

Looking For a New Global Player? Watch Out for the EU

Written by Mauro Gatti

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MAURO GATTI, OCT 25 2012

The role of the European Union (EU) in International Relations has often been questioned, since its Member States have different goals and interests, and pursue them through incompatible strategies. There is no shortage of examples, ranging from the Balkan wars to the intervention in Libya. The scarce international standing of the EU appears to have been further limited by the Euro crisis: the only global projection of the EU seems to consist of its monetary troubles. In this context, one may be tempted to conclude that the EU cannot become a key international player and that the very possibility of a 'supranational' foreign policy may be doomed.

Reality, however, is less bleak than it may appear at first sight. The awarding of the Nobel Peace Prize to the Union underscores its role in "the advancement of peace and reconciliation, democracy and human rights", which "helped to transform most of Europe from a continent of war to a continent of peace." The Union's role is not confined to Europe: the EU has been playing a crucial role in world politics for the last decades, and it is now equipped with resources and tools that should render it capable of conducting an even fuller foreign policy.

Since the 60's, European countries have been progressively entrusting the EU's predecessor, the European *Community* (EC), with the management of almost the entirety of their trade policy, but also with policies such as development and humanitarian aid and, most recently, the fight against climate change. In a procedural perspective, these policies were conducted in a supranational manner (the so-called 'Community method').^[1] From an institutional viewpoint, they were managed through a central administration, composed of an entity similar to a government (the European Commission) and encompassing 'ministries' (Directorates-General) responsible for external relations, and 'diplomatic missions' (Commission Delegations), representing the EC in third countries. The 'technical' competences of the EC, however, were not matched by 'political' responsibilities, since the Member States wanted to retain control of the most crucial areas of their foreign policies. Therefore, the EC was viewed as "an economic giant, a political dwarf and a military worm."^[2]

In order to address this issue, in the early nineties EC Member States entrusted the political coordination of their foreign policies on a predominantly intergovernmental organisation, the European *Union*. However, given its dependence on the priorities of each member, the EU was only able to carry on a Common Foreign and Security Policy (CFSP) on minor issues, such as the adoption of sanctions against individuals suspected of terrorism, or the setting up of relatively small crisis management missions. The creation of the union also raised a new problem: the activities of the EU could conflict with those of the EC, since 'high' and 'low' policies were separate in institutional and procedural terms and they pursued different objective. Hence, EC and EU institutions did not always take into account the interactions between 'high' and 'low' politics.

Since the entry of the Lisbon Treaty (December 2009),^[3] the EC was absorbed by the EU, which acquired a largely supranational character, notwithstanding the prevalently intergovernmental nature of CFSP. Thus a single entity can now oversee a virtually full foreign policy. This should lead to the mutual reinforcing of high and low politics: all EU actions now pursue a single set of objectives and, in principle, even the most technical policies must take into account of grander political strategies. In practice, however, the potential conflicts between different sector policies and the overarching strategies of the Union can only be solved at political level.^[4] Therefore, it is worth investigating

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the nature of the EU's institutions that manage external relations and their capability to affect the EU's global stance.

Probably the most relevant innovation introduced by the Lisbon Treaty in the field of external relations is the new office of the High Representative (HR), now held by Catherine Ashton. This figure is similar to a minister of foreign affairs, in so far as she is responsible for the initiative, implementation and external representation in the field of high politics. This office, however, has also some peculiarities, namely because of its contemporary affiliations. On the one hand, the HR is closely linked to the Member States, since she is accountable to them and she chairs the main intergovernmental decision-making body of the external action (i.e. the Foreign Affairs Council). On the other hand, the HR is Vice-President of the European Commission, with the responsibility for political coordination. These multiple tasks grant the HR capability to oversee all EU external affairs and to coordinate the foreign policies of Member States. However, several commentators have noticed that this job can hardly be performed in practice, since it entails an exorbitant workload. Thus, the HR must rely heavily on the bureaucratic structures that support her.

The HR is assisted by a body created in 2010, called European External Action Service (EEAS), which is the EU equivalent of a national ministry of foreign affairs (MFA), given its involvement in the political aspects of foreign policy. The EEAS comprises a central administration, based in Brussels and the 140 'diplomatic missions' of the Union, that is to say Union Delegations. The EEAS, however, has some peculiarities, compared to a 'normal' MFA. In the first place, it has intergovernmental features, since it is indirectly accountable to the Member States (through the HR) and it is composed of diplomats temporarily seconded by EU Members. Secondly, the EEAS is not part of the main executive of the Union, that is to say the Commission, although it may perform tasks on its behalf.[5]

The novel design of the HR and the EEAS raised significant hopes as to their capability to grant unity and effectiveness to European foreign policies, something which they obviously have not done so far. Such expectation, however, does not seem to be completely justified. On the one hand, the HR and the EEAS have been functioning for less than three years, in a most challenging environment and they are still defining their identity and *modus operandi*. On the other hand, other entities should share the blame for the current deadlock of 'global Europe': the HR and the EEAS merely support the Commission in the management of 'technical' policies, such as trade, and they are not responsible for the foreign policies of Member States.[6] In other words, the HR and the EEAS can favour coordination and cooperation, but they cannot enforce it.

