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research paper

LORENZO VAI

**HOW WILL I FUNCTION WHEN I GROW UP?
THE EFFECTIVENESS OF EU FOREIGN POLICY GOVERNANCE
STUCK IN A TELEOLOGICAL DILEMMA**



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ABSTRACT

In times of international crises the effectiveness of the European Union Foreign Policy (EFP) has been seriously called into question: why has the EU failed so often in achieving its objectives? Besides an essential lack of political will among the European capitals there is something more. The current EU institutional system governing external action has shown a number of shortcomings ascribable to three original structural sins affecting its architecture, namely: an artificial separation within EU foreign policy areas; a lack of EU capabilities; and a democratic deficit in the EFP policy cycles. These deficiencies have contributed to reducing the global effectiveness of the EU action undermining its readiness for action, autonomy, coherence and visibility. The Lisbon Treaty tried to mitigate these sins with oscillating levels of success because at the heart of the problem lies an existential and unresolved dilemma about the future of the Union. At this point of the integration path any further institutional development aimed to fix these sins definitely has to face and solve this dilemma. If the current political context does not seem to allow this leap forward, the Lisbon Treaty and the EU actors may still have something to say in struggling for a more effective EU in the world.

Keywords: European Union | CFSP | CSDP | EEAS | EU institutions | Decision-making

Lorenzo Vai is Researcher at the Centro Studi sul Federalismo (CSF) and the Istituto Affari Internazionali (IAI).

E-mail: vai@csfederalismo.it

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Introduction

Does the European Union (EU) have a foreign policy? Simply considering the wide list of international activities in which the EU is involved, the answer is easy: yes. The question becomes more complicated if we ask what type of foreign policy the EU has and how much of it is effective. The first question has been much investigated by scholars with the aim of highlighting the elements that constitute and shape the EU's capability as an actor in a different way than that of the other classic national players.¹ The fundamental motive behind these intellectual efforts in understanding the EU external action lies in the very nature of the European Union as international organisation (IO) – the most advanced and integrated IO on the scene, but still an organisation comprised of 27 MSs with 27 different foreign policies (with the task of effecting one exit in the coming years).² In this sense, the use of the theoretical lenses generally applied to the national contexts tends to be limiting and sometimes misleading. Consequently, the effectiveness of the EFP, synthetically defined as “the Union's ability to shape world affairs in accordance with the objectives it adopts on particular issues,”³ has been mainly connected to political and institutional considerations that – again – tend to differentiate the EU from other international actors, usually in a negative way.

The effectiveness of EU external action has always suffered a number of political and institutional shortcomings. At the political level the problems are firstly ascribable to the well-known resistance shown by MSs in delegating or conferring powers to the EU regarding any nation-state core competence, for example, foreign policy or fiscal policy. Since the loss of such national competences could undermine the *raison d'être* and existence of nation-states (in the case of foreign policy it would curtail the full independence *vis-à-vis* another international actor) thus turning the EU in a complete federation, a sort of unconscious survival instinct frequently appears from the MSs, bringing together, against the strengthening of a unique EFP, national political, private and bureaucratic interests as well as an atavistic distrust for the “others.” Furthermore, the existence of a common EU interest in foreign policy should be not taken for granted. The same definition of what a “common European interest” is and how it should be identified is something still barely investigated by scholars. At the heart of the matter the old question of the

¹ François Duchêne, “Europe's Role in World Peace”, in Richard Mayne (ed.), *Europe Tomorrow: Sixteen Europeans Look Ahead*, London, Fontana, 1972, p. 32-34; Gunnar Sjöstedt, *The External Role of the European Community*, Farnborough, Saxon House, 1977; Joseph Jupille and James A. Caporaso, “States, Agency, and Rules: The European Union in Global Environmental Politics”, in Carolyn Rhodes (ed.), *The European Union in the World Community*, Boulder and London, Lynne Rienner, 1998, p. 213-229; Mario Telò, *Europe: A Civilian Power?. European Union, Global Governance, World Order*, Basingstoke and New York, Palgrave MacMillan, 2007; Ian Manners, “Normative Power Europe: A Contradiction in Terms?”, in *Journal of Common Market Studies*, Vol. 40, No. 2 (June 2002), p. 235-258; Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, 2nd ed., London and New York, Routledge, 2006.

² For many MSs foreign policy still remains one of the most untouchable national domains, even if “states [...] have no monopoly on international activity but they do have a relatively exclusive claim to the idea of foreign policy.” David Allen, “Who Speaks for Europe?: The Search for an Effective and Coherent Foreign Policy”, in John Peterson and Helene Sjørnsen (eds.), *A Common Foreign Policy? Competing Vision of CFSP*, London and New York, Routledge, 1998, p. 43.

³ Daniel C. Thomas, “Still Punching Below Its Weight? Coherence and Effectiveness in European Union Foreign Policy”, in *Journal of Common Market Studies*, Vol. 50, No. 3 (May 2012), p. 460.

ultimate goal – i.e. the *telos* – of the European integration path can be found. Indeed, the meaning of “common” is different within the polity of an international organisation when compared to a more integrated political entity.

The international crises occurring in recent years on the EU’s doorstep – Ukraine, Syria and Libya, to name but a few – have severally tested not only the concept of a common European interest stressing its implied teleological or existential dilemma,⁴ but more pragmatically the effectiveness of the Union external action in achieving the objectives listed in article 21 of the Treaty on European Union (TEU). At the institutional level, the lack of political will related to this teleological dilemma gave birth to a peculiar architecture in charge of defining, approving and implementing EU external action. Therefore, since the beginning, the governance of the EFP has shown a series of institutional deficiencies which in turn negatively affect the ability to reach compromises and decisions.

