

## **International conference**

### **The external relations of the EC/EU (1957-2010): research perspectives and archival sources**

**18-19 December 2014**

#### **Talking points**

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- Brief overview of the genesis of ESDP/CSDP and its evolution in the last 15 years;
- The main features of the EU's common foreign, security and defence policy after the entry into force of the Lisbon Treaty;
- The challenges and main avenues for a research agenda in this sectors for the years to come.

Analysing the genesis, evolution and current status of the EU's foreign, security and defence policy and investigate whether its model is still valid and unique, compared with other international and regional actors, remains a challenge for scholars and experts.

Conceptualizing EU security and defence policy is extremely difficult, due to its multi-layered and multi-dimensional nature, and requires a constant engagement with both theory and empirical analysis.

This complexity derives in part from the hybrid internal nature of the EU, an organization that combines intergovernmental and supranational features. But it is also the result of a non-linear evolution, which has been influenced by the need to react to external factors, namely the changing international context and actors.

With the development of ESDP as a part of CFSP with the Maastricht Treaty, the EU has defined its own specific framework for external action that is now in the process of refinement after the entry into force of the Lisbon Treaty and under the provisions of the CSDP.

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The first period, after the 1998 Franco-British St. Malo's declaration and the European Council in Cologne in June 1999, was characterised by basic institution building, the creation of fundamental structures as well as the definition and implementation of civilian and military capability headline goals.

The adoption of the European Security Strategy in December 2003 represented a key step towards the identification of the main challenges and threats that the EU must be able to face to be a credible actor in a changed international environment.

Simultaneously, since the launch of its operative phase in 2003, a number of different ESDP deployments have been initiated, among which many have already been successfully completed. So far the EU has deployed 22 civilian missions, 9 military operations and one civilian-military action within the framework of ESDP/CSDP.

The entry into force of the Lisbon Treaty on the 1<sup>st</sup> of December 2009 has opened new perspectives for the EU's Common Foreign, Security and Defence Policy. The innovations in the field of foreign, security and defence policy are probably the most relevant of the Lisbon Treaty. It has been calculated that, of the sixty-two amendments to the previous treaties introduced by Lisbon, no fewer than twenty-five concern CFSP/CSDP (Jolyon Howorth, 2011, p. 304).

At the same time, it must be recognized that the origin of these provisions dates back to the Draft Treaty establishing a Constitution for Europe of July 2003: they were conceived at a time of "confidence and optimism" (Stefan Lehne, 2011, p. 2) on the future of the EU, which subsequently clashed against the rejection of the Constitutional Treaty first and the difficult ratification process of the Lisbon Treaty afterwards. Their implementation is taking place in a completely different political environment, characterized by a deep financial and economic crisis and the uncertainty about the future of the euro, both of which have a heavy impact on European integration and particularly on the EU's foreign policy (Stefan Lehne, 2011 p. 2).

Among the most innovative provisions, we can name: the creation of a *permanent European Council President* (elected for two-and-a-half year mandate, renewable once), which will replace the six-month rotating presidencies; the nomination of a *double-hatted High Representative for Foreign Affairs and Security Policy*, which would combine the functions exerted in the past by Javier Solana and those of the Vice President of the Commission with a mandate on external

relations; the creation of an *European External Action Service*, including functionaries from the EU Council, the European Commission and the diplomatic services of Member States; the establishment of *Permanent Structured Cooperation* in the area of defence, through which willing and able EU member states would work together to improve their military capabilities, vis-à-vis the most demanding crisis management missions; the *improvement of the European Parliament's role* in the field of CSDP, and particularly in civilian crisis management.

It is worth noting also the abolishment of the pillar structure created by the Maastricht Treaty and the related formal recognition of the legal personality to the EU (Article 47 TEU), which absorbs the legal personality of the European Community.

The Lisbon Treaty explicitly places the Common Foreign and Security Policy – and the Common Security and Defence Policy as a part of it – in the broader context of the EU's external action, which includes different areas ranging from development cooperation and humanitarian aid to commercial policy, enlargement and neighbourhood policy. Moreover, the Treaty establishes a precise link between these areas and the external aspects of other policies that were traditionally defined as internal domains such as energy, environment, migration and so on.