The HR and the EEAS also generated some criticism. Euro-sceptics ridicule them, claiming that foreign policy should remain in the hands of the Member States: as a Europhobe Member of the European Parliament put it, "the whole EEAS is based on a gigantic myth: there is no common European foreign policy." [7] It may be argued, however, that there can hardly be a common policy if there is no administrative structure to support it; as a matter of fact, the HR and her Service should precisely propose EU-wide strategies and coordinate the Member States.

Some Europhiles, on the contrary, criticise the HR and the EEAS because of their proximity to the intergovernmental area; their mere existence is sometimes depicted as a drawback of the integration process. This view is not totally unjustified, since the HR and some of her high level aides are reported to be influenced by the priorities of their countries. Nonetheless, it would seem the vast majority of EEAS officers, including seconded diplomats, perform their tasks with the interests of the Union in mind, as testified by EEAS and Commission officers alike.[8]

Rather than questioning the identity of the Union as a global actor, the HR and the EEAS appear to be capable of reinforcing it. In the first place, they render 'global Europe' more political, by managing its 'high politics' and speaking on the EU's behalf in relation to the most thorny issues; for instance, the High Representative issued statements on the Islamist attacks against US embassies and the EEAS negotiates international agreements concerning crisis management operations, something the EU could not perform on its own before the reform.[9] Secondly, the HR and her Service favour coordination across the different European foreign policies, since they increasingly enjoy the trust of the main decision-makers, that is to say the Commission and Member States.[10] This was not always the case in the past, since the Commission and the Member States sometimes treat each others as competitors, rather than partners. Thirdly, the HR and the EEAS reinforce the external unity of the EU. This is not so evident at ministerial or head of state level, where the Union maintains a bicephalous structure: one for 'technical' matters (the Commission) and the other for political affairs (the HR and the President of the European Council); to make matters worse, the

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European Parliament does not intend to miss important international showcases (even if it is not competent to represent the Union), therefore the Nobel Peace Prize probably will be received by three EU representatives. External unity, however, becomes more apparent at diplomatic level: not only do the 140 EU ambassadors speak on behalf of the Union, but they coordinate the missions of Member States and sometimes express the latter's positions:[11] Europe may have finally found the phone number former U.S. Secretary of State Henry Kissinger allegedly requested decades ago .[12]

It cannot be denied that the HR and the EEAS *per se* are not an added value and do not guarantee a leap forward in EU foreign policy.[13] Their daily activity may nonetheless stimulate a new approach to international relations on the part of Member States and EU institutions, and lead to the EU and its Members to take small steps in the right direction. In theory, the design of the HR and EEAS may lead to a new way of managing international integration: through dialogue and coordination, rather than through delegation of power to intergovernmental or supranational bodies. In practice, the existence of the HR and her Service may grant the Union the capability, status and visibility that are necessary to act as a fully-fledged actor in international relations, by working together with, rather than substituting, its Member States.

Contingent factors may even support this process: the more European States are hit by the crisis, the less they are likely to value independence in foreign policies, given its enormous costs. Therefore, they may desire to pool resources and entrust their management on coordinators they know and trust, such as the HR and the EEAS. For instance, some Member States are already keen on sharing diplomatic infrastructures and resources with the EEAS:[14] in the future, it may even be rational for some Member States to entrust their diplomatic representation in relatively remote or small countries on Union Delegations, instead of simply closing their embassies or delegating their representation to third States.[15]

In conclusion, the Union is not a State-like international subject, it is often divided and sometimes ineffective. The current crisis highlighted the Union's weaknesses, by reducing its resources and deflecting its attention from global issues. Recent institutional innovations, however, may stimulate a new way to conduct international affairs, through a more 'political' and less 'technical' approach to the integration of foreign policies, which relies on the coordination of European decision-makers. In other words, European actors should be able to "leverage [their] strength by aligning [their] positions, pooling resources, acting in the world as a club – and increasingly as a team",[16] consistently with the idea of a new "Union method", championed by German Chancellor Angela Merkel.[17]

These institutional novelties are important, in theory, because they require a new approach to the Union: the existence of a EU 'minister' and 'ministry' of foreign affairs and of fully-fledged 'Union embassies' suggests that it is no longer sufficient to think the EU as a "new legal order of international law", but it is perhaps time to address it as a single actor, composed of the EU and its Members, having many identities and centralised coordination mechanisms. These innovations are likely to have also practical consequences, since they may lead the Union to achieve higher status in international relations in the next few years...if it survives its self-imposed financial crisis.

