

Trials and Tribulations of EU Foreign and Security Policy in 2011

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Days after the European External Action Service (EEAS) was launched on 1 December 2010, revolutions and uprisings swept through North Africa and the Middle East. The structures and changes introduced by the Lisbon Treaty in foreign and security policy matters were put to the test – and there is little unanimity in giving a grade to the EEAS and its head, the High Representative for Foreign Affairs and Security Policy Catherine Ashton, who is also Vice-President of the European Commission (HR/VP).

The backdrop was one of profound financial, economic and political crises whose emergency management absorbed the energy of EU leaders. They did not just lead to cuts in foreign and defence policy budgets; they exacerbated the perception Europe's global decline or irrelevance.¹ The crises highlighted a broader and more structural process of relative decline of European and Western power, making it important to understand the longer-term causes and shorter-term precipitating factors. On the surface, the crises dealt a blow to the EU's already diminishing 'attraction' to the rest of the world. This implies a loss of political 'clout' and a weakening in its posture as an international norm-setter, which, coupled its continuing inability to play the power game on a changing and increasingly assertive global scene, has led the EU to appear like a pale imitation of itself during an eventful year.

While there no clear yardstick on how to measure 'success' in EU foreign policy, fingers have been pointing at the absence of leadership in the EU, the lack of a vision for its role in the world, and at the overburden-

ing of the HR/VP's role. The challenges to trust and solidarity between the member states have been seen as a cause and consequence of the shape in which the crisis manifested itself in Europe, and its implications for the EU's global role have been interpreted as a 'renationalisation' of foreign policy. While this debate is not new,² aspects relating to the implementation of the EEAS and of the EU's international representation have been blocked by some member states – a worrying step back compared to the innovations introduced by the Lisbon Treaty (which did not revolutionise EU foreign policy in the first place).

The perception of a sunset of the EU needs to be counterbalanced by an understanding of more structural issues. Even if the Lisbon Treaty, agreed upon before crisis hit Europe, entail some (unforeseen?) complications in decision-making, it already made no concessions on intergovernmentalism. A pre-crisis golden era in which EU member states happily cooperated on international matters is far from the reality that frequent critiques of today's disunity seem to assume. The size of the challenge of creating the EEAS was perhaps underestimated from the point of view of human resources and institutional adaptation, not to mention the budgetary and staffing restraints with which it is supposed to deal with a tall list of challenges all over the world, but its construction problems may be overcome. In other words, the interconnections between the EU's pre-existing weaknesses as an international actor and the impact of the crises cast a dark shadow on its ability to face the current internal and external challenges. But it does not mean that the game is over.

In 2011, EU foreign policy dealt overwhelmingly with responding to the rapid changes unfolding as a consequence of the Arab Spring, which contributed to the internal debate on the revision of the European Neighbourhood Policy (dealt with in section 2 of this paper), which also had implications for Eastern Europe (section 3). Partly as a consequence of responding to upheavals close to Europe, the priority of developing strategic partnerships announced by the HR/VP when taking office in 2009, was less evidently developed. Apart from summits and trips, bilateral relations with large and important partners did not see much change in terms of content, but they were used to discuss international issues on the agenda of multilateral institutions. The EU also partly followed up the Lisbon Treaty provisions regarding its international representation and (section 4). Last but not least, 2011 was the baptism of fire of the EEAS, and its problems, structure and performance are crucial to any evaluation of EU foreign policy (section 5). The trials and tribulations of the year have exposed weaknesses and at the same time opened up opportunities (section 6); it remains to be seen whether these will push the EU, its institutions and member states to rethink the Union's role in the world.

The Arab Uprisings: Revisiting the EU's Neighbourhood Policy

The Arab Spring was a shock to the fundamentals of European engagement with North Africa and the Middle East, unmasking the complicity of governments in supporting authoritarianism, challenging most of the assumptions about economic and political reform, containment and stability, and about the supposed unpreparedness of the Arab societies for pluralism, self-expression and democracy. Cacophony was one of the most visible features of EU responses, especially at the start of the year. This was not unsurprising in light of the diversity of European engagement with the region since decolonisation, but it fell well below the expectations raised all over Europe when the Arabs went to the streets.

