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The EU's Security and Defense Policy a Decade after Lisbon

Raised Expectations, but the Same Internal Struggles

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The Lisbon Treaty heralded new ambitions and advances in the formation of the European Union's Common Foreign and Security Policy (CFSP). The treaty's institutional changes smoothed cooperation, created an EU diplomatic service, and laid the groundwork for Permanent Structured Cooperation (PESCO). At the same time, these changes did not increase the EU's visibility as a global actor. Common Security and Defense Policy (CSDP) missions have become more low profile; the High Representative position has not "stopped traffic"; and academics, politicians, and the media have often criticized the CFSP for not living up to expectations. Since two women have held the post of High Representatives since Lisbon, sexism has most likely played a role in assessments of EU foreign and security policy. The continuing internal struggles of the EU, while not surprising, disappoint in light of the raised expectations of the Lisbon Treaty. That said, as the EU's foreign and security policy is driven by member states, the blame ultimately lies at their feet. Their attention was diverted by the eurozone crisis, Brexit, and efforts by many political leaders to court U.S. President Barack Obama. On the other hand, Donald Trump's swearing in in January 2017 lit

a fire under the feet of many politicians, pushing them to agree to a more integrated defense policy by December of that year. Such quick movement demonstrates that the EU can make progress on security integration with enough political will.

This chapter begins by identifying the problems with CFSP that the Lisbon Treaty was intended to address. The next section then specifies the exact changes made and the rationale for them. The third section documents the EU's achievements and setbacks in the area of CFSP/CSDP in light of Lisbon. The chapter concludes by assessing the EU's role as a global actor and its prospects for the future.

"Asserting Its Identity on the International Scene": Expectations for the EU's Common Foreign and Security Policy

With the end of the Cold War and the signing of the Maastricht Treaty on the European Union (1993), the EU, with its new Common Foreign and Security Policy, promised "to assert its identity on the international scene."[1] Shamed by its inability to act during the Gulf War, the CFSP was supposed to establish a framework within which the EU could pool its resources and capabilities to increase its visibility and influence in the world. The CFSP, known as pillar II, was one of three pillars of the EU, along with the European Communities (pillar I) and Justice and Home Affairs (pillar III). This separation allowed member states to dominate foreign and security policy, thereby releasing it from the Community method and reducing the influence of the European Commission and the European Parliament in this area. The CFSP has remained member-state driven, and governments are loath to relinquish any decisionmaking power over national security issues.

However, this division, while expedient, caused its own structural and financial problems. The European Commission's Directorate General I—External Relations (RELEX) existed long before the CFSP. Therefore, it was the Commission that had all the foreign and security policy instruments at its disposal, including technical assistance, development assistance, humanitarian assistance (ECHO), and mechanisms for civil protection including dealing with disasters. Traditionally, the Commission has provided training, technical advice, mentoring, election monitoring, and other services to foreign countries. As a result, the Commission employs 25,000 people and has a budget of several billion euros. Naturally, without such structures or support, the CFSP is much more limited in scope.

The CFSP, administered by the member states in the European Council, was to deal with security matters, loosely defined. Originally, under Maastricht, the member states foresaw that civilian aspects would remain under the Commission, while hard security and military aspects would be placed in pillar II. In 1995, with the accession of Sweden, Finland, and Austria, three neutral countries, the new members took the opportunity to have the Petersberg declaration of 1992, which included humanitarian tasks, incorporated into the revised Amsterdam Treaty on European Union, making the CFSP more civilian in nature.[2] This change also helped the member states financially: the civilian actions could come from the Commission budget whereas any activity under the CFSP/Pillar II or military in nature had to be funded separately by the member states. Some member state governments saw this as double-taxation, as the Commission budget is already a product of member-state allocations.

Reiterating the EU's need "to play its full role on the international stage," the Saint-Mâlo declaration (1998), which brought the United Kingdom and France into alignment on security and defense policy, called for the EU to have "the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises."[3] To this end, the member states agreed to the formation of a Policy Planning Unit to coordinate action overseas and to appoint Javier Solana as the first High Representative for the CFSP. To help the fledgling policy unit and to quash rumors that there would be a rivalry between the Commission and the CFSP, Chris Patten, the EU commissioner for external relations, deferred to his friend, Solana, and let Solana's office take the lead in foreign and security affairs. Solana's vision was to create a series of European, later called Common, Security and Defense Policy missions where the EU could "act," thereby "asserting its identity on the world scene."[4]

Around this time, the Council of the European Union (or Council) began taking these civilian aspects of foreign policy out of the hands of the Commission. Further complicating the distinction between pillars I and II, the Feira Presidency Conclusions of 2000 explicitly placed four areas of civil crisis management (police, civil administration, civil protection, and judicial development) under the auspices of the CSDP, despite the fact that, heretofore, they had been managed by the Commission.[5] To make matters worse, the conclusions did not specify whether Community method or intergovernmental method should be used, thereby creating a "no-man's land."