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[1] According to the original Community method, the European Commission proposes the adoption of acts, the Member States adopt them within the EU Council, by qualified majority, the Commission implements the act under the Member States' supervision and the European Court of Justice has jurisdiction on the legality of the measure; for a critical appraisal of the Community and intergovernmental methods, see Missiroli, A. (2011), A little discourse on method(s), Brussels: Egmont Institute for International Relations.

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[2] Mark Eyskens, then Belgian Foreign Minister, quoted in 'Gulf Fighting Shatters Europeans' Fragile Unity', *New York Times*, 26 January 1991.

[3] For a basic appraisal of the Treaty, see the EU official website.

[4] On the issue of EU external action coherence, see, *inter alia*, Cremona, M. (2011), 'Coherence in European Union foreign relations law', in P. Koutrakos, *European Foreign Policy: legal and political perspectives*, Cheltenham: Edward Elgar, pp. 55-94 and Duke, S. (2011), 'Consistency, coherence and European Union external action: the path to Lisbon and beyond', in P. Koutrakos, *op. cit.*, pp. 15-54.

[5] In particular, the HR and the EEAS implement development cooperation under the responsibility of the Commission, see Stroß, S. (2012), *Programming financial instruments post-Lisbon The European External Action Service and the new institutional architecture of EU external action*, Paper for the conference The European Union in International Affairs III, 3-5 May 2012, Vrije Universiteit Brussel and Gatti, M. (2012) 'Development plus politics: division of labour in the orientation of EU development funding after Lisbon', *presently under review*.

[6] The HR and the EEAS intervene in the management of all Union policies by working within the European Commission and the Council, but they are not ultimately responsible for policies such as trade, environment or migration; see Duke, S. (2012), 'The European External Action Service: antidote against incoherence?', *European Foreign Affairs Review* 17(1): 45-68; Blockmans, S. (2012), *The European External Action Service one year on: First signs of strengths and weaknesses*, CLEER working paper, TMC Asser institute; see also Gatti, M. (2011) 'The role of the European External Action Service in the Area of Freedom Security and Justice', paper presented at the Conference "La dimension institutionnelle du volet externe de l'Espace de Liberté, Sécurité et Justice : les acteurs, les instruments et les méthodes de l'action extérieure de l'UE", Bologna 4 March 2011, in course of publication.

[7] MEP W. Dartmouth, member of the UK Independence Party (UKIP), in the meeting of the Foreign Affairs Committee of the European Parliament of 21 March 2012.

[8] Only 3 out of the 29 EEAS and Commission officers interviewed by the author in the period January 2011-September 2012 mentioned cases of EU officers apparently acting upon instructions of their capitals; these cases only concerned high-ranking officers of the biggest EU countries.

[9] Indeed, these functions were performed by the EU Member States holding the temporary presidency of the EU. For the sake of precision, it must be stressed that, in principles, international agreements concerning 'high politics' (that is say CFSP) are negotiated by the HR and, in practice, by the EEAS under the authority of the former; cf. Gatti, M. and Manzini, P. (2012), 'External representation of the European Union in the conclusion of international agreements', *Common Market Law Review* 49(5), pp. 1703-1734.

[10] The good working relations between the EEAS and the Commission were testified by the 29 EU officers interviewed by the author.

[11] For example, see the websites of the EU Delegations in Syria and Ivory Coast.

[12] The often quoted phrase "who do I call if I want to call Europe?" was probably never pronounced by H. Kissinger, but it clearly depicts the confusion of EU external representation.

[13] F. Nelli Feroci, permanent representative of Italy to the European Union, in his audition in the Italian Chamber of Representatives on the creation of the EEAS, 4 May 2010.

[14] Cf. the non-paper on the European External Action Service from the Foreign Ministers of Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland and Sweden, of 8 December 2011, p. 2. This is not to say that all EU Members are likely to support this integration of foreign policies, as testified by the recent decision of the UK to further share embassy space and resources with Canada, see

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'Raising red flags: Plan to share embassies with Britain stirs up critics', *The globe and Mail*, 23 September 2012.

[15] Alternatively, a Member State may entrust its representation on another Member State. This solution is increasingly sought recently, but it cannot be pursued in all circumstances, in so far as it is dependent on the evolution of the relations between the Member State.

[16] Herman Van Rompuy (President of the European Council), "Europe on the World Stage" speech at Chatham House, London, 31 May 2012.

[17] Angela Merkel, Speech for the opening ceremony of the 61st academic year of the College of Europe, Bruges, 2 November 2010.