While efforts were made to mend Europe's dissonant diplomacy, disunity continued to feature high especially on the most crucial issues, with the vote for Palestinian representation at UNESCO as a macroscopic example, where France, Britain and Germany

voted in three different ways. The NATO military intervention in Libya, heralded expert as a success for 'Europe', would have been a perfect opportunity for a CSDP mission, backed by an unique international consensus. But the split within the EU over it did not bode well for the future of CSDP (Biscop, 2012).

As the year progressed, the EU institutions started to find a new compass to organ-

ise relations with the countries in North Africa and the Middle East. For the newly born EEAS, the Arab Spring was a real challenge. With few resources, understaffed Delegations, a patchy understanding of the region and its political developments on the ground, and unaided by a history of insufficient coordination and information exchange between member states and institutions present in the region, identifying priorities and objectives was a struggle. The least visible activities included making contact with new actors, from civil society organisations to new and old political parties, including faith-based ones. So far, electoral results in Tunisia, Morocco and Egypt, which saw faith-based parties take large portions of the vote, have been cautiously but calmly received in Europe – an important apparent change compared to the pre-Arab Spring positioning whereby the fear of a rise of Islamism justified support for secular authoritarian regimes. It remains to be seen whether this will lead to a policy shift towards an acceptance in the EU of so-called 'political Islam'.

The recognition that past policies were misguided led to a rethink of the spectrum EU instruments towards the region, culminating in the publication of two Communications, the first in March containing the main points for a renewal of Euro-Mediterranean relations and introducing the concept of 'deep democracy' as the key long-term aim of EU policies and as the new principle guiding them.³ The second was part of the review process of the European Neighbourhood Policy (ENP) which had begun in 2010 and regarded both the Southern and the Eastern EU 'neighbourhoods'.⁴

The revised policies are based on four pillars: refined conditionality, greater differentiation between countries, new tools to support democracy-building, and a stronger focus on sustainable socio-economic development. Branded with 'more for more', the EU has chosen to focus more on the incentives: the 'three Ms' – 'more money, more market access, more mobility' – are those on offer. The new SPRING programme (Support for Partnership, Reform and Inclusive Growth) allocated €350 million for 2011 and 2012 for the region. Tunisia and Egypt are also the recipients of additional financial resources found through the European Neighbourhood Policy Instrument (respectively reaching a total of €160 million and €449 million for 2011-2013, far from the requested needs of these countries). A more targeted use of financial and economic assistance and a request from the Commission to increase resources for next Multiannual Financial Framework are welcome steps, though insufficient to address the depth of the socio-economic challenges in the region and the expectations from the new governments there. A Deep and Comprehensive Free Trade Agreement (DCFTA) would offer similar benefits to those envisaged in Eastern Europe. With the Commission's commitment to work on lifting the protectionist barriers that have so far limited market access for these countries, this could constitute a sizeable incentive especially for those countries that are most dependent on trade with Europe. 'Mobility partnerships' are supposed to make population movement easier for some citizens from the region, starting from Tunisia, Egypt, and Morocco, but the scope of these will be circumscribed to specific categories of the population and tied to additional conditions.

Clarifying conditionality and emphasising differentiation may sharpen the ingredients, but the recipe does not depart significantly from the approach of the ENP. The ENP already included elements of differentiation and conditionality, offering more integration with the EU to those countries making greater progress according to agreed benchmarks on approximation to EU rules and regulations. Differences might be seen if the EU institutions and the member states were able to stick to its principles and promises and deliver the incentives on offer (the Commission's papers speak of 'mutual accountability'). Even so, it is legitimate to question whether the entire approach would require a

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more radical rethink, given that its political and policy-related failures have perhaps been more prominent than its successes – in South Mediterranean as well as in Eastern Europe (discussed in the next section). In turn, this would require a deeper understanding of the motivations behind the problems of EU engagement with its neighbourhood which goes beyond a critique of the ENP (Balfour, 2012).