This aim of this paper is to offer an overview of the fundamental institutional problems regarding the EU’s foreign policy governance, and how these affect its effectiveness. In the first part of the piece the three original structural sins of European external action are presented and explained. The second section offers a brief analysis of the institutional innovations introduced by the Lisbon Treaty to tackle these essential problems. The third part illustrates how, in the current institutional architecture, the original sins are still present and continue to compromise the five major qualities of an effective European foreign policy. In the last section some conclusions and recommendations for rethinking and relaunching the integration process of the EFP are identified.

1. The three original structural sins

There are three original “institutional sins” that can be identified in the EFP system of governance: 1) an artificial separation within the architecture of the EFP; 2) a lack of EU capabilities; 3) a democratic deficit in the EFP policy cycles. Within a state, an effective foreign policy is a common effort that brings together a number of different thematic and geographic policies carried out by several institutional actors. The same occurs in the EU with an essential difference when compared to its MSs: if within each EU country the national foreign policy is determined and conducted – constitutionally and theoretically speaking – in a unified manner, at the European level the foreign policy – or the so-called external action – appears structurally divided. On the one hand, the EFP is carried out through the community policies with an external projection such as development cooperation, humanitarian aid, enlargement and neighbourhood policy, trade, energy, etc. The formulation, the implementation and the conduct of these policies is mainly up to the European Commission which exercises these powers by following a decision making procedure in which the European Parliament (EP) and the Council of the EU (the Council) are both fully involved on equal basis and acting by majority votes.⁵ On the other hand the EFP is represented by the decisions and the actions taken in the framework of the Common Foreign and Security Policy (CFPS) that covers all areas of foreign policies (except those run by the

⁴ Rosa Balfour, “Why are Europe’s Crises ‘Existential’?”, in *Transatlantic Take*, 4 March 2016, <https://shar.es/1ZpbFF>.

⁵ The most important exception is probably the Enlargement policy that assigns a preminent decision making role to the Council that shall decide unanimously on the admission of a new MS.

Commission), and which also includes an operational civil-military branch, the Common Security and Defence Policy (CSDP). The CFSP/CSDP is the realm of the Council and its MSs, that take decisions by unanimity with limited involvement of the EP, the Commission, and the EU Court of Justice. Therefore, the EFP – as a whole – lives today an institutional artificial separation between the “low politics” run via the community method, and the “high politics” shaped by advanced and structured intergovernmental cooperation.⁶

In other words, that which in the MSs usually relies upon the same political bodies and rules, in the EU has been split and assigned to different actors and procedures. The EFP exists, but its institutional architecture is based on two different pillars, as they were called in the pre-Lisbon era. This two-headed foreign policy structure is the product of a separate historical evolution. The external action ascribable to the first pillar is the result of the expansive development of the exclusive and concurrent policies managed by the Commission. Over the years, more competences have been conferred to the European Community, and more external aspects of those related policies have allowed the Commission to obtain functions and prerogatives to exercise outside Europe. For instance, following the entry into force of Treaties of Rome, the launch of a European development cooperation policy towards the MSs’ former colonies sent hundreds of Commission officials abroad, producing the embryo of a common external action.⁷ Thanks to this perfect example of neo-functionalism spill-over, the EU supranational institutions increased their external projection often in the shade of weak political will of the MSs. Today the list of communitarian policies that deal with “low” foreign politics is long, and the issues addressed are ever more interrelated with the “high” politics domain of the CFSP/CSDP. Introduced by the Maastricht Treaty, the latter is the last evolutionary stage of the European Political Cooperation that began in 1970 as simple forum for coordination between the MSs’ foreign policies. Today, despite a high level of institutionalisation, the nature of the CFSP/CSDP remains basically intergovernmental, by giving the national governments the final say in its decision-making.

The second institutional sin is related to the EU’s lack of its own capabilities instrumental for putting the EFP in place. Although the situation has improved since the middle of the ‘90s, the resources and the instruments at the disposal of the EU are still not sufficient to reach its goals. Due to the current tightness of the EU budget and the inexistence of a real system of generating its own resources, the financing of the community policies and the CFSP has not always proved to be adequate. Concerning the instruments, the external action of the Union still largely relies on the MSs’ capabilities. This is especially true considering the EU ambitions to become a global security provider⁸ and looking to what the CSDP is able to offer today: the EU does not have its own intelligence agency, nor a costal guard or military headquarters, not to mention a common European military force. Deficiencies like these represent a clear limit for the implementation of

⁶ According to the classical distinction between “‘high politics’, which concerns life-and-death issues of political order and violence, and ‘low politics’, which revolves around economic and social questions.” Filippo Andreatta, “The European Union’s International Relations: A Theoretical View”, in Christopher Hill and Michael Smith (eds.), *International Relations and the European Union*, 2nd. ed., Oxford, Oxford University Press, 2011, p. 24. See also David Allen, “Who speaks for Europe?”, cit., p. 43.

⁷ Michael Bruter, “Diplomacy without a State: The External Delegations of the European Commission”, in *Journal of European Public Policy*, Vol. 6, No. 2 (June 1999), p. 183-205.

⁸ High Representative of the Union, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European’s Union Foreign and Security Policy*, June 2016, p. 3, <http://europa.eu/pr79yu>.

the EFP and also cause difficulties to the decision making process.⁹ As an example, the CSDP military operations are almost all nationally-funded with direct involvement of national military and civilian personnel. This state of affairs can hardly incentivise the MSs to undertake such initiatives, or alternatively leads them to launch missions inadequate to the given targets.