This no-man's land created duplication and anomalies. Both the Commission and the High Representative could appoint an ambassador. The Commis-

sion ambassadors represented EU trade and development policy while the High Representative's special and personal representatives embodied the CFSP and ESDP. The pillar problem also affected the EU's ability to react to international crises by hindering coordination of the different elements needed. Development aid and humanitarian assistance fell under the Commission and pillar I; foreign, security, and defense policy fell under pillar II; and policing and rule of law missions fell under justice and home affairs in pillar III. In 2005, in a joint report to the UK presidency of the EU, two NGOs, Saferworld and International Alert, wrote,

> The EU's institutional structure inhibits coherent action towards fragile states. Due to its problematic "pillar" structure, the EU continues to lack the necessary coordination to maximise the potential of its instruments. This institutional disconnect between the Commission and the Council means, for example, that complementary conflict prevention and development programming [are] not integrated into the strategic and operational planning of CFSP crisis management operations [emphasis in the original].[6]

If the EU were to be an effective global actor, the Union would need to revise its institutional structure to consolidate its external action divisions and to speak with a common voice.

Lisbon Treaty Reforms and Innovations

The French and Dutch rejections of the Constitutional Treaty in 2005 were the equivalent of the EU governing elite losing a vote of confidence from the people. To regain the people's trust, EU politicians emphasized the practicality of a European foreign and security policy. Benita Ferrero-Waldner, European commissioner for external relations, said that the EU had taken advantage of the pause after the constitutional failure "to reconnect with our citizens' most important concerns—security, stability, prosperity and a stronger EU in the world. We recognize that what our citizens want is results. So we are concentrating on concrete achievements to show that the EU is part of the solution and not part of the problem. And to show that rather than an 'old continent,' unable to respond today's challenges we've become a relevant dynamic power."[7]

Presumably, Solana understood the concept when he called for "legitimacy through action" and a "result oriented" pragmatism to gain the citizens' confidence.[8] Chris Patten, then no longer commissioner for external relations, concurred: "The EU's credibility will be greatly enhanced if it can demonstrate its

contribution to the safety and security of its citizens."[9] He continued, "I am confident this debate will be one of the most appealing to European citizens, one which will make them feel more and more 'euro-activists.'"[10]

Therefore, with regard to CFSP, the major goals of the Lisbon Treaty were to coordinate, consolidate, and rebrand so as to address past problems of coherence and cohesion, pool resources, and relaunch the EU, with some fanfare, as a major actor on the world stage. The Lisbon Treaty introduced the umbrella term "external action" to describe the EU's foreign policy instruments, including development aid, humanitarian assistance, and foreign and security policy.

The Lisbon Treaty opened with the EU promise to work toward a high degree of cooperation in order to achieve a wide array of ambitious goals ranging from "national" security to safeguarding the EU's "fundamental interests, security, independence and integrity" to international security, including the preservation of peace and prevention of conflicts. In addition, the EU pledged to take a multipronged approach toward development, with the primary aim of eradicating world poverty, while promoting sustainable development. At the same time, the EU encouraged "integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade."

Furthermore, the member states also enlarged the Common Security and Defense Policy mandate by expanding the Petersberg tasks, which now included "joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories" (article 28 of the Lisbon Treaty).

With such ambitions, the EU could not achieve its goals without a leader at the foreign policy helm, that is, a foreign minister. With so many competing lines of executive authority, ranging from the High Representative to the European Commission president to the rotating Council presidency, held every six months by a member state, EU foreign policy was often disjointed. The Lisbon Treaty clarified the institutional lines by having the High Representative replace the rotating president as chair of the Foreign Affairs Council. In addition, the High Representative would represent the EU at international organizations and conferences. Another problem was the division between the Council, which decided on actions, and the Commission, which had the expertise and administrative structures to execute the missions. The pillar structure also clouded

executive authority over civilian and military missions. Therefore, the new and improved High Representative would be double-hatted, also serving as a vice president of the Commission. The decisionmaking structure would not change. For CSDP issues, the Political and Security Committee (PSC) would still make decisions regarding CSDP missions. However, by straddling both institutions, with one foot in both the Council and the Commission, the High Representative could have greater access to "national resources and Union instruments, together with the Commission where appropriate" (article 27), as well be able to "ensure the unity, consistency and effectiveness of action" (article 13).