The EU has also shifted its attention to identifying ways to promote ‘deep democracy’ by giving civil society a stronger role. The European Neighbourhood Review established the creation of a Civil Society Facility (€22 million for 2011-13), including social media development. The European Endowment for Democracy (EED), to be created as an autonomous body capable of responding to funding requests more flexibly and rapidly than existing EU instruments, would allow the EU to support non-registered non-governmental and civil society organisations including, at least in theory, faith-based parties. If the EED lives up to these expectations, it would represent a significant departure from the EU’s traditional non-partisanship in relating to political dynamics in third countries. In terms of resources, however, EU contributions remain a drop in the ocean, compared to US democracy promotion or Saudi Arabia’s support of grassroots organisations.

Europe Outside the EU

The ENP Review which spelt out the basis of the EU’s ‘renewed’ approach also included a review of relations with Eastern Europe and the Southern Caucasus. Although the Southern and Eastern EU neighbourhoods are still part of the same umbrella policy, the ENP review confirmed the *de facto* growing separation between the two, a process which had started with the launch of the Union for the Mediterranean in 2008 and of the Eastern Partnership in 2009. As in the case of the South, civil society in Eastern Europe will receive enhanced attention, strengthening the resources available for the Civil Society Facility, and being eligible for EED funding. In fact, EU external assistance in general is moving towards shifting a growing percentage of funds towards direct support of civil society organisations rather than channeling such funding through governments.

With regard to Eastern Europe, the most significant feature of the ENP Review is the mentioning, for the very first time, of Article 49 of the Lisbon Treaty, which states that any European country can apply for EU membership. This was a hotly debated matter within EU institutions, and the compromise reached was to include reference to Article 2, about the values upon which the EU is based, and Article 8, on the EU priority accorded to creating an area of good neighbourliness,⁵ in the same paragraph.⁶ While this formulation did not

do away with the fundamental ambiguity of the EU towards the repeated requests of Eastern European countries to be considered as potentially future candidates for EU membership, it did represent a breakthrough for those member states which have been pushing for deeper engagement with the region.

Progress of the EU’s agenda was indeed made, especially in the field of trade, where a DCFTA was negotiated with Ukraine, negotiations for a DCFTA are due to start with Moldova and Georgia, and with Russia joining the WTO. Politically, however, relations with some countries in Eastern Europe have been difficult. EU-Ukraine relations have probably seen their lowest point since the 2004 Orange Revolution, largely over the trial and imprisonment of former Prime Minister and opposition leader Yulia Tymoshenko, which put under the spotlight the weaknesses and politicization of Ukraine’s judicial system. The EU responded with unusual criticism and at the EU-Ukraine summit held at the end of the year it concluded the negotiations on the DCFTA but suspended its signing together with the Association Agreement pending a demonstrated commitment to human rights, democracy and the rule of law and addressing the shortcomings in the fields of justice, business climate and constitutional reform (Füle, 2012). EU policy towards Belarus too, after seeking some avenues for dialogue taking advantage of new regional approach developed through the Eastern Partnership initiative, during 2011 tightened its sanctions against the government and its associates.

The EU also flexed its muscles in the Balkans, where the EU is facilitating a dialogue between Belgrade and Prishtina to normalise relations between Serbia and Kosovo pending a solution to Kosovo’s statehood. In December the European Council delayed a decision (eventually positively taken in March 2012) on Serbia’s request to become a candidate country for EU accession to put pressure on the country to implement the decisions reached in the context of the dialogue and to participate in regional cooperation. In the Balkans too the EU is treading a fine line between exercising its leverage to push for the solution of outstanding disputes with the carrot of the accession prospect, and running the risk of losing its influence out of ‘EU fatigue’ in the region. The signing of the Accession Treaty with Croatia in 2011 was no longer a strong enough message to the aspiring countries in the Balkans that the EU remains committed to enlargement. With most countries stranded in internal political stalemate for the best part of the year, and the ‘creeping nationalisation’ of the enlargement process (Hillion, 2010), the EU’s message is, at best, that accession is becoming a bumpier and longer road. Coupled with the failure to move forward on Turkey’s accession negotiations (though Ankara has been persuasive in positioning itself as a key regional power of relevance to the Middle East and Southern Caucasus), the prospects of a widening EU in the near future are not bright.