The last original sin touches on the well-known democratic deficit ascribed to the EU. The low level of democratic participation that still characterises European decision making in a large number of policy areas – that certainly includes the EFP and especially the CFSP/CSDP – can be considered a direct matter of concern for the expected results of EU external action. Abandoning for a moment the ethical justifications in favour of democracy, from a theoretical point of view the policy effectiveness could also be maximized by an autocratic regime. Nevertheless, in the EFP institutional machinery the lack of democracy raises two core issues. Firstly, the limited powers of the European Parliament in the EFP, and the exclusion of the Commission from the CFSP/CSDP policy cycle have generated a number of negative consequences that should not be underestimated.¹⁰ Secondly, the question of legitimacy and respect within the EU of the same democratic values and procedures that the Union itself supports and tries to spread outside its borders must be taken into account. A discrepancy between what the EU says outside and what it does inside can become a potential stain on the EU's international and domestic image.¹¹

2. What has been done to atone for the structural sins?

The final treaty reforms done in Lisbon introduced major innovations in EFP governance. They attempted to mitigate the first sin without changing the pillar structure (which would have required an answer to the EU's teleological dilemma), offered some solutions for the second one, and made minor adjustments that have not dissipated the democratic deficit in the EFP.

There are two significant innovations at the institutional level: the High Representative of the Union for Foreign Affairs and Security Policy (HR), who chairs the Foreign Affairs Council (FAC) and is also vice-president of the Commission (VP); and the European External Action Service (EEAS), a diplomatic service composed of European civil servants and national diplomats with a headquarters in Brussels and a network of approximately 140 delegations in third countries and IOs.

To give a synthetic overview of the current structure, Figure 1 shows the most important institutions and bodies involved in the EFP policy cycle. Looking at the community policies with an external projection, like trade or development cooperation (Figure 1 includes, by way of example, just some of them), the European Commission is the main player by far. Certainly, if we exclude the role of the European Parliament and the Council of the EU in the decision making – and to some extent the role of the European Council in the strategy definition of the Union – all remaining phases of the policy cycle remain substantially the prerogative of the Commission, guided by its President (PCO) and a number of thematic commissioners and departments (i.e. Directorates General) that promote the general interest of the EU. In the CFSP/CSDP cycle, the

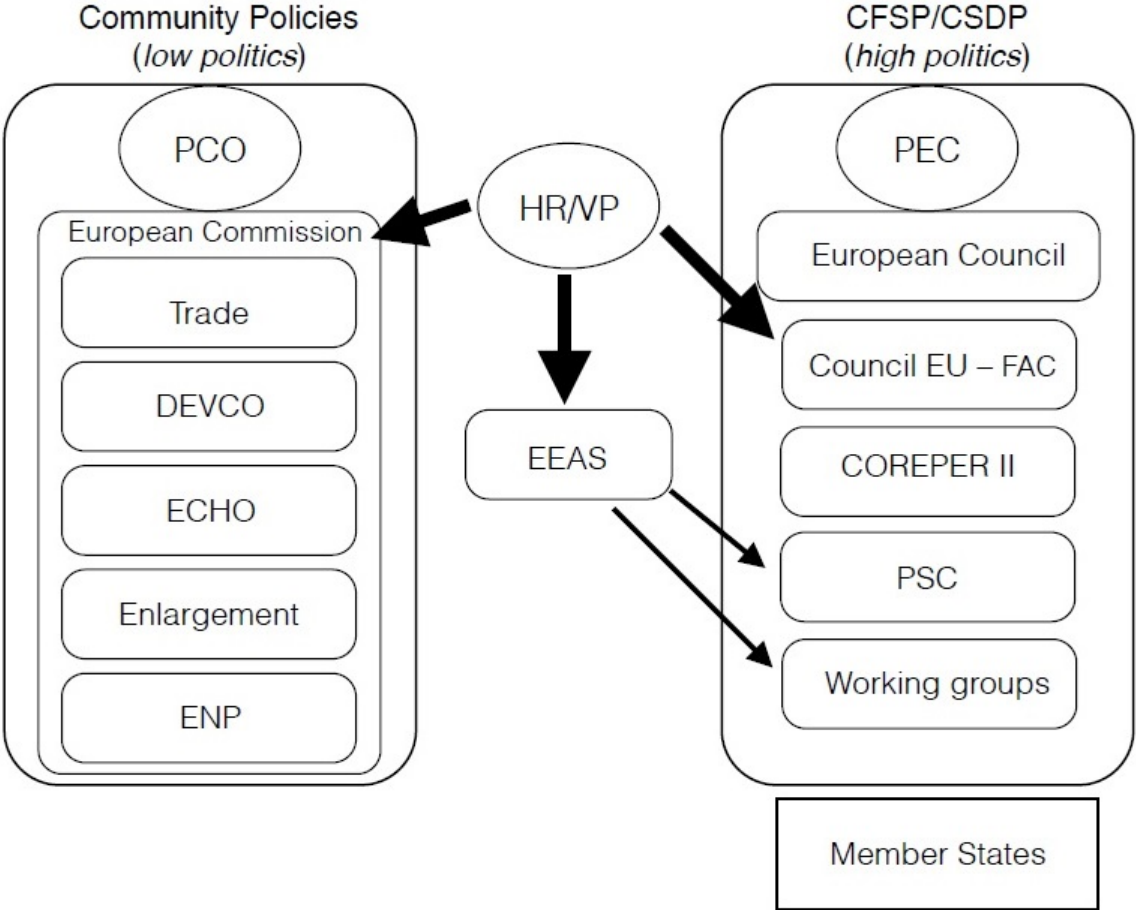
⁹ Nicoletta Pirozzi, *EU Crisis Management After Lisbon. A New Model to Address Security Challenges in the 21st Century?*, Cambridge, Intersentia, 2015.

¹⁰ See footnote 25.