The cornerstone placed by the Lisbon Treaty in the definition of the Union's external action is the principle of “consistency” – between its different areas and between these and its other policies – and the attribution of responsibility over its implementation to the Council and the Commission, assisted by the High Representative for Foreign Affairs and Security Policies (Article 21.3 TEU).<sup>2</sup> In this provision, the Treaty sets the framework of reference for the external action of the EU, both in terms of policies and institutional set-up.

Nevertheless, under the Lisbon Treaty, the Treaty on the Functioning of the European Union (TFEU) and the Treaty on European Union (TEU) remain two distinct entities, while most of the provisions relevant for the CFSP and the CSDP are ring-fenced in the TEU. The CFSP, which covers “all areas of foreign policy and all questions related to the Union's security”, and CSDP are both included in the overall scheme of the EU's external action, but at the same time they remain different from the other policies and “subject to specific rules and procedures” (Article 24.1 TEU).

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<sup>2</sup> The concept of consistency between the external policies of the European Community and the policies agreed in the European Political Cooperation (EPC) was introduced for the first time in the Single European Act, Article 30.5. The provision was taken up with reference to the Union's external activities as a whole in the context of its external relations, security, economic and development policies by the Maastricht Treaty, Article C, and slightly amended by the Amsterdam Treaty, Article 3. The 2004 Constitutional Treaty maintained the principles of consistency between the different areas of its external action and between these and its other policies in article III-292.

This is clarified in the specific provisions on the Common Foreign and Security Policy and can be summarized as follows:

- pre-eminence of inter-governmental institutions (namely the European Council and Council of the EU) over supra-national institutions (European Commission, European Parliament, Court of Justice) in its definition and implementation assigned to the High Representative and Member States;
- unanimity as the main decision-making rule; and
- exclusion of the adoption of legislative acts.

Against this background, what is the best approach to study the recent evolution and current reality of CFSP/CSDP? What are the key questions to address in order to grasp its nature and possibly outline future trends?

- 1) The analysis of the formal changes introduced in the institutional architecture of EU foreign, security and defence policy by the Lisbon Treaty are only one side of the coin and should be complemented by the assessment of the dynamics of informal institutionalization in this field, in particular within the newly created EEAS.

The process of institutionalization is particularly useful to assess the transformation of EU foreign and security policy from “an informal, intergovernmental gentleman’s agreement with unwritten rules into a system of formal and informal legal obligations” (Michael Smith, 2004, p. 11).

Looking at the new actors and institutional set-up introduced by the Lisbon Treaty, the creation of the European External Action Service is undoubtedly the most significant innovation and can become the linchpin of such system and generate new dynamics on formal and informal institutionalization in this field.

However, the creation of an “*esprit de corps*” and the development of a collective purpose within the EEAS is still work in progress. On one side, personnel coming from the European Commission – mostly from DG RELEX – into the new Service is experiencing difficulties

in adapting to the new framework, in which the influence of Member States is much more pronounced and it is not possible to maintain the independence experienced before. At the same time, personnel coming from the diplomatic services of Member States are going through a troublesome process of integration in the EU architecture. On its side, former staff of the Council Secretariat of the EU is reticent to accept the bureaucratization imposed by the preponderance of Communitarian procedures in the new Service and complains about the lack of political and diplomatic experience of former European Commission personnel in its relations with Member States' representatives.

In general, the internal functioning of the EEAS is still characterized by a prevalence, on one side, of routines inherited from the General Secretariat of the EU Council in crisis management structures and, on the other side, of Communitarian culture in Geographic Departments and human resources. The establishment of the new institution has not yet produced the expected results in terms of coordination and coherence of the different strands of the EU's external action.

It still remains to be seen if the institutionalization of the new Service will be able to compensate the lack of harmonization of "legal and procedural approaches to handling international issues in the EU" (Stefan Lehne, 2011 p. 7) through the creation of informal mechanisms of cooperation among the relevant actors.

- 2) Moreover, the investigation of the decision-making process – combining elements of traditional intergovernmental bargain with a high degree of institutionalisation, socialisation and Brusselsization – should be accompanied by the evaluation of the mode and degree of interaction among the various centres of power – including governments, bodies in the EU Council and Commission, the newly-created External Action Service, as well as semi-independent agencies and non-governmental organizations.

Before the entry into force of the Lisbon Treaty, the guidance of the EU's security and defence policy was a responsibility of the High Representative for CFSP and the Member States, with some of them at the forefront. In particular, the contribution in terms of political initiative and operational input provided by the HR Javier Solana in the field of security and defence is judged as one of the primary sources of ESDP activism until 2008.