Between Multilateralism and Multipolarity: the Search for an EU Role

The EU's tough talk to some countries in Europe is justified and legitimate on the grounds of the principles it proposes to uphold. However, it does stand in contrast with past conciliatory positions, especially towards Eastern Europe. Conversely, the general trend with the rest of the world has seen the EU departing from these normative positions, especially with regard to the bigger players: the so-called emerging powers, but also energy exporters and arms buyers.

In 2010 the HR/VP and the President of the European Council had put the improvement of the EU's 'strategic partnerships' high up on the agenda, and held a special European Council summit to discuss ways forward. In practice, in 2011, the strongest and closest partner, the US, has repeatedly indicated its shift of focus towards the East, and the agendas of the other strategic partnerships, such as China, Russia have not seen a much progress.⁷ Apart from an improvement of the preparation and follow-up to summitry (also thanks

to the abolition of the role of the rotating EU Presidencies in organizing international summits, which did not help continuity), the uncertainties and new challenges of coordination did not help develop a stronger EU 'strategic diplomacy', derailed also by the distractions caused by the Arab Spring (Allen and Smith, 2012).

The ability to develop strategic diplomacy may not be

limited just by the perils of institutional adjustment and of post-Lisbon Treaty coordination. The recent past has also seen a rush to secure commercial contracts around the world, a more mercantilistic and short-term approach to trade, a need to rely on China also for the management of the financial crisis, and a struggle to catch up with the new narrative on multipolarity and the changing distribution of global power, moving away from the EU's traditional posture as a norm-setter or shaper (Youngs, 2011).

At the multilateral level, after the set-back received in September 2010 over the EU's bid to review its status at the United National General Assembly to reflect its post-Lisbon Treaty legal personality, the EU managed to achieve the right to address the Assembly as EU, rather than through one of its member states, though the resolution approved was less ambitious than the text initially proposed in 2010 (Wouters et al., 2011). But implementing the provisions of the Lisbon Treaty on the external representation of the EU has been difficult and contested, not just because of the ambigu-

ties in the Treaty regarding representation in fields of 'shared competence' but also because of disagreements between and among the member states and the institutions. Over 100 statements in multilateral organisations were blocked over whether they should be delivered 'on behalf of the EU' or 'on behalf of the EU and its member states', and in many cases the pre-Lisbon practice of the rotating Presidency representing the EU has been continued.

EU diplomacy has also been tying multilateral issues to bilateral diplomacy. The successes in building consensus at the UN Security Council have been uneven, with a unique international position over Libya and deep divisions over Syria. In those cases in which the EU had a common position the HR/VP did pursue that position also through its bilateral meetings with Russia, China, Brasil etc. Catherine Ashton also paid particular attention to dialogue with the Arab League, the African Union, and to flexible international formats for dealing with crises such as the Cairo Group, now Contact Group led by UN and Arab League Joint Special Envoy for Syria.

Finding a new role for the EU in this context will be the challenge of the near future, but it needs to be based, among other things, on understanding the nexus between the EU's role in the wider region, increasingly inescapably tied to European internal developments, from the economic, demographic and cultural points of view, and the need to refocus the EU's global role, bearing in mind that the interplay between international politics and economics can play a role also in addressing some of aspects of the economic crisis.

The EEAS

The main aim of the Lisbon Treaty provisions for EU external policy was to improve its coherence and efficacy. The institutional solution was to be found by bridging the dualism between the Council and the Commission and by connecting the dots (in policy and decision-making terms) between external relations and foreign and security policy. The EEAS, headed by the HR, who is also Vice President of the European Commission, is supposed to represent the merging of these two arms that characterised EU external policy.

Its first twelve months were not easy. Institutionally, the EEAS is an innovation, as from a formal point of view it is neither an institution nor an EU agency, but an 'autonomous body', giving it an unclear role in the EU's institutional architecture. This means that the creation of the EEAS has not solved the problem of multiple decision-making centres in the EU's foreign policy-making. On the contrary, it has created new needs for inter-institutional coordination, especially between the EEAS and the Commission, and in 2011 this proved to be particularly difficult. The EU for-

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ign policy tools are not entirely under EEAS control: the Commission still manages the bulk of resources for external relations (development aid, the European Neighbourhood Policy Instrument, the Instrument for Pre-Accession), while the Common Foreign and Security Policy (CFSP) budget remains unaltered by the creation of the EEAS, with many of the security-related tools activated by the member states (while the management of the Instrument for Stability has passed to the EEAS, under the direct authority of the HR/VP).