¹¹ Geoffrey Edwards, "The EU's Foreign Policy and the Search for Effect", in *International Relations*, Vol. 27, No. 3 (September 2013), p. 280.

architecture works differently. The task of strategic planning belongs to the European Council, that is now chaired by a permanent president (PEC). Carrying out this task, the EC can be supported by the HR/VP (who takes part in its meetings), as happened recently. The HR/VP also boasts a right of initiative shared with the MSs gathered in the FAC that s/he presides over and that takes decision unanimously.

Figure 1 | The institutional architecture of the EU’s foreign policy



Note: COREPER II: Committee of Permanent Representatives; DEVCO: Development Cooperation; ECHO: Humanitarian Aid and Civil Protection; EEAS: European External Action Service; ENP: European Neighbourhood Policy; PCO: President of the European Commission; PEC: President of the European Council; PSC: Political and Security Committee; HR/VP: High Representative/Vice-President of the European Commission.

The institutional collocation of the HR/VP, *in medio* between the Council and the Commission, represents the attempt to reduce the artificial separation of the EFP, ensuring coherence not only between its two pillars but also within them. Monthly coordination meetings promoted and chaired by the President of the Commission and the HR/VP that gather the external relations group of commissioners,¹² and in the same way the participation of the HR/VP in the European

¹² As reported by the former HR/VP Catherine Ashton, the group was initially composed of five commissioners: Trade, Enlargement, Development, Humanitarian Assistance, Economic and Monetary Affairs. See High Representative of the Union, *EEAS Review 2013*, July 2013, p. 8, http://eeas.europa.eu/top_stories/2013/29072013_eeas_review_en.htm. Now, under the new Juncker Commission, it is not uncommon that more than ten commissioners take part in these meetings, revealing how much attention is being given to the external dimension of the community policies.

Council (agreed with its President) and in the defence, development cooperation, and trade Councils (still chaired by the rotating presidency) are the tangible evidence of the willingness to foster the intra-institutional coherence. The policy formulation and the decision making belong for the most part to the working groups and the preparatory bodies of the Council. Like the FAC, about 16 geographic and thematic external relations working groups (but not all) and the Political and Security Committee (PSC) are now chaired on permanent basis by representatives of the EEAS directly appointed by the HR/VP. The presidencies of the working groups are responsible for information sharing from one group to the others. The meetings at the Council level – where decisions are formally taken – are prepared by the HR/VP and the EEAS, that also ensure a constant involvement of the Commission, especially when mixed competence dossiers are under discussion. In this respect, the establishment of the EEAS supports the HR/VP in bridging “foreign policies and external policies related competences while maintaining the division of competences mainly unaltered.”¹³ The implementation of the CFSP/CSDP is also conducted by the HR/VP and the EEAS, that is, they are involved and consulted, at the same time, in the management of several EFP policy instruments run by the Commission for the implementation of its policies.¹⁴

Regarding the lack of capabilities and democracy, the Lisbon Treaty was not a turning point in the EFP. The creation of the EEAS with its internal new departments brought more expertise into the formulation and conduct of external action but cannot be taken as a game changer in this sense. Furthermore, neither the commitment made by the MSs to improve the availability of civilian and military capabilities for the implementation of the CSDP,¹⁵ nor the opportunity given to the them to launch a permanent structured cooperation to strengthen their integration in military defence matters, have produced the hoped-for results, despite the “obvious” advantages in developing common capabilities.¹⁶ On the democracy side, the EP has gained the right to approve various typologies of international agreements signed by the EU in the field of common policies (Article 218.6 TFEU), and some timid concessions about its right of information in the CFSP/CSDP field, where nonetheless it remains a silent spectator. To sum up, the post-Lisbon institutional architecture has tried to face the three original sins of the EFP – at least in part – without being able to fully overcome them. They are still there, negatively affecting the qualities that the EU should have to be effective.

3. The qualities of an effective foreign policy

What characteristics should the EU have to be effective on the international scene? Of course there are many, that also depend on the field of external action examined. However, five fundamental qualities which form the basis of all the actions conducted by the EU in achieving its objectives may be identified. These are: activism, readiness, autonomy, coherence and visibility.

¹³ Caterina Carta, “The EEAS and EU Executive Actors within the Foreign Policy-Cycle”, in Mario Telò and Frederik Ponjaert (eds.), *The EU's Foreign Policy. What Kind of Power and Diplomatic Action?*, Farnham and Burlington, Ashgate, 2013, p. 96.

¹⁴ *Ibid.*, p. 98-99.

¹⁵ High Representative of the Union, *Report ahead of the European Council*, May 2015, p. 13, http://eeas.europa.eu/top_stories/2015/report-csdp_en.htm.

¹⁶ Sven Biscop and Jo Coelmont, “Permanent Structured Cooperation: In Defence of the Obvious”, in *EU ISS Opinions*, June 2010, <http://www.iss.europa.eu/publications/detail/article/permanent-structured-cooperation-in-defence-of-the-obvious>; Valerio Briani, *The Costs of non-Europe in the Defence Field*, Torino, Centro Studi sul Federalismo, April 2013, <http://www.iai.it/en/node/793>.

All are, in different ways, jeopardised by a number of institutional deficiencies primarily attributable to the “original sins.”