With the Lisbon Treaty, ESDP has formally evolved into CSDP, but it is fair to say that, at least for the time being, it remains firmly in the hands of Member States, not only for strategic decision-making, but also at micro-management level.

With the former HR/VP preoccupied with complex institutional set-up and the EEAS still in search of its identity, the post-Lisbon CSDP agenda has remained predominantly decided by the most powerful Member States.

On her side, the former HR/VP, which shared the power of initiative with Member States in this field, has not made fully use of her prerogatives. Most of the commentators agree on the fact that Catherine Ashton “got off to a bad start” at the beginning of her mandate. The profile of the HR/VP did not grow stronger during the Arab uprisings started in December 2010 and the Libyan crisis in the Spring of 2011, when the HR/VP failed to articulate a collective position and to promote a military intervention led by EU, thus relegating the Union in a back seat to Member States, the US and NATO (Jolyon Howorth, 2011, pp. 318-321).

As far as the EEAS is concerned, it remains a big investment for the EU, which still has to bear the expected fruits. More than a political organ, the Service has so far played a role of secretariat for Member States in this particular field. One can go as far to say that in the attempt to systematize the mechanism of rotating presidencies into a static framework, which derives from the organizational approach of the European Commission and has been modeled on the basis of the DG RELEX structure, the EEAS has not been able to effectively incorporate the intergovernmental aspects of CSDP. As a result, the system has gained in consistency at the expenses of innovation, because the incentive for initiative on the side of Member States is lost.

For example, it must be underlined that Member States have shown decreasing attention and reduced their investments on human and financial resources in EU foreign policy and CSDP missions.

- 3) Finally, in order to explain in a comprehensive manner the EU's security actorness on the international stage in security and defence sectors, it is important to fully assess the impact produced by external dynamics, such as its interaction with the security environment and with other security actors – national, regional and global. These external dynamics are constitutive elements of the EU's identity as a security actor and exert an influence on the evolution of EU integration in this field.

It is self evident that the current international environment has a direct influence on EU foreign, security and defence policy mainly due to the economic and financial crisis that the Western world is experiencing. EU Member States are less willing to invest in the deployment of EU missions, are engaged in a long-term reduction of military capabilities and are less keen to authorize the employment of civilian personnel abroad. In this situation, the tendency in the EU is to adapt goals to means. At the same time, the ongoing crisis has the potential to encourage deeper integration among security actors in the EU, with a view of pooling and sharing scarce resources in a more effective way, thus boosting the Union's role as an international crisis manager.

Another major development to take into consideration is the gradual shifting of the international strategic balance, with the US redirecting its security concerns from the Atlantic to the Pacific, "leading from behind" when crises occur in the EU's neighbourhood and asking the EU to act more and more as a security provider (i.e. in Libya, in the Balkans, in Ukraine).

At a first sight, the post-Lisbon EU seems incapable to conduct a strategic reflection on these changes and more incline to adopt a survival mode. This belief has been reinforced by the inability of the EU to elaborate a timely and effective strategy to respond to a number of recent crises, from Libya to Syria to the resumed hostilities between Israel and the Palestinians in the Middle East. This posture significantly limits the EU's capacity to manage emerging trends and is producing a negative impact on the EU's attractiveness as a catalyst of stability and peace. This tendency can be overturned only by triggering debate and building consensus on a new EU strategic concept.

Projecting the EU's presence on the international stage would imply first and foremost a thorough reflection on both shared values and common interests that shall underpin the EU's

external action. The strategy should also suggest ways for the EU to accomplish its vital interests in a polycentric world in which old and new powers co-exist and compete to defend their views. Finally, a new strategic document should provide indications on the use and possible improvement of the varied set of instruments and capabilities through which the EU could pursue its values, interests and objectives globally. In particular, it shall refer to ways in which the EU could ensure the full exploitation of the potentialities of the Lisbon Treaty concerning different institutional aspects and propose a synergic implementation of the EU's toolbox through the effective combination and sequencing of rapid reaction means with longer term engagement.

Therefore, to conclude, an analysis of the key elements of a new strategy for the EU's foreign, security and defence model in the post-Lisbon phase should be at the centre of the research agenda and political dialogue among stakeholders in Europe and beyond for the next years.

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