Beyond institutional adaptation, consistency and coherence will remain challenges so long as the EU is not a unitary actor. Politically too the EEAS has performed below (high?) expectations, attracting criticism from national Foreign Ministers for insufficient leadership, slow responses, while clarifying that additional resources would not be invested in the new structure.⁸ Ensuring that the member states feel the 'ownership' of the EEAS will be one key challenge determining its success (Lehne, 2011) especially if the EEAS is going to act as a diplomatic⁹ or policy entrepreneur (Balfour et al., 2012). Political and diplomatic coordination among member states and EU institutions are equally necessary to produce a stronger strategic vision for EU foreign policy. Relations with the European Parliament and leadership from the European Council and the Foreign Affairs Council (FAC) are also of crucial importance for success of the EEAS.

Yet in terms of potential the EEAS has much to offer. Compared to national ministries, it encompasses duties carried out by both foreign and defence ministries, and helps define the aims of development cooperation, a role which in many countries is performed by a separate ministry or agency. In other words, its mandate and responsibilities are much broader than a traditional diplomatic service. The network of 140 Delegations around the world, if appropriately staffed by officials dealing not just with trade and aid but with the wide array of fields in which the EU is engaged, from security to energy and migration, opens up huge potential for giving European foreign policies more substance and offering a single interlocutor to third countries. Similarly, overcoming coordination issues with the Commission would support greater synergies between cross-cutting policy fields.

These rapidity with which events unfolded, the permanent sense of being in crisis management mode, both for internal and external reasons, make it hard to see the wood for the trees. But the crisis and the impact it is showing on the EU's role in the world may also lead to a reassessment of opportunities, strategies and approaches, even if the signs may not yet be evident. Historically, the EU has always made its biggest steps in integration in reaction to external shocks

or driven by events, such as the end of the Cold War. With negotiations on the next budget for 2014-2020 underway in a context of huge constraints on public finances, the creation of the EEAS and the opportunities it could lead to in restructuring national diplomacies, the impact of the Arab Spring, the anniversary of the European Security Strategy looming in 2013 and the push, by some Foreign Ministers, to revise it, could all lead to some deeper understanding of the EU's role in the world. Should such a rethink occur in the months to come, the trials and tribulations of 2011 may have served a useful purpose.

Notes

1. The European Council on Foreign Relations (2012), *European Foreign Policy Scorecard 2012*, London: European Council on Foreign Relations, has argued that the EU is a problem and no longer a solution to global problems

2. For an analysis see, for example, Ian Manners and Richard Whitman (eds.) (2000), *The Foreign Policies of the European Union Member States*, Manchester: Manchester University Press

3. European Commission and the High Representative of the Union for Foreign Affairs and Security Policy (2011), 'A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean', COM(2011) 200 final, Brussels: 8 March 2011

4. European Commission and High Representative of the European Union for Foreign Affairs and Security Policy (2011), 'A new response to a changing Neighbourhood. A Review of the European Neighbourhood Policy', COM(2011) 303, Brussels: 25 May 2011

5. Article 8 of the Treaty on the European Union (version consolidated at Lisbon) reads: 'The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation'. Official Journal of the European Union (2010), Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, OJ C 2010 83/01.

6. 'Some EaP countries attach great importance to their European identity and the development of closer relations with the EU enjoys strong public support. The values on which the European Union is built – namely freedom, democracy, respect for human rights

and fundamental freedoms, and the rule of law – are also at the heart of the process of political association and economic integration which the Eastern Partnership offers. These are the same values that are enshrined in article 2 of the European Union Treaty and on which articles 8 and 49 are based’.

7. According to the ECFR (2012), the overall score on the countries and areas examined are either the same as 2010 or lower.

8. Andrew Willis, ‘Ashton faces tough questions from EU ministers’, *EU Observer*, 23 May 2011; Joint letter from the Foreign Ministers of Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland and Sweden To the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, Catherine Ashton, 8 December 2011.

9. Chatham House

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