However, the High Representative would need more than two titles to implement EU foreign and security policy. Therefore, the Lisbon Treaty established a European External Action Service (EEAS) to house all the necessary departments to execute policy:

> In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission (article 13a).

The Lisbon Treaty also established structures to facilitate member-state cooperation and coordination in the area of foreign and security policy. Article 17a established the protocol of a "common approach." The European Council or the Council would define a common approach, and the member states promised to coordinate their activities within the Council. Moreover, the Lisbon Treaty used the word "shall," obligating the member states to cooperate and "contribute to formulating and implementing the common approach."

In addition, the Lisbon Treaty created the framework for PESCO where member states could pledge to work on security and defense issues in a subgroup that would make decisions by qualified majority voting, once established. Similar arrangements have existed, for example, the Eurocorps in Strasbourg, France, and other battlegroups that now rotate for duty as part of the EU's rapid reaction force, albeit not under this formal structure. Lisbon formalized and codified procedure for further and future cooperation. Lisbon also allowed for "coalitions of the able and willing" so member states could take action in the

name of the EU when other member states abstain. This innovation codified a stop-gap measure for when some member states wanted to take a specific action at short notice.

Finally, Lisbon included a mutual defense clause, akin to that of the Cold War institution, the Western European Union (WEU). The WEU's mutual defense clause obligated countries to come to the aid of their ally in the event of an attack. While the obligation to aid and assist by all means in their power is binding on all EU member states, it neither affects the neutrality of a member state, for example, Ireland, Sweden, Austria, or Finland, nor any NATO obligations. The mutual defense clause is complemented by the solidarity clause,[11] where EU countries are required to help when a fellow member state is the victim of a terrorist attack or a natural or man-made disaster.

Finding many of the Lisbon Treaty changes cosmetic rather than substantive, Vasilis Margaras titled her analysis "Common Security and Defence Policy and the Lisbon Treaty Fudge: No Common Strategic Culture, No Major Progress."[12] Margaras is correct that the Lisbon Treaty's changes could not paper over member-state disagreements, such as whether to recognize Kosovo as an independent country. Nevertheless, the Lisbon Treaty has significantly altered the institutional landscape in Brussels.

The CFSP/CSDP after Lisbon: Milestones and Assessments

The past ten years have seen a great deal of institutional growth with the establishment of the EEAS and a fleshed-out role for the High Representative. However, the EU chose relative unknowns for High Representatives, partly because it was difficult to fill the job. In the end, a loss of momentum in foreign and security policy seemed to coincide with the entry into force of the Lisbon Treaty. However, this loss of momentum can be explained by what Christopher Hill called the expectations-capabilities gap; expectations were higher than the EU's capabilities, even with the Lisbon Treaty changes.[13] In addition, EU foreign and security policy usually stagnates when there is a popular American president in office, as there was with Barack Obama from 2009 through 2016. Finally, sexism may have had an impact on the perception of the High Representatives. Women are generally viewed as weaker leaders, especially in the areas of foreign and security policy. Considering that in the first ten years of the Lisbon Treaty, from 2009 to 2019, both the High Representatives were women; both Catherine Ashton and Federiga Mogherini found themselves fighting an image war, which may have impacted opinions of EU foreign policy.

Baroness Catherine Ashton—An Impossible Job?

Originally, the High Representative job was intended for a well-known politician, someone who could "stop traffic." In the end, the position went to a relatively unknown British Labour politician, Catherine Ashton. Her appointment was the result of horse trading: UK Prime Minister Gordon Brown was unable to secure the position of European Council president for Tony Blair; therefore, he settled for the High Representative position, which needed to go to a center-left politician, preferably a woman.[14]

Her appointment was perceived to have diminished the EU, to the point that the German press even invented a word for the phenomenon, *Selbstverzwergung*, indicating the determination to remain a dwarf.[15] Ashton combatted endless criticism: "French papers bemoan a British stitch-up of senior foreign-policy jobs, British ones accuse her of going AWOL in the fight for national interests. Everybody complains of her inexperience, media-shyness and preference for diplomacy-by-communiqué. Even the Iranian press took the liberty of touching up her picture to give her a more demure neckline."[16] In response, Ashton developed a clever line of rebuttal. To the question of being big enough to "stop traffic," she responded, "My job is to keep traffic moving. I'm not interested in the limelight."[17]

