has been functioning for a reasonable period of time that it will be possible to judge Lady Ashton's personal success and the viability of her new post.

In much comment on the role of the Action Service, emphasis has been laid upon the representative function of the new body, in providing the personnel for the European Union's representations abroad, now baptized as "embassies." This part of the Service's work is not unimportant, both as a political symbol and to act as a point of co-ordination for the European Union's activities in countries where a number of the Union's agencies and member states are involved in projects of the Union such as development, peace-keeping, emergency aid, police training and the strengthening of civil society. But for a number of years to come there will be considerable limitations upon the Service's scope for representative activity. In the most important countries of the world, all member states of the Union will continue to maintain their own national embassies for the foreseeable future. Some member states may be prepared in some countries to entrust all their diplomatic representation to the embassy of the European Union, but this will be the exception rather than the rule. It is a familiar criticism of the Union's action in third countries that it is ill-coordinated, and to the extent that the Action Service can act as an effective co-ordinator, then that can only be welcome. But co-ordination of the Union's activities in third countries is crucially dependent upon co-ordination within the European Union. It cannot be stressed too often that the most important task of the Action Service, particularly in its first years, is to facilitate internal cohesion and co-ordination within the European Union, both among the Council and among the Union's institutions. This is only apparently a paradoxical task for an External Action Service.

If the European Union is to increase its power and influence within the world, two preconditions must be met, both of which are challenges to be mastered in Europe and nowhere else. The member states of the Union must be more willing than they been until now to present a united front to the world on the widest possible range of regional and global issues. There are some issues on which the Union has had some success in demonstrating its unity to the rest of the world, such as climate change and trade policy. But there at least as many issues, such as energy provision, the trans-Atlantic relationship and regional security, on which major differences of analysis and policy preference exist within the Union. Unless and until the European Union has a clearer message to convey on these vital questions, an External Action Service cannot be a useful interlocutor outside the Union's borders. In the same way, greater coherence between the existing actions of the Union in third countries can only be brought about by greater administrative coherence in Brussels and national capitals. The signatories of the Lisbon Treaty showed their awareness of this latter consideration by giving the High Representative a double affiliation, both as chairman of the Foreign Affairs Council and as a senior member of the European Commission. Their clear hope was that this double affiliation would lead to better co-ordination between the Commission and the Council, rather than to schizophrenia in the mind of the High Representative.

There is little chance that the High Representative will be able to meet the two preconditions set out above without the vigorous help of the External Action Service. Her capacity to generate within the Council a consensus which is not merely formal or rhetorical will depend crucially upon her knowledge of the real starting-points of the member states and her ability creatively to combine apparently differing emphases in these starting-points. Only the External Action Service can provide her with the necessary support in these functions. Where no consensus is objectively possible, the Service will of course be unable to create it. Where, however, some inchoate desire for and possibility of consensus exists, it will be the role of the Service to nurture this desire and encourage this possibility. Reference is often and rightly made to the likely dependence of the High Representative on the "political will" of the member states. It will be the central task of the Action Service to ensure that for any given quantum of "political will" from the member states, the maximum possible degree of consensus can be extracted from it. Similarly, the High Representative will wish to ensure that the Action Service is a factor for integrating and co-ordinating the work of the various Directorates General of the Commission. Contradictory views and policies within as important an institution as the Commission are every bit as damaging to external perceptions of the European Union as is disunity between the Commission and the Council, or among the member states.

At the time of writing, controversy continues about important elements of the new Action Service's structure. Given its centrality to the High Representative's role, there is much to be said for a quick resolution of outstanding issues, with decisions taken now subject to review in the light of experience. It would be a pleasant change for the European Union's partners, after the abortive ratification process of the Constitutional Treaty and the protracted ratification process of the Lisbon Treaty, to find that the Union was capable of acting efficiently and speedily in implementing the latter. Two pitfalls should be avoided in the setting up of the new Service, the temptation to view the new organization in the light of national models for diplomatic services; and any attempt to fight again the institutional battles leading up to the signing of the Constitutional and Lisbon Treaties. It is entirely unhelpful to describe any proposed structure for the Action Service as corresponding to a French, German or British model. If it is to be successful, it will need to adopt elements from many national traditions, weaving together strong political direction, administrative coherence, representative authority and technical expertise. To imagine that any of these qualities is the privilege of any one national diplomatic service is offensively implausible and likely to prevent rather than facilitate rational decision-making.

Nor should it be assumed that the underlying institutional balance for the Union's external policies established by the Lisbon Treaty can be overthrown by the back door of the Action Service. For better or worse, the Treaty maintains in the Union's Common Foreign and Security Policy the existing largely intergovernmental structure of decision-making. The Action Service will and should reflect this reality. It is the servant of the High Representative, with her double affiliation to the Council and to the Commission. Any attempts to turn the Action Service into an extended arm of the Commission are condemned to failure. The Lisbon Treaty contains much that extends the role of the Union's central institutions. Those who favour such institutional integration will have over the coming years much more scope for their enthusiasms in the fields of internal security, the European single currency and the setting up of genuine European political parties than in the Common Foreign and Security Policy.

It is sometimes said that diplomats divide the world's problems into those which it is premature to try to solve, and those which it is too late to try to solve. The history of the Union's Common Foreign and Security Policy after the Lisbon Treaty certainly falls into the first category. Gossip about Lady Ashton and wounded pride that President Obama might not attend a European Council are poor guides for any objective assessment. Nor is it plausible to expect that dramatic changes in the Union's external impact can be achieved in short order. The Union's complex relationship with Russia, for instance, will not cease to be a matter of controversy within the Union because of clever drafting from the Action Service. It is not however far-fetched to hope that in five years time Lady Ashton's successor will inherit a set of external policies and relationships for the Union which are noticeably more coherent and co-ordinated than those she inherited from her illustrious predecessor. If that is so, it will represent an undoubted success for the Treaty of Lisbon.