3.1 Activism and readiness

Activism is the quality – to put it simply – to be able to do something in order to pursue its own goals. It represents the essential prerequisite for any actor that aspires to conquer a leading role on the international scene. Instead, readiness describes the capacity to be quick in deciding and acting. Now more than ever, in this globalised world, things can change rapidly in foreign policy (and in other fields). The occurrence of humanitarian or diplomatic crises, wars, or just a change of a political context need a prompt response in order to achieve positive results. Unfortunately the EU often tends to be inactive and when it does something it is often too late. The origin of these problems is clearly political but the institutional structure and functioning have some responsibility. The biggest hurdle for EU activism is situated in the CFSP/CSDP decision-making procedure governed by the unanimity rule, thanks to which each MS has a veto power. Indeed, when people speak about the EFP, and criticise it for its inactivity or slowness, they usually refer – unconsciously – to the CFSP/CSDP.¹⁷

Looking at the Community policies these issues are, at least apparently, much less problematic. A complete or partial transfer of former national political competences to the European supranational institutions tends to simplify their management, but in the case of CFSP/CSDP this has not yet happened, and 28 (national) plus one (European) almost independent foreign policies still coexist. The unanimity rule is required to define a strategy within the European Council, to establish an enhanced cooperation in the field of CFSP,¹⁸ or to take decisions in the Council. Potential disagreements between the MSs are safeguarded by unanimity, condemning the EU, in the worst case, to inactivity and, in the best case, to a very long and time consuming search for compromise. Votes within the European Council and the FAC are unusual but the fear of dealing with these risks may discourage many policy initiatives. This also explains why the EU is seen more as a reactive than proactive actor in international affairs: it acts only when strictly necessary (which often means too late to be effective). Thus in CFSP, where there is no common interest among the MSs or simply no interest to act, policy initiatives are rare. It is also true that the unanimity rule cannot be used as scapegoat for all the problems of inactivity and slowness. The consensus based attitude that governs the CFSP is an inextricable component of its existence. Where anyone relies on its formal independence applying the majority rule may speed up the decision-making but cannot directly underpin the formation of common interests or political initiatives. The HR/VP, in this respect, has become a new important foreign policy entrepreneur, “an autonomous players who is explicitly encouraged to contribute to the CFSP with own proposals.”¹⁹ Presiding over the CFSP working groups, the PSC and the FAC, being able to count

¹⁷ Safeguarding of European fundamental interests, security and independence, defending peace, preventing conflicts and strengthening the international security, as stated by Article 21 TEU, are aspiring goals that surely need a coordinated and consistent action of all the European external policies, but cannot be realistically accomplished starting without an effective CFSP/CSDP. For instance, dossiers such as the Syrian and the Libyan civil wars, or the diplomatic crisis with Russia, fall under this pillar.

¹⁸ Conversely to the general provision procedure required for the other enhanced cooperations and for the permanent structured cooperation that require an approval by the Council through a qualified majority.

¹⁹ Sophie Vanhoonacker and Karolina Pomorska, “The European External Action Service and Agenda-Setting in European Foreign Policy”, in *Journal of European Public Policy*, Vol. 20, No. 9, (October 2013), p. 1322.

on such a potentially powerful source of information and expertise as the EEAS, the HR owns all the powers to influence the EFP agenda.²⁰

At the same time, the new post is quite a task for a single person who cannot be everywhere (both in the Council and the Commission) at once,²¹ something that was experienced personally by the first HR Catherine Ashton who suggested the creation of a deputy for good reason.²² The intergovernmental nature of the CFSP and its democratic deficit deny any right of initiative to the Commission – except for the HR as vice-president – and to the European Parliament, that suffers the same problem in relation to the Commission’s external action. The fewer the players involved, the fewer proposals, and consequently the risk of inactivity.

The artificial institutional separation between low and high politics requires more inter-institutional and intra-institutional coordination to be effective, and this tends to produce adverse effects in the readiness of the policy formulation phase. For example, an insufficient degree of coordination between the Commission and the Council, its external action working groups (many of them are still chaired by the rotating presidency and not by the HR)²³ or the rotating presidencies’ agendas,²⁴ can slow down the decision making practice. The first years of existence have shown how the HR is a variable geometry role. The preference for the work in the Council instead of the Commission’s affairs (or vice versa), combined with a more or less pronounced personal activism and interest in specific dossiers, can outline very diverse types of HR/VP, more or less able to exploit its new powers in bridging the two EFP domains.²⁵ Last but not least, the inaction or, to be more precise, the limited scope suffered by the EFP implementation stage is mainly related to the lack of capabilities and to the financial constraints of the EU, which are in turn worsened by the low democratisation of the governance.²⁶

3.2 Autonomy

Autonomy represents the capacity for the EU to behave in an independent way from any influence or interference by MSs or external actors. As recalled, the MSs contribute to defining the EU foreign policy but at the same time they have their own. The issue here is not to criticise

²⁰ Ibid., p. 1320.

²¹ Carolin Rüger, “A Position under Construction: Future Prospects of the High Representative after the Treaty of Lisbon”, in Gisela Müller-Brandeck-Bocquet and Carolin Rüger (eds.), *The High Representative for the EU Foreign and Security Policy. Review and Prospects*, Baden-Baden, Nomos, p. 212.

²² High Representative of the Union, *EEAS Review 2013*, cit., p. 13.

²³ These working groups are: Relex Counsellors, Development, Africa, Caribbean, Pacific, EFTA, Counter Terrorism, Public Law, Athena Committee. Ibid., p. 16.

²⁴ The rotating presidency lost its role as a main agenda-setter in the CFSP/CSDP, but the definition of common long-term objectives by the trio of presidencies remains essential to keep the initiatives alive. To do that, the Lisbon Treaty formally demands that the trio prepare an 18-month period programme, which in practice is not immune to the short-term preferences of the MS which holds the presidency. To put it plainly, is hard to believe that a northern country such Latvia may share the same foreign policy priorities as a southern country like Italy.