And that she did. Her greatest foreign policy successes came from working behind closed doors to negotiate a Kosovo-Serbia settlement and the Iran P-5 +1 talks, also known as the Iran nuclear deal. Considering that five EU member states did not recognize Kosovo, and that the Iran talks had stalled, both are significant achievements. Jolyon Howorth called her, "Scheherazade, winning over her king with empathy and a thousand stories."[18] She spoke to the leaders in private and over long dinners to foster an atmosphere of trust. Her aversion to the media became an asset: people trusted her to keep negotiations private.[19]

On the other hand, after High Representative Solana had launched dozens of military and civilian crisis management missions in just five short years, from 2003 to 2008, progress stalled under Ashton. *The Economist* criticized Ashton for always using sanctions as opposed to the other arrows in her quiver, such as CSDP crisis management missions.[20] Jolyon Howorth saw the situation as dire, calling the European Union "incapable of action" and asking whether it would "abandon the CSDP experiment" altogether.[21] Particularly frustrating was the EU's mission to Libya, which existed only on paper; instead, NATO took the lead.[22] Journalist Nicolas Gros-Verheyde lamented the lack of action in his blog, Bruxelles2, exhorting that it was "time to wake up."[23] He argued

that the new, small missions being discussed were actually reconfigurations of existing missions, and that the EU needed to get its momentum back, but how? The foreign and defense ministers of France, Germany, Italy, Poland, and Spain all shared these concerns and, in November 2012, called for a renewed effort and new command structures to plan and conduct CSDP missions, but with little result.[24] Ashton's spokesman, Michael Mann, argued the obstacle was member-state political will: "The idea that the high representative for foreign affairs can forge her own foreign policy against the will of member states is unrealistic. She can prod, push and pull, as she often does, but she cannot charge ahead without the backing of the 27."[25]

Formation of the EEAS

Ashton's greatest challenge was the creation of the European External Action Service. Although the new diplomatic service was to be staffed with people from the European Commission, the European Council, and member states, there was no real lobby for the EEAS to succeed. Its formation meant that people would lose their jobs or that member-state foreign ministries would be diminished. While the U.S. Department of State employs approximately [illegible]00 foreign service officers, the combined figure of member-state diplomats numbers 40,000. In other words, the EEAS meant that two-thirds of Europe's diplomats could become superfluous. A German European Commission official noted that people now called the German Foreign Ministry the *Auswaertiges Amtchen*, with the diminutive added. In other words, the German ministry was now just a smaller version of itself, a miniature foreign ministry, whose primary job it was to make the German government look good, because more and more power lay with the EU.[26]

As an interstitial organization,[27] Ashton's office was responsible for the creation and coordination of EEAS offices, yet many in the Commission resented its exclusive power to do so.[28] Ashton representatives would often go to the Commission's RELEX offices, now nicknamed "relics," to ask for volunteers to move over to the EEAS. Many were infuriated that important management and personnel decisions were made by asking people to raise their hands. The departments that stayed in "relics" were then understaffed, causing strife. Established civil servants often stayed put, while younger professionals moved. Therefore, a hiring competition began for qualified young people with training in international affairs.[29] Despite its difficult birth, officials with EEAS revealed a "surprisingly positive attitude" toward their new home. By 201[illegible]ey professed

strong support for the institution and a desire to make EU foreign policy work.[30] Ten years on, the EEAS holds a central place in the EU, both figuratively, as its diplomatic service and, literally on the Rond-Point Schuman, in the heart of the European quarter of Brussels.

"A Job for the Girl": Federiga Mogherini—High Representative 2014 to Pre[illegible]

Although seen as "young (just 41), bright, sober and hard-working," Federiga Mogherini was also viewed as barely qualified for the job, having held the position of Italian foreign minister for just four months.[31] She was also criticized for being either too naïve or too pro-Russia, having implicitly accepted its interests in Ukraine and supported the controversial South Stream pipeline that would increase the EU's dependence on Russian gas. In its editorial page, *The Economist* bemoaned "the idea that experience is optional for the EU's foreign minister," and beseeched the member states to choose someone more "astringent and weighty."[32] Nevertheless, in the usual process of horse-trading for the top EU jobs, in 2014 Federiga Mogherini succeeded Ashton as High Representative.