²⁵ If Catherine Ashton placed greater emphasis on her CFSP’s prerogatives, Federica Mogherini started the mandate moving her office and cabinet from the EEAS to the Commission’s building. A symbolic decision that stressed the intention – initially backed by the President Jean-Claude Juncker – to act as a Commission Vice-President to the full and reduce the distance between the Berlaymont and the Justus Lipsius. See Steven Blockmans and Sophia Russack, “The Commissioners’ Group on External Action. Key Political Facilitator”, in *CEPS Special Reports*, No. 125 (December 2015), p. 6, <https://www.ceps.eu/node/11195>.

²⁶ For instance, the CFSP financial provision, the administrative and the implementation expenditures, except for those having military or defence implications, are charged to the Union budget, which is proposed by the Commission and approved by the European Parliament and the Council. Since the Commission and the Parliament are not involved in the other stages of the CFSP, it gives rise to an interinstitutional imbalance (i.e. competition) that does not benefit the amount of allocated resources.

the adoption of the same political agenda by the EU and its MSs (this is, if anything, an added value which concerns the concept of coherence) but rather to warn about the risk of national governments that endeavour to influence the EFP in order to pursue specific interests which clash with the common European ones. Due to the central role played by the national governments, the CFSP/CSDP is more interested in the problems of autonomy than the community policies. This does not mean that the Commission is free from any influence coming from the European capitals (particularly if the number of commissioners remains the same of them), but its supranational structure and functioning ensure more independence. Instead, the CFSP/CSDP – coming from an intergovernmental cooperation – is naturally endorsed by the national foreign policy agendas that contributed to its launch and formulation. Nevertheless, it should represent a genuine European policy that can arise from the MSs' activism, but it should remain autonomous in its implementation and pursuit of the common interest, as formally written in the Treaties. In addition, the increasing decision making role played by the heads of states and governments gathered in the European Council (above all when crises occur), at the expense of the foreign affairs ministers in the FAC, may exacerbate the EFP dependence on particular national interests. Considering its broad agenda combined with tight times devoted to discussion and a less influencing chair (the president of the Council has less powers and supporting structure compared to the HR) the European Council seems structurally inadequate to design an effective foreign policy on permanent basis.²⁷ The EFP autonomy should be also extended to the major international players. The direct or indirect influence in the EFP exercised by external actors is twofold. Firstly, important economic or diplomatic relations between one or more MSs and players such as the US or Russia may condition the EU decision making. In these terms the wide use of intergovernmental procedures emphasises the weight of these special relations. Secondly, the need to involve non-EU actors for their essential support to the success of the EFP – for example, NATO – can be read, again, as a matter of negative dependence strictly related to the lack of capabilities.

This search for more autonomy, both internal and external, may bring about a contradictory situation. The CFSP/CSDP in all its main stages relies on the consent and involvement of the MSs, and this creates a delicate balance of interests. Starting from the strategy definition to the decision-making, the large use of unanimity and the almost-exclusive involvement of the MSs' governments may jeopardise the genuine independence of the EFP, only protected from this risk by the supranational mandate of the HR assisted by the EEAS. Nonetheless, the scarcity of EU capabilities and the consequent necessity to rely upon national ones, to avoid external dependence, gives the MSs a strong leverage in guiding decisions and actions. In conclusion, with the current state of affairs the EFP autonomy is threatened and guaranteed by the MSs simultaneously.

The EP here plays a key difference between the Commission's external action and the CFSP/CSDP. In the first case, the scrutiny of the community policies exercised by the Chamber is a solid guarantee of autonomy. The members of the EP have their nationality, but they should seek and defend the European interest only, and in most cases they do so. In the second case, the choices made by the national governments are scrutinised, indirectly, just by the national parliaments that

²⁷ Stefan Lehne, "Are Prime Ministers Taking Over EU Foreign Policy?", in *Carnegie Europe Papers*, February 2015, <http://ceip.org/29Xlw6t>.

have to take into account the national interest exclusively.²⁸ This implies that without the scrutiny of the European Parliament, the CFSP is likely to be even more subject to the national political wish lists tuned on their domestic agendas.

3.3 Coherence

The deeply investigated and multi-faceted concept of coherence is a constantly coveted quality for the EFP.²⁹ In the EU, in short, coherence can be described as the dearth of contradiction both between the European and the national foreign policies – the so-called vertical coherence – and also between the EU policies that comprise its external action – i.e. horizontal coherence. This latter can be further divided between the inter-institutional coherence (e.g. between the Commission and the EEAS) and the intra-institutional coherence (e.g. within the Commission's own departments). But, broadening the horizon, coherence may also refer to the absence of contrasts between the external and the internal policies (national or European, communitarian or intergovernmental, indifferently). When the EU deals with migration, terrorism, or energy, internal and external actions have to be coordinated. In these cases, the effectiveness of what is carried out domestically starts abroad and vice versa, in a circle that can change from virtuous to vicious quite rapidly. To this wider idea of coherence the same typologies of vertical and horizontal apply.

Because of its two-headed institutional architecture, the EU has always suffered from a structural lack of horizontal coherence, which adds up to the vertical one, fostered by the real challenge of having 28 national policies that proceed in the same direction. The search for vertical coherence is firstly entrusted to the principle of sincere cooperation and to the spirit of loyalty between the MSs and the EU institutions (Articles 4.3; 24.3 TEU). Regarding the community policies, the EU Court of Justice may oversee and judge the application of the principle, but for the CFSP this is not possible because the Court has no jurisdiction. This means that the coordination among the MSs in the CFSP/CSDP is mainly up to whomever chairs its decision-making bodies, namely: the president of the European Council, the HR, and to some extent the rotating presidency. They can try to put in place a dialogue aimed to ensure political coherence between the MSs, although they have no power to force them, protected as they are by their (almost) full independence.