Like her predecessor, Mogherini exceeded expectations. She took her role as vice president of the Commission very seriously and spent more time in that capacity than Ashton, garnering kudos and facilitating coordination between the Council and the Commission, as originally envisioned.[33] Ranking her foreign policy successes, *Politico* gave her very high marks for her communication, her revision of the EU global strategy, and work on Iran, during which she brought in an all-female group of negotiators to seal the deal. She was also able to conclude negotiations on defense cooperation, leading to the realization of PESCO. One diplomat gave Mogherini full credit for the achievement: "Eighteen months ago—forget it, it just wouldn't fly. . . . But, she has that knack."[34] Her secret may be dismissing the idea that Europe has to speak with one voice: "I get so angry when people tell me the European Union has to work with one voice. . . . It's good to have different voices as long as everyone is understandable in the chorus."[35]

PESCO

In December 201[illegible] member states reached a milestone, signing the legally binding PESCO agreement. As established under the Lisbon Treaty, twenty-five member states agreed to deepen defense ties within the Union framework, al-

lowing for more coordinated defense procurement and joint military missions commanded from an EU headquarters. Heretofore, such a move would have been seen as contrary to the Atlantic Alliance. Especially when U.S. President Barack Obama was in office, transatlantic ties improved significantly, with France returning to NATO after a forty-three-year hiatus and cooperation on the Libya NATO mission when the United States "led from behind." However, under President Donald Trump, member states have found the political will to commit to greater defense cooperation.

France's Invocation of the Lisbon Treaty's Mutual Defense Clause

In November 2015 France withstood the worst terrorist attack in Europe in ten years, which President François Hollande described as "an act of war." France invoked article 42.7, which stated: "If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power." However, since the article specified that its invocation "shall not prejudice the specific character of the security and defense policy of certain member states," the move was mostly symbolic: France would have to work with the other member states to determine what such aid and assistance would look like. Nevertheless, the invocation was a powerful symbol of France's desire to turn to the EU for assistance rather than to NATO, and therefore set a precedent, which only occurred thanks to the Lisbon Treaty.

Conclusions: Another Step toward Ever Closer Union

The decade since the Lisbon Treaty has witnessed many visible accomplishments including the creation of the EEAS and a new global strategy, as well as the successful conclusion of the Iran nuclear deal and PESCO. However, there have been frustrations as well, including an atrophying of CSDP and little traction in the Balkans, with Syria, or Russia. The Lisbon Treaty raised expectations, leading to the ever-present capabilities-expectations gap. People expected the empowered High Representative, with her new diplomatic service, to make Europe's mark in the world. Yet EU foreign policy remained slow and stodgy, often reflecting lowest common denominator agreements.

Sexism likely played a role in viewing the glass of EU progress in foreign affairs as half empty rather than half full. Under Ashton especially, any setbacks were attributed to her personally. To quote one senior diplomat: "The French

seem to have it in for her. It is open to question how much of this is about her being British and a woman." Much ado was made over the fact that she was a mother, alleging that she "'switches off her phone after 8pm' and makes off to London every weekend to visit her husband and school-going child, instead of travelling the globe."[36] Mogherini has also faced a great deal of sexism. Annalia Prias, a documentary filmmaker who shadowed the High Representative for a year, argued that Mogherini had three main enemies: European populists and nationalists; the current EU institutional set-up that forces the High Representative to work as a go-between between the European Council president and the Commission president; and sexism: "Following her I have encountered an extraordinary amount of misogyny. I was shocked. How can we make any progress in gender equality when we have a competent woman in a position of leadership who is criticized for not looking like a statesman?"

The capabilities-expectations gap and the sexism divert attention from the main culprit in a weak EU foreign policy: the member states themselves. Nicolai von Ondarza and Ronja Scheler analyzed more than 2,600 public statements from Ashton and Mogherini to determine whether they had succeeded in becoming a "strong voice for Europe in the world." Although they noted progress, their study determined there was "a long way to go to achieve a truly coherent and visible foreign policy." They identified member-state political will as a major obstacle and a "truly mammoth task for the High Representative" to overcome.[37] For example, the fall of the Afghan government brought new impetus to the creation of the long-promised rapid reaction force. However, it was ultimately skuttled by Sweden.[38] In reaction to the Australia, United Kingdom, and United States, or AUKUS, alliance, France decided to take matters into its own hands to "take the first steps towards [an] EU force in NATO."[39] Ironically, this bilateral agreement to strengthen EU defense flies in the face of all the collective European procedures established by Lisbon. Despite the significant advances made by the Lisbon Treaty in foreign and security policy, the member states are still in the driver's seat.

NOTES

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