The matter is different with regard to horizontal coherence, where the pillar structure increases the complexity. Again, the cooperation between the EU institutions is regulated by the principle of sincere cooperation (Article 13.2 TEU) and, in the post-Lisbon era, ensured by the HR/VP who is double-hatted and institutionally collocated between the Commission and the Council (see Figure 1) for this reason specifically. As already stressed, this was a major innovation aimed at solving the first original sin of the EFP. Since a complete refoundation of the structure was not conceivable, that solution was probably the best one at the time. Today hindsight renders the difficulties encountered by the HR/VP clear. The post was designed with too many tasks for a single person, and its shuttle-diplomacy between the institutions, backed by the creation of the EEAS, has faced

²⁸ This is the reason why an involvement of the national parliaments in the EFP policy cycle would not solve or mitigate the democratic deficit. At the European level there are already places where the MSs may pursue their interests, these are the Council of the EU and the European Council. Giving direct powers of initiative or decision to the national parliaments would duplicate the national representation without adding more democratic accountability at the supranational level.

²⁹ For a general overview, see Carmen Gebhard, "Coherence", in Christopher Hill and Michael Smith (eds.), *International Relations and the European Union*, 2nd ed., Oxford, Oxford University Press, 2011, p. 101-127.

more than one turf war and several teething problems. The people who hold the HR/VP position risk paying for the institutional sins of the EFP.

A similar analysis could be done for the intra-institutional coherence. Within the current Commission the reactivation of the Commission's group on external action chaired by the HR/VP, and the creation of the project teams, have facilitated the internal cooperation (and the inter-service cooperation with the EEAS) achieving good results – especially as concerns the coherence between internal and external policies – but also some misunderstandings between the members of the Commission.³⁰ In the Council, the permanent chairs of the preparatory bodies have brought more coordination and better leadership, but it has been an incomplete innovation because many bodies remain chaired by the rotating presidencies despite there being a “close relationship between the work of these groups and the policy areas covered by groups already chair by the EEAS.”³¹ This coordination issue has similarly presented itself in the dialogue between the Council working groups and Commission's services, that sometimes turn out to be inadequate because of these mixed presidencies. All these sources of incoherence do not foster synergies and efficiency in the EFP, and may negatively affect other qualities such as readiness or visibility.

The lack of coherence resulting from the institutional framework may also be reflected at the strategic level, where different policy areas, governed by diverse procedures, have produced in the past independent strategy documents. But in times of “comprehensive approaches” and an “internal-external security nexus” this is no longer desirable. Once again, the HR/VP can provide a better coherence in the strategy definition phase and, in this sense, the new Global Strategy prepared by the HR Federica Mogherini will be a significant test. The document has been titled “global” with a double meaning: it means global at the geographical level and global at the thematic one, trying to tackle in an orderly fashion the typical CFSP diplomatic and security issues together with some guidelines for the community policies' external action. This is yet another attempt to bring coherence to counteract the effects of the institutional division.

3.4 Visibility

Now more than ever visibility is an important component of foreign policy. The EU, ensuring visibility to itself and its actions *vis-à-vis* other international actors and foreign citizens, is able to better legitimate its existence and its role on the world stage alongside its MSs. Visibility strengthens EU actorship, helps to spread the European soft power and can back the public support for the integration process among the Europeans (that may result, indirectly, in a greater activism at the institutional level by their governments). The EU, in general, has never been very effective in explaining and representing itself before others. There are several reasons behind this, but in foreign policy this has been mainly due to the monopoly claimed by the MSs and to the incomprehensible – for many international actors – EU institutional fuzziness. Kissinger's famous question about the EU telephone number sums up the issue well. Some things have changed since those days but the plethora of institutional voices that speak on behalf of the EU has not provided a definitive solution to the doubts of the former US Secretary of State. The establishment of the HR has partially simplified the EU representation scheme, but the presidents of the European Council and of the Commission still have rights of external representation

³⁰ Steven Blockmans and Sophia Russack, “The Commissioners' Group on External Action”, cit.

³¹ *Ibid.*, p. 6.

accorded to their level and competence. Having basically two different EFPs that work in two different ways this situation is inevitable. Only a change of the entire structure could reduce the number of voices, but, once again, this would require tackling the EU's theological dilemma.

Therefore "many voices that say the same thing" was the solution adopted, shifting the problem to a matter of horizontal coherence. Disagreements or slowness in the EFP decision making or at the operational level, in addition to a generalised lack of coherence, do not help the consolidation of the EU's image as an effective player both within international public opinion and intergovernmental fora (where its membership as an international organisation is often already limiting). As seen above, the lack of EU capabilities does not facilitate the Union's activism, and reduces its international visibility and reputation as well (as the current migration and security crises are demonstrating). Ironically, even when the EU has a leading international role, like in development cooperation where it is the world's biggest donor, it struggles to get the proper exposure.³² In these cases, what is missing is not the resources but a widespread and well-conducted activity of publicity and diplomacy.³³

Lastly, the democratic deficit may also bring consequences. On the European domestic side, a greater involvement of the European Parliament could ensure more legitimacy to the EFP among European citizens, who have proven to be largely in favour of a more united Europe in today's world.³⁴ In challenging times of growing Euroscepticism, this is an unexpected fact that should be fully exploited in a broader relaunching of the public support for the integration project. On the external side, the EU has been an economic, social and political positive example for many third countries and regional organisations. It has proven an attractive force to be emulated, thanks to its successes. This type of normative power grows with increasing visibility when connected to the external activism and consistent with domestic values and goals. If the EU internally fails in being democratic or fostering the economic recovery, it cannot be expected to be seen as a leader to follow, and even less so if it chooses to assertively spread the same principles that it does not itself respect.

Conclusions and recommendations

What The governance of EU external action seems stuck, on the one hand by a lack of political will, and on the other by a series of institutional shortcomings. Focusing on the institutional sources of ineffectiveness, political and historical reasons have developed three original sins in the structure of the EU external action: an artificial separation between high and low politics; the lack of the EU's own capabilities; and a democratic deficit in the EFP policy cycles. Backed by political motivations, these institutional shortcomings have reduced the effectiveness of the EFP by affecting its essential qualities in a number of ways, namely: activism, readiness, autonomy, coherence and visibility. With the Lisbon Treaty the introduction of major innovations like the

³² Egidijus Barcevičius et al., *Analysis of the Perception of the EU and EU's Policies Abroad. Executive Summary*, 7 December 2015, p. 6, http://ec.europa.eu/dgs/fpi/showcases/eu_perceptions_study_en.htm.

³³ The EU delegations and offices around the world give to the Union an enormous potential for spreading its voice, publicising its achievements, and getting attention. For many years this was hampered by the MSs being too concerned with the rising independence of Brussels in international affairs. The search for a more incisive and coordinated EU public diplomacy is now receiving more attention from the MSs and the European institutions.

³⁴ European Commission, *European in 2014* (Special Eurobarometer 415), July 2014, p. 81, http://ec.europa.eu/public_opinion/archives/eb_special_419_400_en.htm.

HR/VP and the EEAS, plus minor ones, have tried to mitigate these problems, partially succeeding, but without putting forward resolute reforms.

By addressing one of the three deficiencies can an answer be found to the teleological dilemma of the European integration process: “what does the EU aspire to become?” – an existential problem on which there was no common ground between the MSs. A serious reform of the EFP governance would need a Treaty reform that might change a large number of aspects. Starting from a wider use of the majority vote within the Council, an empowerment of the role of the Commission and the European Parliament in the CFSP/CSDP, a support for the creation of civilian and military EU capabilities, the establishment of new common funding instruments, and an improvement of the HR/VP mandate (maybe deputising it), the list appears quite long. Unfortunately, the current political will shown by the national governments does not seem to be behind taking any decisions in this direction. At the same time, approaching sensitive political issues that deal with the core competences of the nation-states (as foreign policy is), the neo-functional driving force that fostered a closer integration for years has begun to run out. As well noted by Balfour, “there is no quick fix to the messy politics of European foreign and security policy making”, an assessment that can be extended to the entire European external action.³⁵ The MSs – or better, their national governments – should prove to be ready and mature enough for a cognitive shift that recognises the urgent necessity to become ever more closely united in front of challenges coming from “a more connected, contested and complex world.”³⁶

As famously said by Jean Monnet “nothing is possible without men, but nothing lasts without institutions” – this is true today more than ever. A deep institutional reform is theoretically desirable to give more effectiveness to the EFP, but totally useless if it is not based on a shared and genuine will;³⁷ a common will which could be hard to find or build among 27 different countries, with 27 different priorities and probably 27 different ideas about the future of the Union. This is why differentiated integration among the MSs could be the only feasible way to keep the integration process alive, even in foreign policy. To do that a constitutional reform is not needed. The Lisbon Treaty may still have something to say in tackling the three institutional sins of the EFP. In the current legal framework, the MSs could:

- launch an enhanced cooperation in the field of CFSP (the cooperation may cover distinct fields such as intelligence and information sharing, cybersecurity, research and development, defence market, or thematic and geographical dossiers). Because of their higher level of integration, the MSs of the Euro area should be considered the most suitable candidates for such cooperation;
- allow to the HR and his representatives to chair the remaining Council working groups dealing with external relations and some meetings of the Council, such as those with the ministers of defence, development cooperation and international trade;

³⁵ Rosa Balfour, “Europe’s Patchwork Foreign Policy Needs More Than a Few New Stitches”, in *GMF Europe Program Policy Briefs*, Vol. 2, No. 6 (July 2015), p. 5, <http://www.gmfus.org/publications/europes-patchwork-foreign-policy>.

³⁶ High Representative of the Union, *The European Union in a Chancing Global Environment. A More Connected, Contested and Complex World*, June 2015, <https://europa.eu/globalstrategy/en/node/15>.

³⁷ Take the example of the EU Battlegroups, a military rapid reaction force created and never used by the Union. In recent years, from Libya to Mali, there was no lack of areas of crisis where testing these units could be undertaken. Nevertheless, no soldiers were sent on a mission.

- reevaluate the role of the FAC instead of pursuing the recent hyper-activism in the European Council. Where this is not be possible, the HR should be more involved in the European Council meetings by its president;
- establish a permanent structured cooperation or a lighter version of it;³⁸
- reinforce the democratic scrutiny and accountability of the EFP through an increased involvement of the EP operated on a voluntary basis by the HR (e.g. hearings, question time, common initiatives, etc.). Thanks to this kind of action, EFP legitimacy would be enhanced as the degree of awareness and information about international affairs shown by members of the Parliament – that has been demonstrated to be not always sufficient – would be improved.

In short, the EU may have several problems and shortages, but it also has the tools to fix them. These tools are on the table, waiting for someone to use them. But here we return to the original question: “What do we want to do with this European Union?”

³⁸ “The Council may entrust the implementation of a [CSDP] task to a group of a Member States which are willing and have the necessary capabilities for such a task” (Article 44.1 TEU). Something that could be also chase outside the Lisbon legal framework. See Gianni Bonvicini, “Proposals for a Revival of Permanent Structured Cooperation”, in *The Polish Quarterly of International Affairs*, Vol. 22, No. 3 (2013), p. 44-58.

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CENTRO STUDI SUL FEDERALISMO

Via Real Collegio 30
10024 Moncalieri (TO)
Tel. +39 011 670 5024
Fax. +39 011 670 5081
www.csfederalismo.it
info@csfederalismo.it